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THE
PUBLIC GENERAL ACTS
AND CHURCH ASSEMBLY MEASURES
1967

with
Lists of the Public General Acts
and Local Acts
and a Table of the Effect of Legislation
and an Index

PART II

LONDON
HER MAJESTY'S STATIONERY OFFICE

1967

PRICE £9 9s. 0d. NET
(for both parts)

Printed by HARRY FITCHFORTH.
Controller of Her Majesty's Stationery Office and
Queen's Printer of Acts of Parliament

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The Public General Acts
and Church Assembly Measures
which received the Royal Assent in 1967
in which year ended the FIFTEENTH
and began the SIXTEENTH YEAR
of the Reign of HER MAJESTY
QUEEN ELIZABETH THE SECOND
and
ended the First Session
and began the Second Session
of the Forty-Fourth Parliament of the
United Kingdom of Great Britain
and Northern Ireland

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| Road Traffic Act (c. 21) | I | 610 |
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*Alphabetical List**i*

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* Consolidation Act.

Chronological List

k

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| 54 Finance Act | I | 1061 |
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| 56 Matrimonial Causes Act | I | 1173 |
| 57 Control of Liquid Fuel Act | I | 1179 |
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| 65 Antarctic Treaty Act | II | 1283 |
| 66 Welsh Language Act | II | 1305 |
| 67 Irish Sailors and Soldiers Land Trust Act | II | 1309 |
| 68 Fugitive Offenders Act | II | 1311 |
| 69 Civic Amenities Act | II | 1329 |

* Consolidated Act.

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| 80 Criminal Justice Act | II | 1625 |
| 81 Companies Act | II | 1771 |
| 82 Dangerous Drugs Act | II | 1907 |
| *83 Sea Fisheries (Shellfish) Act | II | 1919 |
| *84 Sea Fish (Conservation) Act | II | 1939 |
| 85 Vessels Protection Act | II | 1962 |
| 86 Countryside (Scotland) Act | II | 1965 |
| 87 Abortion Act | II | 2033 |
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* Consolidated Act.

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*Measures passed by the National Assembly of the Church of England
which received the Royal Assent during the year 1967*

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- No. 2. Extra-Parochial Ministry Measure 1967.
- No. 3. Overseas and Other Clergy (Ministry and Ordination) Measure 1967.



Appropriation Act 1967

1967 CHAPTER 59

Apply a sum out of the Consolidated Fund to the service of the year ending on 31st March 1968, and to appropriate the further supplies granted in this Session of Parliament. [27th July 1967]

Most Gracious Sovereign,

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

GRANT OUT OF CONSOLIDATED FUND

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom, and apply towards making good the supply granted to Her Majesty for the service of the year ending on 31st March 1968, the sum of £5,851,298,950. Issue out of the Consolidated Fund for the year ending 31st March 1968.

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 £5,851,298,950. 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 31st March 1968, and section 6 of the Treasury Bills Act 1877 (which relates to the renewal of bills) shall not apply with respect to those bills. 1877 c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with any interest payable thereon, out of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

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

APPROPRIATION OF GRANTS

Appropriation of sums voted for supply services.

3. All sums granted by this Act and the other Acts mentioned in Schedule (A) annexed to this Act out of the said Consolidated Fund towards making good the supply granted to Her Majesty amounting, as appears by the said schedule, in the aggregate, to the sum of £9,886,027,363 18s. 3d. are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Acts mentioned in the said Schedule (A), for the services and purposes expressed in Schedule (B) annexed hereto.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

1891 c. 24.

In addition to the said sums granted out of the Consolidated Fund, there may be applied out of any money directed, under section 2 of the Public Accounts and Charges Act 1891, to be applied as appropriations in aid of the grants for the services and purposes specified in Schedule (B) annexed hereto the sums respectively set forth in the last column of the said schedule.

Sanction of Treasury for temporary application of surpluses on certain votes for Navy, Army and Air Services, to meet deficiencies on other votes for the same service.

4.—(1) So long as the aggregate expenditure on Navy, Army and Air Services respectively is not made to exceed the aggregate sums appropriated by this Act for those services respectively, any surplus arising on any vote for those services either by an excess of the sum realised on account of appropriations in aid of the vote over the sum which may be applied under this Act as appropriations in aid of that vote, or by saving of expenditure on that vote, may, with the sanction of the Treasury, be temporarily applied either in making up any deficiency in the sums realised on account of appropriations in aid of any other vote in the same department, or in defraying expenditure in the same department which is not provided for in the sums appropriated to the service of the department by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course.

(2) A statement showing all cases in which the sanction of the Treasury has been given to the temporary application of a surplus under this section, and showing the circumstances under which

the sanction of the Treasury has been given, shall be laid before the House of Commons with the appropriation accounts of the Navy, Army and Air Services for the year, in order that any temporary application of any surplus sanctioned by the Treasury under this section may be submitted for the sanction of Parliament.

5. Whereas under the powers given for the purpose by the Appropriation Acts 1965 and 1966 surpluses arising on certain votes for Navy, Army and Air Services have been applied towards making good deficits on those services respectively as shown in the statements set out in Schedule (C) to this Act:

Sanction for application of surpluses on certain Navy, Army and Air Votes for 1965-66.
1965 c. 23.
1966 c. 3 and c. 26.
Short title.

It is enacted that the application of those surpluses as shown in the said statements is hereby sanctioned.

6. This Act may be cited as the Appropriation Act 1967.

ABSTRACT
OF
**SCHEDULES (A) and (B) to which this
Act refers**

Section 3.

SCHEDULE (A)

Grants out of the Consolidated Fund ... £9,886,027,363 18s. 3d.

Section 3.

SCHEDULE (B)—APPROPRIATION OF GRANTS

| | Sums not exceeding | | | |
|---|--------------------|-------|--------------------------|-------|
| | Supply Grants | | Appropriations in Aid | |
| | £ | s. d. | £ | s. d. |
| 1965-66 and 1966-67 | | | | |
| Part 1. Civil (Excesses), 1965-66 | 221,913 | 18 3 | *—951,789 | 11 6 |
| Part 2. Defence (Central) (Supplementary), 1966-67 - | 1,250,000 | 0 0 | *—1,056,000 | 0 0 |
| Part 3. Defence (Army) (Supplementary), 1966-67 - | 18,250,000 | 0 0 | *—7,890,000 | 0 0 |
| Part 4. Defence (Royal Ordnance Factories) (Sup- plementary), 1966-67 - - | 2,750,000 | 0 0 | *—620,000 | 0 0 |
| Part 5. Civil Departments (Supplementary), 1966-67 - | 249,469,700 | 0 0 | 47,322,870 | 0 0 |
| | 271,941,613 | 18 3 | 36,805,080 | 8 6 |

* Deficit.

SCHEDULE (B).—APPROPRIATION OF GRANTS—continued

| | Sums not exceeding | | | | | |
|---|--------------------|----|----|-----------------------|----|----|
| | Supply Grants | | | Appropriations in Aid | | |
| | £ | s. | d. | £ | s. | d. |
| 1967-68 | | | | | | |
| Part 6. Defence (Central) - | 21,167,000 | 0 | 0 | 47,580,000 | 0 | 0 |
| Part 7. Defence (Navy) - | 620,886,500 | 0 | 0 | 43,354,000 | 0 | 0 |
| Part 8. Defence (Army) - | 586,300,000 | 0 | 0 | 65,280,000 | 0 | 0 |
| Defence (Royal Ordnance Factories) - - - - | 4,500,000 | 0 | 0 | 38,500,000 | 0 | 0 |
| Defence (Army) Purchasing (Repayment) Services - - | 1,000 | 0 | 0 | — | | |
| Part 9. Defence (Air) - - | 545,030,000 | 0 | 0 | 49,703,000 | 0 | 0 |
| TOTAL, DEFENCE - | £ 1,777,884,500 | 0 | 0 | 244,417,000 | 0 | 0 |
| Part 10. Civil, Class I - - | 199,065,250 | 0 | 0 | 6,266,500 | 0 | 0 |
| Part 11. Civil, Class II - - | 256,356,000 | 0 | 0 | 10,525,300 | 0 | 0 |
| Part 12. Civil, Class III - - | 211,497,000 | 0 | 0 | 24,207,000 | 0 | 0 |
| Part 13. Civil, Class IV - - | 1,961,543,000 | 0 | 0 | 343,642,500 | 0 | 0 |
| Part 14. Civil, Class V - - | 370,792,000 | 0 | 0 | 12,875,000 | 0 | 0 |
| Part 15. Civil, Class VI - - | 3,887,732,000 | 0 | 0 | 282,333,530 | 0 | 0 |
| Part 16. Civil, Class VII - - | 409,125,000 | 0 | 0 | 76,539,000 | 0 | 0 |
| Part 17. Civil, Class VIII - - | 14,140,000 | 0 | 0 | 210,700 | 0 | 0 |
| Part 18. Civil, Class IX - - | 406,425,000 | 0 | 0 | 103,899,030 | 0 | 0 |
| Part 19. Civil, Class X - - | 9,326,000 | 0 | 0 | 22,780,300 | 0 | 0 |
| Part 20. Civil, Class XI - - | 110,200,000 | 0 | 0 | 5,017,100 | 0 | 0 |
| TOTAL, CIVIL - | £ 7,836,201,250 | 0 | 0 | 888,295,960 | 0 | 0 |
| GRAND TOTAL - | £ 9,886,027,363 | 18 | 3 | 1,169,518,040 | 8 | 6 |

SCHEDULE (A)

GRANTS OUT OF THE CONSOLIDATED FUND

| | £ | s. | d |
|---|---------------|----|---|
| For the service of the year ended 31st March 1966— | | | |
| Under Act 1967 c. 6... .. | 221,913 | 18 | 3 |
| For the service of the year ended 31st March 1967— | | | |
| Under Act 1967 c. 2... .. | 160,868,000 | 0 | 0 |
| Under Act 1967 c. 6... .. | 110,851,700 | 0 | 0 |
| For the service of the year ending on 31st March 1968— | | | |
| Under Act 1967 c. 6... .. | 3,762,786,800 | 0 | 0 |
| Under this Act | 5,851,298,950 | 0 | 0 |
| TOTAL | 9,886,027,363 | 18 | 3 |

SCHEDULE (B).—PART 1

Civil
(Excesses),
1965-66.

CIVIL (EXCESSES), 1965-66

SUMS granted, and sums which may be applied as appropriations in aid in addition thereto, to make good excesses on certain grants for Civil Services for the year ended on 31st March 1966, viz.:—

| Vote | Sums not exceeding | | | | | |
|---|--------------------|----|----|-----------------------|----|----|
| | Supply Grants | | | Appropriations in Aid | | |
| | £ | s. | d. | £ | s. | d. |
| CLASS II | | | | | | |
| 9. Overseas Aid (Bilateral) - - | 10 | 0 | 0 | - | | |
| CLASS III | | | | | | |
| 16. Supreme Court of Judicature, &c., Northern Ireland - - | 1,948 | 7 | 10 | *-1,073 | 15 | 3 |
| CLASS IV | | | | | | |
| 1. Board of Trade - - - - | 10 | 0 | 0 | 61,734 | 2 | 7 |
| CLASS VII | | | | | | |
| 1. Department of Education and Science - - - - - | 25,095 | 3 | 9 | 50,354 | 15 | 5 |
| CLASS IX | | | | | | |
| 18. Civil Superannuation, &c. - - | 10 | 0 | 0 | 170,257 | 5 | 10 |
| 19. Post Office Superannuation, &c. | 10 | 0 | 0 | 18,588 | 12 | 3 |
| 20. Additional Married Quarters for the Ministry of Defence - - | 194,830 | 6 | 8 | *-1,251,650 | 12 | 4 |
| TOTAL, CIVIL (EXCESSES), 1965-66 £ | 221,913 | 18 | 3 | *-951,789 | 11 | 6 |

* Deficit

Defence
(Central)
(Supple-
mentary),
1966-67.

SCHEDULE (B).—PART 2

DEFENCE (CENTRAL) (SUPPLEMENTARY), 1966-67

SUPPLEMENTARY SUM granted, and sum which may be applied as appropriations in aid in addition thereto, to defray the charge of Defence (Central) for the year ended on 31st March 1967, viz. :—

| | Sums not exceeding | |
|--|--------------------|-----------------------|
| | Supply Grant | Appropriations in Aid |
| | £ | £ |
| For the salaries and expenses of the Central Defence Staffs, the Defence Secretariat and the Central Defence Scientific Staff and of certain Joint Service Establishments; expenses in connection with International Defence Organisations, including international subscriptions; and sundry other services including certain grants in aid - | 1,250,000 | *—1,056,000 |

* Deficit

SCHEDULE (B).—PART 3

DEFENCE (ARMY) (SUPPLEMENTARY), 1966–67

Defence
(Army)
(Supple-
mentary),
1966–67.

SCHEDULE OF SUPPLEMENTARY SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to meet expenditure beyond the sum already provided in the grants for Army Services for the year ended on 31st March 1967, viz. :—

| Vote | Sums not exceeding | |
|--|--------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| 1. Pay, &c., of the Army - - - - | 1,280,000 | *—600,000 |
| 2. Reserve Forces, Territorial Army and Cadet Forces - - - - | 170,000 | — |
| 4. Civilians at Outstations - - - - | 6,020,000 | 100,000 |
| 5. Movements - - - - - | 280,000 | 70,000 |
| 6. Supplies - - - - - | 260,000 | 320,000 |
| 7. Stores and Equipment - - - - | 4,500,000 | *—3,500,000 |
| 8. Miscellaneous Effective Services - - - | 695,000 | 720,000 |
| 9. Non-Effective Services - - - - | 425,000 | — |
| 10. Defence Lands and Buildings - - - - | 4,620,000 | *—5,000,000 |
| TOTAL, DEFENCE (ARMY) SUPPLEMENTARY, 1966–67 - - - - -£ | 18,250,000 | *—7,890,000 |

* Deficit.

Defence
(Royal
Ordnance
Factories)
(Supple-
mentary),
1966-67.

SCHEDULE (B).—PART 4

DEFENCE (ROYAL ORDNANCE FACTORIES) (SUPPLEMENTARY), 1966-67

SUPPLEMENTARY SUM granted, and sum which may be applied as appropriations in aid in addition thereto, to defray the charge for the Royal Ordnance Factories for the year ended on 31st March 1967, viz.:—

| | Sums not exceeding | |
|--|--------------------|-----------------------|
| | Supply Grant | Appropriations in Aid |
| For operating the Royal Ordnance Factories - | £ 2,750,000 | £ *—620,000 |

* Deficit

SCHEDULE (B).—PART 5

CIVIL DEPARTMENTS (SUPPLEMENTARY), 1966-67

Civil
Departments
(Supple-
mentary),
1966-67.

SCHEDULE OF SUPPLEMENTARY SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges for the Services herein particularly mentioned for the year ended on 31st March 1967, viz.:—

| | Sums not exceeding | |
|--|--------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| CLASS I | | |
| Vote | | |
| 2. For the salaries and expenses of the House of Commons, including certain grants in aid - - - - - | 43,000 | — |
| 3. For the salaries and expenses of the Department of Her Majesty's Treasury and subordinate departments and of the Lord Privy Seal, the Chancellor of the Duchy of Lancaster, and two Ministers without Portfolio - - - - - | 87,000 | — |
| 4. For the salaries and expenses of the Department of Her Majesty's First Secretary of State and Secretary of State for Economic Affairs, of the National Economic Development Council and of the National Board for Prices and Incomes, and for certain grants in aid - - - - - | 60,000 | — |
| 5. For the salaries and expenses of the Department of Her Majesty's Most Honourable Privy Council - - - - - | 1,000 | — |
| 7. For the salaries and expenses of the Customs and Excise Department, including a subscription to an international organisation - - - - - | 1,730,000 | 40,000 |
| 8. For the salaries and expenses of the Inland Revenue Department - - - - - | 1,924,000 | 234,000 |
| 11. For the salaries and expenses of the Civil Service Commission - - - - - | 154,000 | 19,000 |
| 12. For the salaries and expenses of Royal Commissions, committees, special enquiries, &c., and for a grant in aid - - - - - | 63,000 | — |
| 13. For the salaries and expenses of the Office of the Parliamentary Commissioner Designate - - - - - | 49,000 | — |

Civil
Departments
(Supple-
mentary),
1966-67.

SCHEDULE (B).—PART 5—*continued*

| | Sums not exceeding | |
|--|--------------------|----------------------------|
| | Supply Grants | Appropria- tions in Aid |
| | £ | £ |
| CLASS II | | |
| Vote | | |
| 1. For the salaries and expenses of the offices of Her Majesty's Secretary of State for Foreign Affairs and of Her Majesty's Secretaries of State for Commonwealth Affairs and for the Colonies; Her Majesty's Diplomatic Service; and sundry other services connected therewith - - - - - | 1,730,000 | 478,000 |
| 2. For expenditure by the Foreign Office on sundry grants and services, including subscriptions, &c., to certain international organisations and certain grants in aid - - - - - | 4,348,000 | 335,000 |
| 4. For expenditure by the Commonwealth Office on sundry grants and services, including subscriptions to certain international organisations, and certain grants in aid - - - - - | 5,016,000 | 896,500 |
| 6. For sundry Colonial Services including a subscription to an international organisation and certain grants in aid - - - - - | 64,000 | — |
| 7. For the salaries and expenses of the Ministry of Overseas Development, including refund of Selective Employment Tax to the Commonwealth Development Corporation - - - - - | 46,000 | 2,000 |
| 8. For expenditure by the Ministry of Overseas Development on grants and services connected with multilateral overseas aid, including subscriptions to certain international organisations and certain grants in aid - - - - - | 1,000 | — |
| 9. For expenditure by the Ministry of Overseas Development on grants and services connected with bilateral overseas aid, including certain grants in aid - - - - - | 27,599,000 | 84,000 |
| 10. For expenditure by the Ministry of Overseas Development on sundry services connected with overseas aid, including certain grants in aid - - - - - | 1,000 | — |
| 11. For schemes made under the Colonial Development and Welfare Acts 1959 to 1965 - - - - - | 500,000 | — |
| 12. For a grant in aid of the Commonwealth War Graves Commission and certain other expenses - - - - - | 17,000 | — |

SCHEDULE (B).—PART 5—*continued*

Civil
Departments
(Supple-
mentary),
1966-67.

| | Sums not exceeding | |
|--|--------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| CLASS III | | |
| Vote | | |
| 1. For the salaries and expenses of the office of Her Majesty's Secretary of State for the Home Department; expenses and grants in connection with certain law, fire and sundry other services; and certain grants in aid - - - - | 640,000 | 57,000 |
| 2. For the salaries and expenses of the office of the Secretary of State for Scotland and of the Scottish Home and Health Department; for a grant to the Legal Aid (Scotland) Fund; for expenses in connection with fire, probation and sundry other services; and for grants in aid - - - - | 537,000 | 6,000 |
| 5. For grants in respect of expenditure incurred by police authorities in England and Wales, expenses in connection with the police services and a subscription to an international organisation - - - | 2,034,000 | *—1,256,000 |
| 6. For grants in respect of expenditure incurred by police authorities in Scotland, and expenses in connection with the police services - - - - | 412,000 | *—133,000 |
| 7. For the salaries and expenses of prisons, borstal institutions, detention and remand centres in England and Wales - | 1,554,000 | *—170,000 |
| 8. For the salaries and expenses of prisons, borstal institutions, detention and remand centres in Scotland - - - - | 213,000 | *—37,000 |
| 11. For such of the salaries and expenses of the Supreme Court of Judicature, Court of Criminal Appeal, Law Commission and Courts-Martial Appeal Court as are not charged on the Consolidated Fund; the salaries and expenses of the Judge Advocate General and Judge Advocate of the Fleet, Pensions Appeal Tribunals, the Lands Tribunal, the Restrictive Practices Court and Council on Tribunals, and certain other expenses - | 1,000 | 189,000 |
| 12. For the salaries and expenses of the County Courts - - - - | 1,000 | 253,000 |
| 13. For a grant to the Legal Aid Fund - - - | 97,000 | — |

* Deficit

2 Q 3*

Civil
Departments
(Supple-
mentary),
1966-67.

SCHEDULE (B).—PART 5—*continued*

| Vote | Sums not exceeding | |
|--|--------------------|--------------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| <i>CLASS III—continued</i> | | |
| 14. For the salaries and expenses of the Law Officers' Department, the Department of Her Majesty's Procurator-General and Solicitor for the Affairs of Her Majesty's Treasury and the Department of the Director of Public Prosecutions; for the costs of prosecutions and other legal proceedings and of Parliamentary Agency - - - - - | 48,000 | *—8,000 |
| 15. For the salaries and expenses of the Lord Advocate's Department, of the Courts of Law and Justice, of the Scottish Law Commission, and of the Courts, Tribunals, &c.; and for sundry services - | 2,000 | 132,000 |
| 16. For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal of Northern Ireland as are not charged on the Consolidated Fund; the salaries and expenses of Pensions Appeals in Northern Ireland and certain other expenses - - - | 8,000 | *—2,000 |
| <i>CLASS IV</i> | | |
| 1. For the salaries and expenses of the office of the Committee of Privy Council for Trade and subordinate departments and agencies - - - - - | 782,000 | 2,094,000 |
| 2. For the expenditure of the Board of Trade on the promotion of trade, exports and industrial efficiency, on services connected with shipping and shipbuilding and on trading and other services, including subscriptions to international organisations and grants in aid - - | 532,000 | 94,900 |
| 3. For the promotion of local employment - | 8,150,000 | 65,000 |
| 4. For the salaries and expenses of the Export Credits Guarantee Department, including a subscription to an international organisation, and for payments under guarantees given after consultation with the Export Guarantees Advisory Council | 9,907,000 | 534,000 |
| 5. For payments under Special Guarantees given or arising from other arrangements made by the Board of Trade in the national interest - - - - - | 2,000 | 3,403,000 |

* Deficit

SCHEDULE (B).—PART 5—continued

Civil
Departments
(Supple-
mentary),
1966-67.

| | Sums not exceeding | |
|---|--------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| <i>CLASS IV—continued</i> | | |
| Vote | | |
| 6. For the salaries and expenses of the Ministry of Labour including those relating to the Employment Exchange service and the inspection of factories; for expenses, grants and loans in connection with employment, training, rehabilitation &c.; for expenses of the Industrial Court; for a subscription to the International Labour Organisation, and sundry other services - - - - | 1,000 | — |
| 7. For the salaries and expenses of the Ministry of Aviation for the administration of supply (including research, development and inspection), and of civil aviation; for contributions to certain international organisations, loans, a grant in aid, a conditional grant; and sundry other services; including expenditure for which the Ministry of Technology assumed responsibility from 15 February 1967 - - - - | 3,000 | 7,105,000 |
| 11. For the construction, maintenance and operation of civil aerodromes, for civil air navigational services, for contributions &c. to certain international organisations, certain repayments &c. of Selective Employment Tax and for sundry other services - - - - | 1,000 | 1,880,000 |
| 12. For salaries and expenses of the Ministry of Transport, and certain Tribunals and Committees - - - - | 1,000 | 219,000 |
| 15. For expenditure, including grants to highway, &c., authorities on the construction, improvement and maintenance of roads, &c., in Wales and sundry services connected therewith; and for sundry other services - - - - | 2,136,000 | — |
| 16. For services connected with inland transport, including repayments &c., of Selective Employment Tax to the nationalised transport undertakings; grants to road passenger transport operators; ports, a Channel Tunnel, Governmental shipping services, and sundry other services, including subscriptions to certain international organisations - - - - | 400,000 | 10,000 |

Civil
Departments
(Supple-
mentary),
1966-67.

SCHEDULE (B).—PART 5—*continued*

| | Sums not exceeding | |
|--|--------------------|--------------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| CLASS IV—<i>continued</i> | | |
| Vote | | |
| 17. For the expenditure of the Ministry of Transport in grant to the British Railways Board, the British Waterways Board and the London Transport Board in respect of deficits on their revenue accounts - - - - - | 24,128,000 | — |
| 19. For the salaries and expenses of the Ministry of Technology, including certain subscriptions to international organisations and grants in aid - - | 1,000 | — |
| 20. For payments towards meeting the expenses of the United Kingdom Atomic Energy Authority, for subscriptions, &c., to international projects and organisations, for the administration of a national stockpile of uranium ore, for a grant in aid, and for repayment &c., of Selective Employment Tax to the Atomic Energy Authority Trading Fund - - - | 1,000 | 2,498,000 |
| 25. For expenditure by the Department of Economic Affairs on Exchequer investment in the Industrial Reorganisation Corporation - - - - - | 5,000,000 | — |
| CLASS V | | |
| 1. For the salaries and expenses of the Ministry of Agriculture, Fisheries and Food; of the Royal Botanic Gardens, Kew; of the White Fish Authority and Scottish Committee; of the Plant Variety Rights Office; and of the Meat and Livestock Commission - - - | 703,000 | *—11,000 |
| 2. For the salaries and expenses of the Department of Agriculture and Fisheries for Scotland; for expenditure in connection with sundry agricultural, food, transport and harbour services, the development of the Highlands and Islands, including grants and grants in aid and for refunds of Selective Employment Tax to agricultural, horticultural and forestry employers - - - | 588,000 | 307,000 |
| 4. For expenditure by the Department of Agriculture and Fisheries for Scotland on grants and subsidies for the encouragement of food production and the improvement of agriculture - - | 1,550,000 | — |
| | | * Deficit. |

Civil
Departments
(Supple-
mentary),
1966-67.

SCHEDULE (B).—PART 5—*continued*

| | Sums not exceeding | |
|--|--------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| <i>CLASS VI—continued</i> | | |
| Vote | | |
| 16. For the provision in England and Wales of certain miscellaneous services under the National Health Service, &c., and of certain welfare services; and for a subscription to the World Health Organisation and certain grants in aid - - - | 269,000 | 158,000 |
| 18. For the provision of services under the National Health Service in Scotland and other health and welfare services including a grant in aid - - - - - | 5,077,000 | — |
| 19. For expenditure by the Scottish Home and Health Department on pensions, allowances and gratuities, &c., payable under Section 6(8) of the National Health Service (Scotland) Act, 1947, or under Regulations made under Section 66 of that Act; and certain payments to the National Insurance Fund - - - - - | 1,000 | 99,000 |
| 20. For the salaries and expenses of the Ministry of Pensions and National Insurance, of the Department of the National Assistance Board and of the Ministry of Social Security including appellate, advisory and sundry other services, for the refund of selective employment tax paid in respect of certain domestic or nursing employments and a subscription to an international organisation - - - - - | 3,292,000 | 21,821,000 |
| 23. For supplementary pensions and allowances - - - - - | 39,441,000 | 263,000 |
| <i>CLASS VII</i> | | |
| 1. For the salaries and expenses of the Department of Her Majesty's Secretary of State for Education and Science; for grants and loans in connection with education, &c., for sundry services; for a subscription to an international organisation and for certain grants in aid - - - - - | 6,442,000 | 578,000 |
| 2. For the salaries and expenses of the Scottish Education Department; for grants and loans in connection with education, &c.; for sundry services and for a grant in aid - - - - - | 682,000 | 4,000 |

SCHEDULE (B).—PART 5—*continued*

Civil
Departments
(Supple-
mentary),
1966-67.

| | Sums not exceeding | |
|---|--------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| CLASS VII—<i>continued</i> | | |
| Vote | | |
| 3. For expenditure by the Department of Her Majesty's Secretary of State for Education and Science on superannuation allowances and gratuities, &c., in respect of teachers, and a loan to the Teachers' Family Benefits Fund - - - - - | 1,000 | 1,400,000 |
| 4. For expenditure by the Scottish Education Department on superannuation allowances and gratuities, &c., in respect of teachers - - - - - | 1,000 | 300,000 |
| 5. For the salaries and expenses of the University Grants Committee, for grants in aid and grants towards the expenses of, and for loans to, universities, colleges, the British Academy, &c. - - - - - | 10,683,000 | — |
| CLASS VIII | | |
| 3. For the salaries and expenses of the Victoria and Albert Museum, including purchase grants in aid and an indemnity in connection with the Great Britain—U.S.S.R. Historical Exhibition - - - - - | 1,000 | — |
| 5. For the salaries and expenses of the London Museum, including a purchase grant in aid - - - - - | 5,700 | — |
| 7. For the salaries and expenses of the National Maritime Museum, including a purchase grant in aid - - - - - | 1,000 | 1,000 |
| 11. For the salaries and expenses of the Royal Scottish Museum, including purchase grants in aid, certain other grants in aid and a grant to the Scottish Council for Museums and Galleries - - - - - | 3,000 | 5,000 |
| 13. For the salaries and expenses of the National Library of Scotland, including a purchase grant in aid - - - - - | 2,000 | — |
| 14. For the salaries and expenses of the National Museum of Antiquities of Scotland, including a purchase grant in aid - - - - - | 1,000 | — |
| 15. For grants in aid of the National Library of Wales and the National Museum of Wales and a grant to the Council of Museums in Wales - - - - - | 9,000 | — |

Civil
Departments
(Supple-
mentary),
1966-67.

SCHEDULE (B).—PART 5—continued

| | Sums not exceeding | |
|---|--------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| CLASS IX | | |
| Vote | | |
| 1. For the salaries and expenses of the Ministry of Public Building and Works | 1,300,000 | *—50,000 |
| 2. For expenditure on public buildings in the United Kingdom, including grants in aid, a purchase grant in aid, and sundry other services - - - - - | 1,000 | 1,398,000 |
| 6. For expenditure on works and buildings for the Ministry of Defence (Air Force Department) - - - - - | 650,000 | *—1,390,000 |
| 7. For certain works and buildings for the Ministry of Aviation and for civil aviation services - - - - - | 1,000 | — |
| 8. For expenditure on works and buildings for Royal Ordnance Factories - - - | 230,000 | — |
| 12. For expenditure on Royal parks and pleasure gardens - - - - - | 40,000 | 8,400 |
| 14. For the salaries and expenses of the Rating of Government Property Department, and for rates and contributions in lieu of rates for property occupied by the Crown and premises occupied by representatives of Commonwealth and foreign countries and international organisations - - - - - | 310,000 | 200,000 |
| 15. For the salaries and expenses of the Stationery Office; for stationery, printing, books, office equipment, &c.; for official publications; and for sundry services - - - - - | 987,000 | *—130,000 |
| 16. For the salaries and expenses of the Central Office of Information - - - - - | 1,000 | 448,000 |
| 17. For the salaries and expenses of the Department of the Government Actuary | 8,000 | *—7,000 |
| 19. For civil superannuation and other pensions and non-recurrent payments; and for certain other expenditure in connection therewith - - - - - | 2,800,000 | 600,000 |
| 20. For non-effective annual allowances, gratuities and certain expenses in connection with superannuation in respect of Post Office employment - - - - - | 1,000 | 429,000 |
| CLASS X | | |
| 2. For the salaries and expenses of the Crown Estate Office - - - - - | 2,000 | — |

* Deficit

SCHEDULE (B).—PART 5—continued

Civil
Departments
(Supple-
mentary),
1966-67.

| | Sums not exceeding | |
|--|----------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| CLASS X—continued | | |
| Vote | | |
| 3. For the salaries and expenses of the Registry of Friendly Societies - - - - | 2,000 | — |
| 4. For the salaries and expenses of the Royal Mint in the production of coins, medals, badges, dies, seals, &c., and for the withdrawal of coin - - - - | 1,000 | 901,000 |
| 5. For the salaries and expenses of the National Debt Office and Pensions Commutation Board - - - - | 1,000 | 2,000 |
| 12. For the salaries and expenses of the Scottish Record Office - - - - | 1,000 | 1,000 |
| 13. For the salaries and expenses of the Office of the Registrar General - - - - | 35,000 | 18,000 |
| 14. For the salaries and expenses of the Department of the Registrar General of Births, Deaths and Marriages in Scotland - - - - | 1,000 | 1,100 |
| 16. For the salaries and expenses, including publicity, of the National Savings Committee - - - - | 18,000 | — |
| CLASS XI | | |
| 1. For grants to, and grants in aid of, the British Broadcasting Corporation and for payments to the Postmaster General | 574,000 | 3,000 |
| 2. For the salaries and expenses of the Carlisle State Management District - | 1,000 | 80,000 |
| 3. For the salaries and expenses of the State Management Districts in Scotland - | 1,000 | 35,000 |
| 4. For pensions, &c., in respect of service in the former Indian and Burma Services and under the former Government of Palestine; for supplements to certain Colonial and other overseas pensions; for certain payments to the Governments of India and Pakistan in connection with pensions; and for sundry services and expenses - - - - | 25,000 | *—73,000 |
| 7. For a grant in aid of the Development Fund - - - - | 33,000 | 38,000 |
| 9. For certain miscellaneous expenses, a subscription to an international organisation and grants in aid - - - - | 261,000 | 3,000 |
| TOTAL, CIVIL DEPARTMENTS (SUPPLEMENTARY) 1966-67 - - - - | £ 249,469,700 | 47,322,870 |

* Deficit

Defence
(Central),
1967-68.

SCHEDULE (B).—PART 6

DEFENCE (CENTRAL)

SUM granted, and sum which may be applied as appropriations in aid in addition thereto, to defray the charge of Defence (Central) which will come in course of payment during the year ending on 31st March 1968, viz.:—

| | Sums not exceeding | |
|---|--------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| For the salaries and expenses of the Central Defence Staffs, the Defence Secretariat and the Central Defence Scientific Staff and of certain Joint Service Establishments; purchases of defence equipment for sale abroad; expenses in connection with sales of defence equipment and International Defence Organisations, including international subscriptions; and sundry other services including certain grants in aid - - - | 21,167,000 | 47,580,000 |

SCHEDULE (B).—PART 7

Defence (Navy).
1967-68.

DEFENCE (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 31st March 1968, including provision for officers, seamen, juniors and Royal Marines, and members of the Women's Royal Naval Service and Queen Alexandra's Royal Naval Nursing Service, to a number not exceeding 100,500, in addition to reserve forces, viz. :—

| Vote | Sums not exceeding | |
|--|--------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| 1. For the pay, &c. of the Royal Navy and Royal Marines - - - - | 97,465,000 | 3,860,000 |
| 2. For the pay and expenses of the Royal Naval Reserve, the Royal Fleet Reserve and Cadet Forces, &c. - - - - | 1,478,000 | 1,000 |
| 3. For the salaries, wages and expenses of the Navy Department Headquarters - - | 13,550,000 | 42,000 |
| 4. For scientific services, including a subscription to the International Hydrographic Bureau - - - - | 34,655,000 | 822,000 |
| 5. For medical services, education and civilians on Fleet services - - - | 19,258,000 | 570,000 |
| 6. For Naval Stores, Armament, Victualling and other Material Supply Services (revised sum) - - - - | 212,537,000 | 23,564,000 |
| 7. For the new construction, repair, &c., of H.M. Ships, Aircraft and Weapons - | 203,323,000 | 9,682,000 |
| 8. For miscellaneous effective services, including grants in aid (including a supplementary sum of £1,609,500) - | 13,058,500 | 4,743,000 |
| 9. For non-effective services - - - | 25,562,000 | 70,000 |
| TOTAL, NAVY SERVICES - - -£ | 620,886,500 | 43,354,000 |

Defence (Army),
1967-68.

SCHEDULE (B).—PART 8

DEFENCE (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 March 1968, including provision for Land Forces to a number not exceeding 237,000, all ranks, in addition to the Regular Army Reserves, Territorial and Army Volunteer Reserve and Cadet Forces, viz.:—

| | Sums not exceeding | |
|---|--------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| Vote | | |
| 1. For the pay, &c., of the Army - - - | 184,940,000 | 12,560,000 |
| 2. For the Regular Army Reserves (including other ranks to a number not exceeding 45,000), Territorial and Army Volunteer Reserve (to a number not exceeding 115,000 all ranks) (including within these Reserves the Special Army Volunteer Reserve to a number not exceeding 8,700 all ranks) and Cadet Forces - - - | 10,140,000 | 5,900,000 |
| 3. For salaries, wages, &c., of civilian staff of the Army Department Headquarters | 5,380,000 | 10,000 |
| 4. For salaries, wages, &c., of civilians at outstations - - - - - | 127,530,000 | 2,310,000 |
| 5. For movements - - - - - | 25,340,000 | 1,140,000 |
| 6. For supplies - - - - - | 20,350,000 | 4,360,000 |
| 7. For stores and equipment (including stores and equipment for research, design and development projects and inspection; and certain capital and ancillary services) | 136,500,000 | 11,900,000 |
| 8. For miscellaneous effective services, including grants in aid - - - - - | 8,880,000 | 12,370,000 |
| 9. For non-effective services, including a grant in aid - - - - - | 44,680,000 | 300,000 |
| 10. For lands and buildings and certain ancillary services - - - - - | 22,560,000 | 14,430,000 |
| TOTAL, ARMY SERVICES - - - - - | 568,300,000 | 65,280,000 |
| Defence (Royal Ordnance Factories). For operating the Royal Ordnance Factories | 4,500,000 | 38,500,000 |
| Defence (Army) Purchasing (Repayment) Services. For expenditure incurred by the Army Department on the supply of munitions, common-user and other articles for the Government service and on miscellaneous supply - - - - - | 1,000 | — |

SCHEDULE (B).—PART 9

Defence (Air),
1967-68.

DEFENCE (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 31st March 1968, including provision for officers, airmen and airwomen for Air Force Service to a number not exceeding 128,000, all ranks, in addition to reserve and auxiliary services and cadet forces, viz.:—

| Vote | Sums not exceeding | |
|--|--------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| 1. For the pay, &c., of the Air Force - - | 146,580,000 | 9,125,000 |
| 2. For Reserve and Auxiliary Services and Cadet Forces (to a number not exceeding 19,620, all ranks, for the Royal Air Force Reserve, and 600, all ranks, for the Royal Auxiliary Air Force) - - - - | 870,000 | 351,000 |
| 3. For salaries, wages, &c., of civilian staff of the Air Force Department Headquarters | 4,870,000 | 7,000 |
| 4. For salaries, wages, &c., of civilians at out-stations and the Meteorological Office - | 49,510,000 | 4,100,000 |
| 5. For movements - - - - - | 15,600,000 | 3,800,000 |
| 6. For supplies - - - - - | 32,300,000 | 5,300,000 |
| 7. For aircraft and stores - - - - - | 268,000,000 | 17,500,000 |
| 8. For miscellaneous effective services, including certain grants in aid and a subscription to the World Meteorological Organisation - - - - - | 2,680,000 | 9,300,000 |
| 9. For non-effective services - - - - - | 24,620,000 | 220,000 |
| TOTAL, AIR SERVICES - - - - - | 545,030,000 | 49,703,000 |

Civil,
Class I,
1967-68.

SCHEDULE (B).—PART 10

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 31st March 1968, viz.:—

| | Sums not exceeding | |
|--|--------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| Vote | | |
| 1. For the salaries and expenses of the House of Lords (including a Supplementary sum of £1,000) - - - - - | 403,000 | 7,000 |
| 2. For the salaries and expenses of the House of Commons, including certain grants in aid (including a Supplementary sum of £1,000) - - - - - | 3,096,000 | 7,000 |
| 3. For the salaries and expenses of the Department of Her Majesty's Treasury and subordinate departments and of the Lord Privy Seal, the Chancellor of the Duchy of Lancaster, and two Ministers without Portfolio - - - - - | 5,446,000 | 242,000 |
| 4. For the salaries and expenses of the Department of Her Majesty's First Secretary of State and Secretary of State for Economic Affairs, of the National Economic Development Council and of the National Board for Prices and Incomes, and for certain grants in aid (including a Supplementary sum of £4,000) - - - - - | 2,471,000 | 3,500 |
| 5. For the salaries and expenses of the Department of Her Majesty's Most Honourable Privy Council - - - - - | 72,000 | 3,000 |
| 6. For the salaries of Post Office Ministers - | 12,250 | — |
| 7. For the salaries and expenses of the Customs and Excise Department, including a subscription to an international organisation - - - - - | 31,505,000 | 1,827,000 |
| 8. For the salaries and expenses of the Inland Revenue Department - - - - - | 83,056,000 | 3,533,000 |

SCHEDULE (B).—PART 10—*continued*

Civil,
Class I,
1967-68.

| | Sums not exceeding | |
|--|--------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| Vote | | |
| 9. For transitional relief under the Finance Act 1965, for companies with an overseas source of trading income - - - | 70,000,000 | — |
| 10. For the salaries and expenses of the Department of the Comptroller and Auditor General - - - - - | 885,000 | 215,000 |
| 11. For the salaries and expenses of the Civil Service Commission - - - - | 1,225,000 | 429,000 |
| 12. For the salaries and expenses of Royal Commissions, committees, special enquiries, &c., and for a grant in aid - | 755,000 | — |
| 13. For the salaries and expenses of the Office of the Parliamentary Commissioner for Administration - - - - - | 139,000 | — |
| TOTAL, CIVIL, CLASS I - - - -£ | 199,065,250 | 6,266,500 |

Civil,
Class II,
1967-68

SCHEDULE (B).—PART 11

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 31st March 1968, viz.:—

| Vote | Sums not exceeding | |
|---|--------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| 1. For the salaries and expenses of the offices of Her Majesty's Secretary of State for Foreign Affairs and of Her Majesty's Secretary of State for Commonwealth Affairs; Her Majesty's Diplomatic Service; and sundry other services connected therewith - - - - - | 41,975,000 | 4,239,000 |
| 2. For expenditure by the Foreign Office on sundry grants and services, including subscriptions, &c., to certain international organisations and certain grants in aid (including a Supplementary sum of £591,000) - - - - - | 29,019,000 | 1,447,000 |
| 3. For a grant in aid of the British Council - | 4,450,000 | — |
| 4. For expenditure by the Commonwealth Office on sundry grants and services, including subscriptions to certain international organisations and certain grants in aid (including a Supplementary sum of £586,000) - - - - - | 16,344,000 | 2,597,300 |
| 5. For the salaries and expenses of the Ministry of Overseas Development, including refund of selective employment tax to the Commonwealth Development Corporation - - - | 2,889,000 | 26,000 |
| 6. For expenditure by the Ministry of Overseas Development on grants and services connected with multilateral overseas aid, including subscriptions to certain international organisations and certain grants in aid - - - - - | 9,939,000 | — |
| 7. For expenditure by the Ministry of Overseas Development on grants and services connected with bilateral overseas aid, including certain grants in aid - - | 112,540,000 | 585,000 |
| 8. For expenditure by the Ministry of Overseas Development on sundry services connected with overseas aid, including certain grants in aid (including a Supplementary sum of £78,000) - - | 27,775,000 | 1,631,000 |

SCHEDULE (B).—PART 11—*continued*

Civil,
Class II,
1967-68.

| | Sums not exceeding | |
|---|--------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| Vote | | |
| 9. For schemes made under the Colonial Development and Welfare Acts 1959 to 1965 - - - - - | 10,000,000 | — |
| 10. For a grant in aid of the Commonwealth War Graves Commission and certain other expenses - - - - - | 1,425,000 | — |
| TOTAL, CIVIL, CLASS II - - - - - | 256,356,000 | 10,525,300 |

Civil,
Class III,
1967-68.

SCHEDULE (B).—PART 12

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 31st March 1968, viz.:—

| | Sums not exceeding | |
|--|--------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| Vote | | |
| 1. For the salaries and expenses of the office of Her Majesty's Secretary of State for the Home Department; expenses and grants in connection with certain law, fire and sundry other services; and certain grants in aid (including a Supplementary sum of £9,000) - - - | 21,972,000 | 4,419,000 |
| 2. For the salaries and expenses of the office of the Secretary of State for Scotland and of the Scottish Home and Health Department; for a grant to the Legal Aid (Scotland) Fund; for expenses in connection with fire, probation and sundry other services; and for grants in aid - - - - - | 3,976,000 | 266,000 |
| 3. For grants and expenses in connection with civil defence and certain remanet expenditure; and for a grant in aid - | 13,731,000 | 542,000 |
| 4. For grants and expenses in connection with civil defence in Scotland and certain remanet expenditure - - - - - | 1,500,000 | 63,000 |
| 5. For grants in respect of expenditure incurred by police authorities in England and Wales, expenses in connection with the police services and a subscription to an international organisation (including a Supplementary sum of £72,000) - | 106,576,000 | 2,857,000 |
| 6. For grants in respect of expenditure incurred by police authorities in Scotland, and expenses in connection with the police services (including a Supplementary sum of £8,000) - - - - - | 10,339,000 | 413,000 |
| 7. For the salaries and expenses of prisons, borstal institutions, detention and remand centres in England and Wales (including a Supplementary Sum of £4,019,000) - - - - - | 32,716,000 | 3,517,000 |
| 8. For the salaries and expenses of prisons, borstal institutions, detention and remand centres in Scotland - - - - | 3,430,000 | 316,000 |

SCHEDULE (B).—PART 12—*continued*

Civil,
Class III,
1967-68.

| Vote | Sums not exceeding | |
|--|----------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| 9. For grants and expenses in England and Wales in respect of approved schools, remand homes and voluntary homes, and for training in and research on child care - - - - - | 6,652,000 | 170,000 |
| 10. For grants and expenses in Scotland in respect of approved schools, remand homes and voluntary homes and for training in and research on child care - | 1,319,000 | 12,000 |
| 11. For such of the salaries and expenses of the Supreme Court of Judicature, Law Commission and Courts-Martial Appeal Court as are not charged on the Consolidated Fund; the salaries and expenses of the Judge Advocate General and Judge Advocate of the Fleet, Pensions Appeal Tribunals, the Lands Tribunal, the Restrictive Practices Court and Council on Tribunals, and certain other expenses - - - - - | 238,000 | 3,813,000 |
| 12. For the salaries and expenses of the County Courts - - - - - | 338,000 | 6,480,000 |
| 13. For a grant to the Legal Aid Fund - - - | 6,757,000 | — |
| 14. For the salaries and expenses of the Law Officers' Department, the Department of Her Majesty's Procurator-General and Solicitor for the Affairs of Her Majesty's Treasury and the Department of the Director of Public Prosecutions; for the costs of prosecutions and other legal proceedings and of Parliamentary Agency - - - - - | 1,210,000 | 459,000 |
| 15. For the salaries and expenses of the Lord Advocate's Department, of the Courts of Law and Justice, of the Scottish Law Commission, and of the Courts, Tribunals, &c.; and for sundry services - | 625,000 | 830,000 |
| 16. For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal of Northern Ireland as are not charged on the Consolidated Fund; the salaries and expenses of Pensions Appeals in Northern Ireland and certain other expenses - | 118,000 | 50,000 |
| TOTAL, CIVIL, CLASS III - - - - - | £ 211,497,000 | 24,207,000 |

Civil,
Class IV,
1967-68.

SCHEDULE (B).—PART 13

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 31st March 1968, viz.:—

| Vote | Sums not exceeding | |
|---|--------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| 1. For salaries and expenses of the Ministry of Transport, and certain Tribunals and Committees - - - - - | 6,000,000 | 5,595,000 |
| 2. For the expenditure of the Ministry of Transport in grant to the British Railways Board, the London Transport Board and the British Waterways Board in respect of deficits on their revenue accounts - - - - - | 138,247,000 | — |
| 3. For services connected with inland transport, including repayments &c., of selective employment tax to the nationalised transport undertakings; grants to road passenger transport operators; ports, a Channel Tunnel, Governmental shipping services, and sundry other services, including subscriptions to certain international organisations - - - - - | 46,971,000 | 291,000 |
| 4. For expenditure, including grants and loans to highway authorities on the construction, improvement and maintenance of roads, &c., in England and sundry services connected therewith; for expenditure on the collection of motor vehicle duties, &c., and the registration of motor vehicles in Great Britain; for road research; and for sundry other services - - - - - | 226,200,000 | 9,250,000 |
| 5. For expenditure, including grants and loans to highway, &c., authorities, on the construction and maintenance of roads, &c., in Scotland and sundry services connected therewith; and for sundry other services - - - - - | 31,102,000 | 23,000 |
| 6. For expenditure, including grants to highway, &c., authorities on the construction, improvement and maintenance of roads, &c., in Wales and sundry services connected therewith; and for sundry other services - - - - - | 11,989,000 | 20,000 |

SCHEDULE (B).—PART 13—*continued*

Civil,
Class IV,
1967-68.

| Vote | Sums not exceeding | |
|--|--------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| 7. For the salaries and expenses of the Ministry of Labour including those relating to the Employment Exchange service and the inspection of factories; for expenses, grants and loans in connection with employment, training, rehabilitation, &c.; for expenses of the Industrial Court; for a subscription to the International Labour Organisation, a grant in aid and sundry other services - - - - - | 49,000,000 | 12,135,000 |
| 8. For payments by the Ministry of Labour to certain employers who have paid selective employment tax (including a Supplementary sum of £35,000,000) - | 660,000,000 | 1,000 |
| 9. For the salaries and expenses of the office of the Committee of Privy Council for Trade and subordinate departments and agencies - - - - - | 14,732,000 | 5,572,000 |
| 10. For the construction, maintenance and operation of civil aerodromes, for civil air navigational services, for contributions &c., to certain international organisations, certain repayments &c. of selective employment tax; and for sundry other services - - - - - | 19,589,000 | 9,921,000 |
| 11. For the expenditure of the Board of Trade on the promotion of trade, exports and industrial efficiency, on services connected with shipping and on trading and other services, including subscriptions to certain international organisations and grants in aid - - - - - | 9,043,000 | 248,500 |
| 12. For the promotion of local employment | 53,601,000 | 300,000 |
| 13. For the expenditure of the Board of Trade on grants for assisting investment in new business assets (including a Supplementary sum of £60,000,000) - - - | 226,000,000 | — |
| 14. For the salaries and expenses of the Export Credits Guarantee Department, including a subscription to an international organisation, and for payments under guarantees given after consultation with the Export Guarantees Advisory Council | 2,458,000 | 18,254,000 |
| 15. For payments under Special Guarantees given or arising from other arrangements made by the Board of Trade in the national interest - - - - - | 1,000 | 3,609,000 |

Civil,
Class IV,
1967-68.

SCHEDULE (B).—PART 13—*continued*

| Vote | Sums not exceeding | |
|--|--------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| 16. For expenditure by the Department of Economic Affairs on Exchequer investment in the Industrial Reorganisation Corporation - - - - - | 15,000,000 | — |
| 17. For the salaries and expenses of the Ministry of Power; for expenditure on oil storage and distribution; for grants to the National Coal Board in connection with pit closures; for certain repayments &c., of selective employment tax; for expenses in connection with the nationalisation of the Iron and Steel Industry; and for sundry other services - - - - - | 54,311,000 | 2,488,000 |
| 18. For the salaries and expenses of the Ministry of Technology, including the administration of research, development and inspection - - - - - | 52,890,000 | 107,000 |
| 19. For the expenditure of the Ministry of Technology on technological and industrial services, including, a loan and certain subscriptions to international organisations and grants in aid (including a Supplementary sum of £42,000) - - - - - | 24,289,000 | 2,374,000 |
| 20. For expenditure by the Ministry of Technology on supply services (including research, development and inspection), and in connection with the development and production of civil aircraft and associated safety equipment, on a contribution to an international organisation, a loan, a grant in aid and sundry other services - - - - - | 235,551,000 | 33,149,000 |
| 21. For expenditure by the Ministry of Technology on the supply of aircraft and other equipment for the Government service and on miscellaneous supply - - - - - | 4,200,000 | — |
| 22. For certain expenditure by the Ministry of Technology on the purchase of U.S. aircraft and for research and development connected therewith - - - - - | 1,000 | 185,999,000 |
| 23. For payments to the United Kingdom Atomic Energy Authority for outstanding liabilities in respect of the capital cost of plant being maintained as reserve capacity, and certain terminal expenses, and for payments to the Authority and to others for special materials and services - - - - - | 39,800,000 | — |

SCHEDULE (B).—PART 13—*continued*

Civil,
Class IV,
1967-68.

| | Sums not exceeding | |
|---|------------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| Vote | | |
| 24. For payments towards meeting the expenses of the United Kingdom Atomic Energy Authority, for subscriptions, &c., to international projects and organisations, for the administration of a national stockpile of uranium ore, for a grant in aid, and for repayment &c., of selective employment tax to the Atomic Energy Authority Trading Fund - - - | 17,492,000 | 54,306,000 |
| 25. For loans to the United Kingdom Atomic Energy Authority Trading Fund - - - | 1,000 | — |
| 26. For repayments of selective employment tax to the Postmaster General and to Cable and Wireless Ltd. - - - | 23,075,000 | — |
| TOTAL, CIVIL, CLASS IV - | -£1,961,543,000 | 343,642,500 |

Civil,
Class V,
1967-68.

SCHEDULE (B).—PART 14

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 31st March 1968, viz.:—

| | Sums not exceeding | |
|--|--------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| Vote | | |
| 1. For the salaries and expenses of the Ministry of Agriculture, Fisheries and Food; of the Royal Botanic Gardens, Kew; of the White Fish Authority and Scottish Committee; of the Plant Variety Rights Office; and of the Meat and Livestock Commission - - - | 29,966,000 | 634,000 |
| 2. For the salaries and expenses of the Department of Agriculture and Fisheries for Scotland; for expenditure in connection with sundry agricultural, food, transport and harbour services, the development of the Highlands and Islands and rural development elsewhere, including grants and grants in aid and for refunds of selective employment tax to agricultural, horticultural and forestry employers - | 16,438,000 | 1,369,000 |
| 3. For expenditure by the Ministry of Agriculture, Fisheries and Food on grants and subsidies for the encouragement of food production and the improvement of agriculture and for sundry other services (including a Supplementary sum of £1,000) - - - - - | 93,801,000 | 40,000 |
| 4. For expenditure by the Department of Agriculture and Fisheries for Scotland on grants and subsidies for the encouragement of food production and the improvement of agriculture (including a Supplementary sum of £1,000) - - | 23,117,000 | |
| 5. For expenditure by the Ministry of Agriculture, Fisheries and Food in implementation of agricultural price guarantees and for sundry other services | 126,215,000 | 15,000 |
| 6. For expenditure by the Department of Agriculture and Fisheries for Scotland in implementation of agricultural price guarantees - - - - - | 16,614,000 | — |

SCHEDULE (B).—PART 14—continued

Civil,
Class V,
1967-68.

| Vote | Sums not exceeding | |
|--|-------------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| 7. For expenditure by the Ministry of Agriculture, Fisheries and Food in connection with sundry agricultural and food services, and rural development, including grants, loans, grants in aid, certain subscriptions to international organisations and for refunds of selective employment tax to agricultural, horticultural and forestry employers (including a Supplementary sum of £3,500,000) - | 41,662,000 | 4,254,000 |
| 8. For expenditure by the Ministry of Agriculture, Fisheries and Food in connection with the procurement and maintenance of strategic reserves - - | 1,000 | 6,549,000 |
| 9. For grants, loans and expenses in connection with assistance to fishermen; grants and loans to the White Fish Authority; expenditure on research and development relating to fisheries and fish marketing and on the construction, improvement and maintenance of harbours and fishing facilities; subscriptions to certain international organisations and a grant in aid of the White Fish Marketing Fund - - - | 5,291,000 | 3,000 |
| 10. In connection with Scottish fisheries and the United Kingdom herring industry for grants, loans and expenses in connection with assistance to fishermen, fishery protection, research and development relating to fisheries and fish marketing and the construction, improvement and maintenance of harbours and fishing facilities; and a grant in aid of the Herring Marketing Fund - - - | 2,958,000 14,729,000 | 11,000 — |
| 11. For a grant in aid of the Forestry Fund - | | |
| TOTAL, CIVIL, CLASS V - - -£ | 370,792,000 | 12,875,000 |

Civil,
Class VI,
1967-68.

SCHEDULE (B).—PART 15

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 31st March 1968, viz.:—

| Vote | Sums not exceeding | |
|--|--------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| 1. For the salaries and expenses of the Ministry of Housing and Local Government and certain tribunals, commissions &c.; grants and expenses in connection with environmental services and civil defence; tax and rating payments including selective employment refunds; sundry other services; a subscription to an international organisation and grants in aid (including a Supplementary sum of £1,600,000) - - - - - | 125,445,000 | 1,676,500 |
| 2. For the salaries and expenses of the Scottish Development Department; for grants and expenses in connection with rate rebates, planning and redevelopment, water and sewerage, coast protection, historic buildings, the refund of selective employment tax paid by local authorities, electricity boards and certain other bodies in Scotland; and sundry other services, including grants in aid - | 17,770,000 | 33,030 |
| 3. For the salaries and expenses of the office of the Secretary of State for Wales and certain tribunals, &c.; grants and expenses in connection with environmental services and civil defence; tax and rating payments including selective employment refunds; and sundry other services and grants in aid - - - - - | 8,135,000 | 13,000 |
| 4. For grants and other payments relating to the provision, improvement and repair of housing accommodation in England | 105,070,000 | 1,047,000 |
| 5. For grants and other payments relating to the provision, improvement and repair of permanent and temporary housing accommodation in Scotland - - - - - | 26,318,000 | 241,000 |
| 6. For grants and other payments relating to the provision, improvement and repair of housing accommodation in Wales - | 6,360,000 | 82,000 |

SCHEDULE (B).—PART 15—*continued*

Civil,
Class VI,
1967-68.

| Vote | Sums not exceeding | |
|--|--------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| 7. For rate support grants, general grants and rate deficiency grants to local authorities in England and Wales - - - - - | 1,244,843,000 | — |
| 8. For rate support grants, general grants, equalisation and transitional grants to local authorities in Scotland - - - - - | 145,990,000 | — |
| 9. For the salaries and expenses of the Land Commission - - - - - | 1,921,000 | 851,000 |
| 10. For the salaries and expenses of the Ministry of Health; for the expenses of certain committees, &c.; and for sundry services - - - - - | 6,961,000 | 2,863,000 |
| 11. For the provision of hospital services, &c., under the National Health Service, &c., in England and Wales; and other services (including a Supplementary sum of £10,000) - - - - - | 707,942,000 | 109,821,000 |
| 12. For the provision of Executive Councils' services under the National Health Service in England and Wales - - - - - | 306,321,000 | 43,539,000 |
| 13. For the provision in England and Wales of certain miscellaneous services under the National Health Service, &c., and of certain welfare services; and for a subscription to the World Health Organisation and certain grants in aid - - - - - | 57,142,000 | 2,562,000 |
| 14. For expenditure by the Ministry of Health on pensions, allowances, gratuities, &c., payable under section 6(6) of the National Health Service Act 1946, or under regulations made under section 67 of that Act; and certain payments to the National Insurance Fund - - - - - | 1,000 | 33,469,000 |
| 15. For the provision of services under the National Health Service in Scotland and other health and welfare services including a grant in aid - - - - - | 137,632,000 | 17,079,000 |
| 16. For expenditure by the Scottish Home and Health Department on pensions, allowances and gratuities, &c., payable under section 6(8) of the National Health Service (Scotland) Act 1947, or under regulations made under section 66 of that Act; and certain payments to the National Insurance Fund - - - - - | 1,000 | 3,604,000 |

Civil,
Class VI,
1967-68.

SCHEDULE (B).—PART 15—*continued*

| | Sums not exceeding | |
|--|------------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| Vote | | |
| 17. For the salaries and expenses of the Ministry of Social Security including appellate, advisory and sundry other services, for certain selective employment refunds and a subscription to an international organisation (including a Supplementary sum of £4,250,000) - | 39,604,000 | 57,415,000 |
| 18. For sums payable by the Exchequer to the National Insurance Fund and the Industrial Injuries Fund - - - - | 299,500,000 | — |
| 19. For payments in respect of family allowances - - - - - | 153,472,000 | 28,000 |
| 20. For supplementary pensions and allowances - - - - - | 382,000,000 | 8,000,000 |
| 21. For payments in respect of pensions, gratuities and allowances for disablement or death arising out of war, or service in the Armed Forces after 2 September 1939, and for sundry other services - | 115,304,000 | 10,000 |
| TOTAL, CIVIL, CLASS VI - | -£3,887,732,000 | 282,333,530 |

SCHEDULE (B).—PART 16

Civil,
Class VII,
1967-68.

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 31st March 1968, viz.:—

| Vote | Sums not exceeding | |
|--|--------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| 1. For the salaries and expenses of the Department of Her Majesty's Secretary of State for Education and Science; for grants and loans in connection with education, &c.; for sundry services; for a subscription to an international organisation and for certain grants in aid (including a Supplementary sum of £116,000) - | 68,883,000 | 2,293,000 |
| 2. For the salaries and expenses of the Scottish Education Department; for grants in connection with education, &c.; for sundry services and for a grant in aid | 30,487,000 | 26,000 |
| 3. For expenditure by the Department of Her Majesty's Secretary of State for Education and Science on superannuation allowances and gratuities, &c., in respect of teachers - - - - | 1,000 | 64,719,000 |
| 4. For expenditure by the Scottish Education Department on superannuation allowances and gratuities, &c., in respect of teachers - - - - | 307,000 | 9,480,000 |
| 5. For the salaries and expenses of the University Grants Committee, for grants in aid and grants towards the expenses of, and for loans to, universities, colleges, the British Academy, &c. - - - - | 235,828,000 | — |
| 6. For a grant in aid of the Social Science Research Council - - - - | 1,162,000 | — |
| 7. For grants in aid of the Science Research Council including subscriptions to certain international organisations - | 36,584,000 | — |
| 8. For grants in aid of the Natural Environment Research Council including a subscription to an international organisation | 7,657,000 | — |
| 9. For grants in aid of the Medical Research Council including a subscription to an international organisation - - - - | 14,232,000 | — |
| 10. For a grant in aid of the Agricultural Research Council - - - - | 11,974,000 | — |

Civil,
Class VII
1967-68.

SCHEDULE (B).—PART 16—*continued*

| | Sums not exceeding | |
|--|--------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| Vote | | |
| 11. For the salaries and expenses of the British Museum (Natural History), including a purchase grant in aid - - - - | 957,000 | 21,000 |
| 12. For grants in aid of certain institutions and bodies concerned with science and for services connected therewith - - | 1,053,000 | — |
| TOTAL, CIVIL, CLASS VII - -£ | 409,125,000 | 76,539,000 |

SCHEDULE (B).—PART 17

Civil,
Class VIII,
1967-68.

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 31st March 1968, viz. :—

| Vote | Sums not exceeding | |
|---|--------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| 1. For the salaries and expenses of the British Museum, including a purchase grant in aid - - - - - | 2,262,000 | 128,000 |
| 2. For the salaries and expenses of the Science Museum - - - - - | 552,000 | 2,000 |
| 3. For the salaries and expenses of the Victoria and Albert Museum, including purchase grants in aid - - - - - | 975,000 | 17,000 |
| 4. For the salaries and expenses of the Imperial War Museum, including a purchase grant in aid - - - - - | 182,000 | 12,500 |
| 5. For the salaries and expenses of the London Museum, including a purchase grant in aid - - - - - | 91,000 | 2,000 |
| 6. For the salaries and expenses of the National Gallery, including a purchase grant in aid - - - - - | 409,000 | 5,000 |
| 7. For the salaries and expenses of the National Maritime Museum, including a purchase grant in aid - - - - - | 208,000 | 2,000 |
| 8. For the salaries and expenses of the National Portrait Gallery, including a purchase grant in aid - - - - - | 82,000 | 8,000 |
| 9. For the salaries and expenses of the Tate Gallery, including purchase grants in aid - - - - - | 286,000 | 7,000 |
| 10. For the salaries and expenses of the Wallace Collection - - - - - | 71,000 | 7,000 |
| 11. For the salaries and expenses of the Royal Scottish Museum, including purchase grants in aid, certain other grants in aid and a grant to the Scottish Council for Museums and Galleries - - - - - | 213,000 | 10,000 |
| 12. For the salaries and expenses of the National Gallery of Scotland, the Scottish National Gallery of Modern Art and the Scottish National Portrait Gallery, including purchase grants in aid | 143,000 | 4,500 |

Civil,
Class VIII,
1967-68.

SCHEDULE (B).—PART 17—continued

| | Sums not exceeding | |
|--|--------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| Vote | £ | £ |
| 13. For the salaries and expenses of the National Library of Scotland, including a purchase grant in aid - - - - | 192,000 | 5,500 |
| 14. For the salaries and expenses of the National Museum of Antiquities of Scotland, including a purchase grant in aid - - - - | 55,000 | 200 |
| 15. For grants in aid of the National Library of Wales and the National Museum of Wales and a grant to the Council of Museums in Wales - - - - | 655,000 | — |
| 16. For grants to, and grants in aid of, certain institutions and bodies connected with the arts - - - - | 7,764,000 | — |
| TOTAL, CIVIL, CLASS VIII - - - - | 14,140,000 | 210,700 |

SCHEDULE (B).—PART 18

Civil,
Class IX,
1967-68.

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 31st March 1968, viz. :—

| Vote | Sums not exceeding | |
|---|--------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| 1. For the salaries and expenses of the Ministry of Public Building and Works | 39,000,000 | 9,500,000 |
| 2. For expenditure on public buildings in the United Kingdom, including a grant in aid, a purchase grant in aid, and sundry other services - - - - - | 70,843,000 | 10,875,000 |
| 3. For expenditure on public buildings overseas - - - - - | 8,327,000 | 580,000 |
| 4. For expenditure on works and buildings for the Ministry of Defence (Navy Department) - - - - - | 34,000,000 | 980,000 |
| 5. For expenditure on works and buildings for the Ministry of Defence (Army Department) - - - - - | 62,273,000 | 1,037,000 |
| 6. For expenditure on works and buildings for the Ministry of Defence (Air Force Department) - - - - - | 48,215,000 | 6,615,000 |
| 7. For expenditure on certain works and buildings for the Ministry of Technology and for civil aviation services - - - - - | 6,694,000 | — |
| 8. For expenditure on works and buildings for Royal Ordnance Factories - - - - - | 1,220,000 | — |
| 9. For certain additional married quarters for the Ministry of Defence - - - - - | 1,000 | 13,099,000 |
| 10. For expenditure on Houses of Parliament buildings - - - - - | 648,000 | 2,000 |
| 11. For expenditure on the Royal Palaces, including a grant in aid - - - - - | 881,000 | 104,000 |
| 12. For expenditure on Royal parks and pleasure gardens - - - - - | 1,383,000 | 112,000 |
| 13. For grants and expenses in connection with ancient monuments - - - - - | 1,426,000 | 244,020 |
| 14. For the salaries and expenses of the Rating of Government Property Department, and for rates and contributions in lieu of rates for property occupied by the Crown and premises occupied by representatives of Commonwealth and foreign countries and international organisations | 32,900,000 | 1,812,000 |

Civil,
Class IX,
1967-68.

SCHEDULE (B).—PART 18—*continued*

| | Sums not exceeding | |
|--|--------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| Vote | | |
| 15. For the salaries and expenses of the Stationery Office; for stationery, printing, books, office equipment, &c.; for official publications; and for sundry services - | 30,050,000 | 15,040,010 |
| 16. For the salaries and expenses of the Central Office of Information - - - - | 9,569,000 | 2,573,000 |
| 16A. For the salaries and expenses of the Government Social Survey Department | 850,000 | — |
| 17. For the salaries and expenses of the Department of the Government Actuary - - | 64,000 | 50,000 |
| 18. For a grant in aid of the Government Hospitality Fund - - - - - | 210,000 | — |
| 19. For civil superannuation and other pensions and non-recurrent payments; and for certain other expenditure in connection therewith - - - - - | 57,870,000 | 3,540,000 |
| 20. For non-effective annual allowances, gratuities and certain expenses in connection with superannuation in respect of Post Office employment - - - - - | 1,000 | 37,736,000 |
| TOTAL, CIVIL, CLASS IX - - -£ | 406,425,000 | 103,899,030 |

SCHEDULE (B).—PART 19

CIVIL.—CLASS X

Civil,
Class X,
1967-68.

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 31st March 1968, viz.:—

| Vote | Sums not exceeding | |
|--|--------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| 1. For the salaries and expenses of the Charity Commission for England and Wales - | 418,000 | 200 |
| 2. For the salaries and expenses of the Crown Estate Office - - - - - | 212,000 | — |
| 3. For the salaries and expenses of the Registry of Friendly Societies - - - - - | 163,000 | 11,000 |
| 4. For the salaries and expenses of the Royal Mint in the production of coins, medals, badges, dies, seals, &c.; for the withdrawal of coin and in preparation for the introduction of a decimal coinage - | 1,000 | 13,988,000 |
| 5. For the salaries and expenses of the National Debt Office and Pensions Commutation Board - - - - - | 1,000 | 102,000 |
| 6. For the salaries and expenses of the establishment under the Public Works Loan Commission and the expenses of the Commission - - - - - | 1,000 | 68,000 |
| 7. For the salaries and expenses of the office of the Public Trustee - - - - - | 1,000 | 773,000 |
| 8. For the salaries and expenses of the Land Registry - - - - - | 1,000 | 4,346,000 |
| 9. For the salaries and expenses of the Office of the Registrar of Restrictive Trading Agreements - - - - - | 183,000 | 100 |
| 10. For the survey of Great Britain and other mapping services (including a Supplementary sum of £942,000) - - - - - | 4,909,000 | 2,294,000 |
| 11. For the salaries and expenses of the Public Record Office - - - - - | 250,000 | 57,000 |
| 12. For the salaries and expenses of the Scottish Record Office - - - - - | 92,000 | 30,000 |
| 13. For the salaries and expenses of the Office of the Registrar General - - - - - | 1,098,000 | 701,000 |
| 14. For the salaries and expenses of the Department of the Registrar General of Births, Deaths and Marriages in Scotland - | 212,000 | 64,000 |
| 15. For the salaries and expenses of the Department of the Registers of Scotland - | 1,000 | 346,000 |
| 16. For the salaries and expenses, including publicity, of the National Savings Committee - - - - - | 1,783,000 | — |
| TOTAL, CIVIL, CLASS X - - - - - | 9,326,000 | 22,780,300 |

SCHEDULE (B).—PART 20

Civil,
Class XI,
1967-68.

CIVIL.—CLASS XI

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 31st March 1968, viz.:—

| Vote | Sums not exceeding | |
|--|----------------------|-----------------------|
| | Supply Grants | Appropriations in Aid |
| | £ | £ |
| 1. For grants to, and grants in aid of, the British Broadcasting Corporation and for payments to the Postmaster General | 84,844,000 | 444,000 |
| 2. For the salaries and expenses of the Carlisle State Management District - - - | 1,000 | 2,988,000 |
| 3. For the salaries and expenses of the State Management Districts in Scotland - | 1,000 | 771,000 |
| 4. For pensions, &c., in respect of service in the former Indian and Burma Services and under the former Government of Palestine; for supplements to certain colonial and other overseas pensions; for certain payments to the Governments of India and Pakistan in connection with pensions; and for sundry services and expenses - - - - - | 10,413,000 | 773,000 |
| 5. For pensions, &c., and compensation allowances awarded to retired and disbanded members of the Royal Irish Constabulary, and to their widows, including annuities to the National Debt Commissioners in respect of commutation of compensation allowances - - | 965,000 | — |
| 6. For charges in connection with land purchase in Northern Ireland, and the expenses of management of guaranteed stocks and bonds issued for the purpose of Irish land purchase - - - - | 837,000 | 100 |
| 7. For a grant in aid of the Development Fund | 1,250,000 | — |
| 8. For Her Majesty's foreign and other secret services - - - - - | 11,000,000 | — |
| 9. For certain miscellaneous expenses, a subscription to an international organisation and grants in aid - - - - | 855,000 | 41,000 |
| 10. To repay to the Civil Contingencies Fund certain miscellaneous advances - - | 34,000 | — |
| TOTAL, CIVIL, CLASS XI - - - | £ 110,200,000 | 5,017,100 |

SCHEDULE (C).—PART 1

| Navy Services 1965-66, Votes | Deficits | | | | Surpluses | | | |
|--|---|-------|--|-------|--|-------|---|-------|
| | Excesses of Actual over Estimated Gross Expenditure | | Deficiencies of Actual as compared with Estimated Receipts | | Surpluses of Estimated over Actual Gross Expenditure | | Surpluses of Actual as compared with Estimated Receipts | |
| | £ | s. d. | £ | s. d. | £ | s. d. | £ | s. d. |
| 1. Pay, &c., of the Royal Navy and Royal Marines | 1,083,788 | 14 5 | — | — | — | — | 840,190 | 15 10 |
| 2. Royal Naval Reserves | — | — | 35 | 17 0* | 24,950 | 6 1 | — | — |
| 3. Navy Department Headquarters ... | 205,650 | 13 5 | — | — | — | — | 19,238 | 4 5 |
| 4. Research and Develop- ment and other Scientific Services ... | 289,491 | 0 5 | 130,123 | 19 7 | — | — | — | — |
| 5. Medical Services, Edu- cation and Civilians on Fleet Services ... | 285,311 | 2 5 | — | — | — | — | 135,454 | 0 10 |
| 6. Naval Stores, Arma- ment, Victualling and other Material Supply Services ... | — | — | — | — | 23,699,989 | 4 10 | 1,463,696 | 6 9 |
| 7. H.M. Ships, Aircraft and Weapons, New Construction and Repairs | — | — | 1,680,512 | 17 0* | 8,947,919 | 4 10 | — | — |
| 8. Miscellaneous Effective Services | — | — | 137,893 | 8 8* | 53,493 | 3 11 | — | — |
| 9. Non-Effective Services | 256,623 | 0 9 | — | — | — | — | 12,892 | 1 5 |

* These deficiencies of receipts were wholly or partially offset by surpluses of estimated over actual gross expenditure.

SCHEDULE (C).—PART 2

| Army Services 1965-66, 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 | — | 144,858 16 0* | 306,050 9 11 | — |
| 2. Reserve Forces, Territorial Army and Cadet Forces | — | 355,867 5 3* | 3,088,748 9 3 | — |
| 3. Army Department Headquarters | — | — | 105,464 15 1 | 8,075 8 0 |
| 4. Civilians at Out- stations | 3,520,192 1 8 | — | — | 328,352 4 0 |
| 5. Movements ... | 1,955,760 17 5 | — | — | 341,454 13 8 |
| 6. Supplies | 1,111,999 1 9 | — | — | 886,585 10 4 |
| 7. Stores and Equip- ment | — | 3,871,172 16 1* | 6,782,366 9 3 | — |
| 8. Miscellaneous Effec- tive Services ... | 276,762 12 6 | 253,783 7 8 | — | — |
| 9. Non-Effective Ser- vices | 211,271 19 7 | 36,390 12 5 | — | — |
| 10. Defence Lands and Buildings ... | — | 120,123 6 9* | 2,734,096 13 1 | — |

* These deficiencies of receipts were wholly offset by surpluses of estimated over actual gross expenditure.

SCHEDULE (C).—PART 3

| Air Services 1965-66, Votes | Deficits | | Surpluses | |
|--|---|--|--|---|
| | Excesses of Actual over Estimated Gross Expenditure | Deficiencies of Actual as compared with Estimated Receipts | Surpluses of Estimated over Actual Gross Expenditure | Surpluses of Actual as compared with Estimated Receipts |
| | £ s. d. | £ s. d. | £ s. d. | £ s. d. |
| 1. Pay, &c., of the Air Force | — | 55,753 16 7* | 2,971,852 4 4 | — |
| 2. Reserve and Auxiliary Services | — | — | 48,628 11 3 | 8,237 0 7 |
| 3. Air Force Department Headquarters ... | 37,176 18 3 | 4,726 2 10 | — | — |
| 4. Civilians at Outstations and the Meteorological Office | 1,425,582 5 8 | 264,731 18 3 | — | — |
| 5. Movements | 3,103,241 14 7 | — | — | 1,675,117 16 10 |
| 6. Supplies | — | — | 978,514 7 5 | 500,365 15 2 |
| 7. Aircraft and Stores ... | — | — | 24,266,234 10 1 | 1,516,894 17 2 |
| 8. Miscellaneous Effective Services | — | 216,904 19 0* | 1,160,061 3 4 | — |
| 9. Non-Effective Services | — | — | 433,500 7 5 | 36,473 5 2 |

* These deficiencies of receipts were wholly offset by surpluses of estimated over actual gross expenditure



Sexual Offences Act 1967

1967 CHAPTER 60

An Act to amend the law of England and Wales relating to homosexual acts. [27th July 1967]

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

1.—(1) Notwithstanding any statutory or common law provision, but subject to the provisions of the next following section, a homosexual act in private shall not be an offence provided that the parties consent thereto and have attained the age of twenty-one years. Amendment of law relating to homosexual acts in private.

(2) An act which would otherwise be treated for the purposes of this Act as being done in private shall not be so treated if done—

- (a) when more than two persons take part or are present; or
- (b) in a lavatory to which the public have or are permitted to have access, whether on payment or otherwise.

(3) A man who is suffering from severe subnormality within the meaning of the Mental Health Act 1959 cannot in law give any consent which, by virtue of subsection (1) of this section, would prevent a homosexual act from being an offence, but a person shall not be convicted, on account of the incapacity of such a man to consent, of an offence consisting of such an act if he proves that he did not know and had no reason to suspect that man to be suffering from severe subnormality. 1959 c. 72.

(4) Section 128 of the Mental Health Act 1959 (prohibition on men on the staff of a hospital, or otherwise having responsibility for mental patients, having sexual intercourse with women

patients) shall have effect as if any reference therein to having unlawful sexual intercourse with a woman included a reference to committing buggery or an act of gross indecency with another man.

(5) Subsection (1) of this section shall not prevent an act from being an offence (other than a civil offence) under any provision of the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957.

1955 c. 18.
1955 c. 19.
1957 c. 53.

(6) It is hereby declared that where in any proceedings it is charged that a homosexual act is an offence the prosecutor shall have the burden of proving that the act was done otherwise than in private or otherwise than with the consent of the parties or that any of the parties had not attained the age of twenty-one years.

(7) For the purposes of this section a man shall be treated as doing a homosexual act if, and only if, he commits buggery with another man or commits an act of gross indecency with another man or is a party to the commission by a man of such an act.

Homosexual
acts on
merchant
ships.

2.—(1) It shall continue to be—

(a) an offence under section 12 of the Act of 1956 and at common law for a man to commit buggery with another man in circumstances in which by reason of the provisions of section 1 of this Act it would not be an offence (apart from this section); and

(b) an offence under section 13 of that Act for a man to commit an act of gross indecency with another man, or to be party to the commission by a man of such an act, in such circumstances as aforesaid,

provided that the act charged is done on a United Kingdom merchant ship, wherever it may be, by a man who is a member of the crew of that ship with another man who is a member of the crew of that or any other United Kingdom merchant ship.

(2) Section 11 of the Criminal Justice Act 1925 (venue in indictable offences) shall apply to an act which is an offence by virtue of this section as if it were an offence when done on land.

(3) In this section—

“member of the crew” in relation to a ship, includes the master of the ship and any apprentice to the sea service serving in that ship;

“United Kingdom merchant ship” means a ship registered in the United Kingdom habitually used or used at the time of the act charged for the purposes of carrying passengers or goods for reward.

3.—(1) The maximum punishment which may be imposed on conviction on indictment of a man for buggery with another man of or over the age of sixteen shall, instead of being imprisonment for life as prescribed by paragraph 3 of Schedule 2 to the Act of 1956, be—

Revised punishments for homosexual acts.

- (a) imprisonment for a term of ten years except where the other man consented thereto; and
- (b) in the said excepted case, imprisonment for a term of five years if the accused is of or over the age of twenty-one and the other man is under that age, but otherwise two years;

and the maximum punishment prescribed by that paragraph for an attempt to commit buggery with another man (ten years) shall not apply where that other man is of or over the age of sixteen.

(2) The maximum punishment which may be imposed on conviction on indictment of a man of or over the age of twenty-one of committing an act of gross indecency with another man under that age or of being a party to or procuring or attempting to procure the commission by a man under that age of such an act with another man shall, instead of being imprisonment for a term of two years as prescribed by paragraph 16 of the said Schedule 2, be imprisonment for a term of five years.

(3) References in this section to a person's age, in relation to any offence, are references to his age at the time of the commission of the offence.

(4) Accordingly the said Schedule 2 shall be amended as follows:—

- (a) in paragraph 3(a) for the word "Life" there shall be substituted the words "If with a boy under the age of sixteen or with a woman or an animal, life; otherwise the relevant punishment prescribed by section 3 of the Sexual Offences Act 1967";
- (b) in paragraph 3(b) for the words "Ten years" there shall be substituted the words "If with a boy under the age of sixteen or with a woman or an animal, ten years";
- (c) in paragraph 16(a) for the words "Two years" there shall be substituted the words "If by a man of or over the age of twenty-one with a man under that age, five years; otherwise two years";
- (d) in paragraph 16(b) for the words "Two years" there shall be substituted the words "If the attempt is by a man of or over the age of twenty-one to procure a man under that age to commit an act of gross indecency with another man, five years; otherwise two years".

Procuring others to commit homosexual acts.

4.—(1) A man who procures another man to commit with a third man an act of buggery which by reason of section 1 of this Act is not an offence shall be liable on conviction on indictment to imprisonment for a term not exceeding two years.

(2) The Act of 1952 shall have effect as if offences under the foregoing subsection were included among those specified in paragraphs 1 to 18 of Schedule 1 to that Act (indictable offences triable summarily with the consent of the accused).

(3) It shall not be an offence under section 13 of the Act of 1956 for a man to procure the commission by another man of an act of gross indecency with the first-mentioned man which by reason of section 1 of this Act is not an offence under the said section 13.

Living on earnings of male prostitution.

5.—(1) A man or woman who knowingly lives wholly or in part on the earnings of prostitution of another man shall be liable—

- (a) on summary conviction to imprisonment for a term not exceeding six months; or
- (b) on conviction on indictment to imprisonment for a term not exceeding seven years.

(2) A person accused of an offence under this section cannot claim to be tried on indictment under section 25 of the Act of 1952 (right of accused to trial by jury for summary offences punishable with more than three months imprisonment).

(3) Anyone may arrest without a warrant a person found committing an offence under this section.

Premises resorted to for homosexual practices.

6. Premises shall be treated for purposes of sections 33 to 35 of the Act of 1956 as a brothel if people resort to it for the purpose of lewd homosexual practices in circumstances in which resort thereto for lewd heterosexual practices would have led to its being treated as a brothel for the purposes of those sections.

Time limit on prosecutions.

7.—(1) No proceedings for an offence to which this section applies shall be commenced after the expiration of twelve months from the date on which that offence was committed.

(2) This section applies to—

- (a) any offence under section 13 of the Act of 1956 (gross indecency between men);
- (b) any offence under section 32 of that Act (soliciting and importuning by men for immoral purposes) where the immoral purpose is the commission of a homosexual act;
- (c) any offence of buggery by a man with another man not amounting to an assault on that other man and not being an offence by a man with a boy under the age of sixteen.

8. No proceedings shall be instituted except by or with the consent of the Director of Public Prosecutions against any man for the offence of buggery with, or gross indecency with, another man, for attempting to commit either offence, or for aiding, abetting, counselling, procuring or commanding its commission where either of those men was at the time of its commission under the age of twenty-one: Restriction on prosecutions.

Provided that this section shall not prevent the arrest, or the issue of a warrant for the arrest, of a person for any such offence, or the remand in custody or on bail of a person charged with any such offence.

9.—(1) A man charged before a magistrates' court with an offence under section 32 of the Act of 1956 (soliciting and importuning by men for immoral purposes) where the immoral purpose is the commission of a homosexual act shall be entitled to claim under section 25 of the Act of 1952 to be tried by a jury; and accordingly— Choice of mode of trial for certain offences.

- (a) in the said section 25 (as amended by Schedule 3 to the Act of 1956) for the words "section 30, 31 or 32 of the Sexual Offences Act 1956" there shall be substituted the words "section 30 or 31 of the Sexual Offences Act 1956 or an offence under section 32 of that Act where the immoral purpose is other than the commission of a homosexual act"; 1956 c. 69.
- (b) in paragraph 32 of Schedule 2 to the Act of 1956 (offences under the said section 32), in column 4 before the words "The accused" there shall be inserted the words "Except as provided by section 9 of the Sexual Offences Act 1967".

(2) The Act of 1952 shall have effect as if offences under section 13 of the Act of 1956 (gross indecency between men) were included among those specified in paragraphs 1 to 18 of Schedule 1 to the Act of 1952 (indictable offences triable summarily with the consent of the accused); and paragraph 16(a) and (b) of Schedule 2 to the Act of 1956 shall have effect subject to section 19 of the Act of 1952 (summary trial of indictable offences specified in the said Schedule 1).

10.—(1) Except as provided by the following provisions of this section, sections 1, 3, and 4 of this Act shall have effect in relation to acts done before the passing of this Act as they apply in relation to acts done after its passing. Past offences.

(2) Except as provided by the next following subsection, this Act shall not have effect in relation to any act which is, or apart from this Act would be, an offence where the defendant to an indictment for that offence has been committed for trial before

the passing of this Act or, as the case may be, a court-martial for the trial of that offence has been ordered or convened before the passing of this Act.

(3) The foregoing provisions of this section shall not operate to increase the punishment for any offence committed before the passing of this Act.

Short title,
citation,
interpretation,
saving and
extent.

1952 c. 55.
1956 c. 69.

11.—(1) This Act may be cited as the Sexual Offences Act 1967 and the Act of 1956 and this Act may be cited as the Sexual Offences Acts 1956 and 1967.

(2) In this Act “the Act of 1952” means the Magistrates’ Courts Act 1952 and “the Act of 1956” means the Sexual Offences Act 1956.

(3) Section 46 of the Act of 1956 (interpretation of “man”, “boy” and other expressions) shall apply for the purposes of the provisions of this Act as it applies for the purposes of the provisions of that Act.

(4) References in this Act to any enactment shall, except in so far as the context otherwise requires, be construed as references to that enactment as amended or applied by or under any subsequent enactment including this Act.

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



Public Works Loans Act 1967

1967 CHAPTER 61

An Act to make further provision with respect to loans out of the Local Loans Fund. [27th July 1967]

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

1.—(1) There may be issued by the National Debt Commissioners for the purpose of local loans by the Public Works Loan Commissioners any sum or sums not exceeding in the whole the sum of £900 million. Grants for public works.

(2) The sum so issued shall be issued during the period beginning with the appointed day and ending on the day on which a further Act granting money for the purpose of those loans comes into operation, and in accordance with the provisions of the National Debt and Local Loans Act 1887. 1887 c. 16.

(3) The period aforesaid shall be an issue period for the purposes of section 2(1) of the Public Works Loans (No. 2) Act 1946 (power of the Public Works Loan Commissioners to undertake to grant loans which include loans falling to be advanced after the expiration of the current issue period), but the aggregate of— 1946 c. 75.

(a) the commitments of the said Commissioners outstanding at any time during that period in respect of undertakings entered into by them (whether during or before the beginning of that period) to grant local loans; and

(b) the advances in respect of local loans made by the said Commissioners during that period up to that time,

shall not exceed the sum of £950 million.

(4) For the purposes of section 1(2) of the Public Works Loans Act 1966 (no sums to be issued under that Act after the 1966 c. 16.

day on which a further Act granting money for the purpose of local loans comes into operation) this Act shall be deemed to come into operation on the appointed day.

(5) In this section "the appointed day" means such day as may be appointed by an order made by the Treasury, and any such order shall be made by statutory instrument and laid before Parliament after being made.

Amendments
as to local
loans and
automatic
charges under
s. 2 of Act
of 1965.
1965 c. 63.

2.—(1) Any relevant authority within the meaning of section 2 of the Public Works Loans Act 1965 (which provides for a new form of local loan and an automatic charge for securing it) who do not, apart from this subsection, have power to raise money by means of an agreement to which that section applies, shall have power to raise money by those means.

1933 c. 51.
1947 c. 43.

(2) Subsection (3) of the said section 2 (which imposes an automatic charge for securing a loan made under any such agreement to a relevant authority other than one authorised to borrow money under Part IX of the Local Government Act 1933 or Part XII of the Local Government (Scotland) Act 1947) shall not apply to any authority in the case of whom some other enactment is in force which of itself imposes a charge for securing loans of all descriptions on all the revenues of the authority, and—

(a) in any such case that other enactment shall apply accordingly to any money raised by means of an agreement to which the said section 2 applies; and

(b) in subsection (5) of that section the reference to a charge imposed by the said subsection (3) shall include a reference to a charge imposed by any such other enactment.

1875 c. 89.

(3) In sections 29 and 30 of the Public Works Loans Act 1875 (early repayment of loans secured by mortgage under that Act and transfer and discharge of securities for such loans) any reference to a mortgage under that Act shall include a reference to an automatic charge within the meaning of section 2(5) of the said Act of 1965 as amended by subsection (2)(b) of this section; and in paragraph 3 of the Schedule to the said Act of 1965 the words "29 and 30" are hereby repealed.

Short title
and extent.

3.—(1) This Act may be cited as the Public Works Loans Act 1967.

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



Post Office (Data Processing Service) Act 1967

1967 CHAPTER 62

An Act to authorise the payment out of the Post Office Fund of the expenses of the Postmaster General in providing services and facilities for the processing of data by computer, and to impose an obligation of secrecy in connection with the provision by him of such services and facilities. [27th July 1967]

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

1. In section 1(3)(b) of the Post Office Act 1961 (which provides for the payment out of the Post Office Fund of the expenses of the Postmaster General in respect of his functions relating to the matters there specified) the word "and" at the end of sub-paragraph (iii) shall be omitted and after sub-paragraph (iv) there shall be added the words "and

Expenses of data processing service.
1961 c. 15.

(v) the provision of services and facilities for the processing of data by computer."

2. Information obtained by any officer of the Post Office (within the meaning of the Post Office Act 1953) in the course of the provision by the Postmaster General for any person of such services or facilities as are mentioned in section 1 of this Act shall not, without the consent of that person, be disclosed by that officer except for the purpose of performing his duties in relation to those services or facilities or in such cases as may be required by law.

Obligation of secrecy.
1953 c. 36.

3.—(1) This Act may be cited as the Post Office (Data Processing Service) Act 1967.

Short title, saving and extent.

1920 c. 67.

(2) Nothing in this Act shall be taken to affect the meaning of the expression "the postal service" in section 9(2)(a) of the Government of Ireland Act 1920 (reserved matters).

(3) This Act shall extend to the Isle of Man and the Channel Islands.



Bermuda Constitution Act 1967

1967 CHAPTER 63

An Act to provide for the grant of a new constitution
for Bermuda. [27th July 1967]

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

- 1.—(1) Her Majesty may by Order in Council make such provision as appears to Her Majesty to be expedient for the government of Bermuda. Power to provide by Order in Council for the government of Bermuda.
- (2) Any Order in Council under this section may vary or revoke, or provide for the variation or revocation of, any Letters Patent relating to the government of Bermuda, any instrument issued in pursuance of any such Letters Patent, or any law relating to the government of Bermuda and made by any legislature for the time being constituted as the legislature of Bermuda.
- (3) Any Order in Council under this section may be varied or revoked by a subsequent Order in Council thereunder, but otherwise shall not be capable of being varied or revoked except by Act of Parliament.
- (4) Any Order in Council under this section shall be laid before Parliament after being made.
- (5) In this Act "Bermuda" means the islands known as Bermuda or as the Bermudas or Somers Islands.

2. This Act may be cited as the Bermuda Constitution Act 1967.



Anchors and Chain Cables Act 1967

1967 CHAPTER 64

An Act to make new provision in substitution for the Anchors and Chain Cables Act 1899. [27th July 1967]

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

Rules for testing anchors and chain cables.

1.—(1) The Board of Trade shall make rules with respect to the testing of anchors and chain cables for use in ships registered in the United Kingdom, and such rules may in particular—

- (a) prescribe the manner in which tests of anchors and cables are to be carried out, the tensile strains and breaking strains to be employed in such tests and the requirements to be fulfilled by equipment used for the purposes of such tests;
- (b) provide for the marking of anchors and cables which have passed such tests and for the issue of certificates in respect of such anchors and cables;
- (c) provide for the supervision of such tests and marking, and for the inspection of such equipment, by surveyors of ships appointed under the Merchant Shipping Act 1894 or by such other persons as the Board of Trade may authorise for the purpose;
- (d) provide for the payment of fees in respect of such supervision and inspection and in respect of the issue of certificates under the rules; and
- (e) provide that the rules shall not apply to anchors or cables of such classes or descriptions as may be specified in the rules or which are exempted therefrom by the Board of Trade in accordance with any provision in that behalf contained in the rules.

1894 c. 60.

(2) No ship registered in the United Kingdom shall have on board as part of her equipment an anchor or chain cable, being an anchor or cable which was first taken on board after the commencement of this Act, unless—

(a) the anchor or cable has been marked, and a certificate in respect of it has been issued, in accordance with rules under this section; or

(b) the anchor or cable is one to which those rules do not apply by virtue of any provision therein made under paragraph (e) of subsection (1) of this section;

and if this subsection is contravened in respect of any ship the owner or master of the ship shall be liable on summary conviction to a fine not exceeding four hundred pounds.

(3) If any person applies to any anchor or cable which has not passed the tests prescribed by rules under this section any mark prescribed by those rules for denoting that it has passed those tests, or any other mark calculated to suggest that it has passed those tests, he shall be liable on summary conviction to a fine not exceeding four hundred pounds.

(4) Section 684 of the Merchant Shipping Act 1894 (jurisdiction) 1894 c. 60. shall apply for the purposes of this section as it applies for the purposes of that Act.

(5) Any fees payable by virtue of this section in respect of any functions of a surveyor of ships appointed under the said Act of 1894 shall be paid into the Exchequer.

(6) The power to make rules under this section shall be exercisable by statutory instrument, and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) In this section “ anchor ” and “ chain cable ” include any shackle attached to or intended to be used in connection with the anchor or cable, and “ ship ” and “ master ” have the same meanings respectively as in the said Act of 1894.

(8) The powers of the Board of Trade under this section or any rules made thereunder may be exercised by the President of the Board, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board or any person authorised in that behalf by the President.

2.—(1) This Act may be cited as the Anchors and Chain Cables Act 1967.

(2) The Anchors and Chain Cables Act 1899 is hereby repealed.

(3) Any anchor or cable tested or marked, and any certificate issued, before the commencement of this Act under the said Act

Short title, repeal, saving, commencement and extent. 1899 c. 23.

of 1899 shall be deemed to have been tested or marked, or, as the case may be, issued, in accordance with rules under section 1 of this Act.

(4) This Act shall come into force on such day as Her Majesty may by Order in Council appoint.

(5) This Act extends to Northern Ireland.



Antarctic Treaty Act 1967

1967 CHAPTER 65

An Act to enable effect to be given to measures for the conservation of Antarctic fauna and flora which, in pursuance of the Antarctic Treaty signed at Washington on 1st December 1959, have been or may hereafter be recommended for approval by contracting parties to that treaty; and for other purposes connected with the Antarctic Treaty. [27th July 1967]

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

1.—(1) On and after the appointed day, no person to whom this section applies, while he is in any part of Antarctica, shall, except as permitted by or under this Act,—

Conservation of Antarctic fauna and flora.

- (a) wilfully kill, injure, molest or take any native mammal or native bird, or
- (b) gather any native plant within a specially protected area, or drive any vehicle within such an area.

(2) On and after the appointed day, no person to whom this section applies shall, except as permitted by or under this Act, bring into any part of Antarctica any animal or plant of a species which is not indigenous to Antarctica.

(3) Subject to the next following subsection, this section applies to any person who is for the time being—

- (a) a citizen of the United Kingdom and Colonies, or
- (b) a British subject by virtue of section 2 of the British Nationality Act 1948 (continuance of certain citizens of Eire as British subjects), or

(c) a British subject without citizenship by virtue of section 13 or section 16 of that Act (which relate respectively to British subjects whose citizenship had not been ascertained at the commencement of that Act and to persons who had ceased to be British subjects on loss of British nationality by a parent), or

1965 c. 34.

(d) a British subject by virtue of the British Nationality Act 1965, or

1948 c. 56.

(e) a British protected person (within the meaning of the British Nationality Act 1948),

and to any person who (not being such a person as is mentioned in any of paragraphs (a) to (e) of this subsection) is for the time being the owner or master or a member of the crew of a British ship registered in the United Kingdom.

(4) Notwithstanding anything in the last preceding subsection, this section does not apply to a person who, being also a national of one of the other Contracting Parties, has been designated by or on behalf of that Contracting Party as an observer, or is an exchanged scientist made available by that Contracting Party, or is a member of the staff accompanying an observer so designated or such an exchanged scientist, while he is in any part of Antarctica for the purpose of exercising his functions as such an observer or exchanged scientist or as a member of such a staff.

(5) Any person who does, or attempts to do, anything in contravention of this section shall be guilty of an offence.

Exemptions
from s. 1.

2.—(1) Section 1 of this Act shall not be taken to be contravened by anything done, or attempted to be done, by any person in accordance with a permit issued in respect of him—

(a) under this Act, or

(b) by or on behalf of one of the other Contracting Parties, if it is done or attempted at a time when that permit is in force and in compliance with any conditions or limitations to which the permit is subject.

(2) Without prejudice to the preceding subsection, where a person is charged with an offence under section 1 of this Act, it shall be a defence to prove that the act in question was done or attempted in a case of extreme emergency involving possible loss of human life or the safety of a ship or aircraft.

Issue of
permits.

3.—(1) The Secretary of State may issue in respect of any person to whom section 1 of this Act applies a permit authorising him to do such of the things mentioned in subsection (1) and (2) of that section as are specified in the permit.

(2) The Secretary of State may delegate his powers under the preceding subsection to any person who for the time being—

- (a) holds office as Director of the British Antarctic Survey or holds an appointment (by whatever name called) having functions similar to those which at the passing of this Act are performed by that Director, or
- (b) is the officer in charge of a station maintained in Antarctica by or on behalf of Her Majesty's Government in the United Kingdom, or
- (c) is in charge of an expedition to Antarctica organised in or proceeding from the United Kingdom or any other territory to which this section extends.

(3) Any permit under this section may be issued subject to such conditions and limitations as (subject to subsection (5) of this section) the Secretary of State or other person issuing the permit considers appropriate.

(4) In connection with the matters authorised by any such permit, the permit may require the person in respect of whom it is issued to make to the Secretary of State or other person issuing the permit a report, at such times and in such manner as may be specified in the permit, as to the occurrence of such acts and events as may be so specified.

(5) In the exercise of any power conferred by or under this section, the Secretary of State or other person exercising the power shall have regard to the Agreed Measures.

(6) Any person to whom the power to issue permits is delegated under subsection (2) of this section shall, in respect of each year, send to the Secretary of State a report in accordance with the next following subsection; and every such report shall be sent to the Secretary of State as soon as practicable after the end of the year to which it relates.

(7) A report made by any person under the last preceding subsection in respect of any year shall contain such particulars of permits under this section issued by him in that year, and of information received by him in that year in pursuance of subsection (4) of this section, as the Secretary of State may require.

(8) In this section "year" means a period of twelve months ending with June.

4.—(1) Any person who, being the owner or master or a Penalties.
member of the crew of a British ship registered in the United Kingdom, wilfully kills or takes a seal in contravention of section 1 of this Act shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or to both;

(b) on summary conviction, to imprisonment for a term not exceeding three months, or to a fine not exceeding £100, or to both.

(2) Without prejudice to the preceding subsection, any person who, in contravention of section 1 of this Act, wilfully kills any mammal or bird of a specially protected species shall be liable on summary conviction to a fine not exceeding £100.

(3) Except as otherwise provided by the preceding provisions of this section, any person who commits an offence under section 1 of this Act shall be liable on summary conviction to a fine not exceeding £50.

(4) Any person who—

(a) fails to comply with a requirement imposed on him by a permit in accordance with section 3(4) of this Act, or

(b) in any report made by him in pursuance of such a requirement knowingly or recklessly makes a statement which is false in a material particular,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

Application
of criminal
law to
observers and
exchanged
scientists.

5.—(1) Where on or after the appointed day anything is done, or omitted to be done, by a person to whom section 1 of this Act applies who has been designated by or on behalf of Her Majesty's Government in the United Kingdom as an observer or is an exchanged scientist made available by that Government, or is a member of the staff accompanying an observer so designated or such an exchanged scientist, while he is in any part of Antarctica for the purpose of exercising his functions as such an observer or exchanged scientist or as a member of such a staff, and the act or omission—

(a) would, if it occurred in any part of the United Kingdom, be an offence under the law of that part of the United Kingdom, or

(b) would, if it occurred in any other territory to which this section extends, be an offence under the law of that territory,

he shall by virtue of this section be guilty of the like offence as if the act or omission had occurred in that part of the United Kingdom or in that territory, as the case may be, and shall be liable to be proceeded against and punished accordingly.

(2) The preceding subsection shall have effect without prejudice to the operation of sections 1 and 4 of this Act.

6.—(1) If it appears to Her Majesty that further provision, Power to make further provision for giving effect to Agreed Measures. in addition to that made by sections 1 to 5 of this Act, is necessary or expedient for giving effect to any of the Agreed Measures, Her Majesty may by Order in Council make such provision accordingly.

(2) An Order in Council under this section may prescribe penalties for contravention of prohibitions imposed by the Order; but the penalties so prescribed shall not exceed those specified respectively in paragraphs (a) and (b) of section 4(1) of this Act.

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

7.—(1) Her Majesty may by Order in Council certify who are Further powers exercisable by Order in Council. the Contracting Parties.

(2) Her Majesty may by Order in Council—

(a) designate as a specially protected species any species of mammal or bird which is for the time being specified in Annex A to the Agreed Measures or which has been recommended for inclusion in that Annex in pursuance of Article IX(1) of the Treaty;

(b) designate (whether by reference to a map or otherwise) as a specially protected area any area which is for the time being specified in Annex B to the Agreed Measures or which has been recommended for inclusion in that Annex in pursuance of Article IX(1) of the Treaty.

(3) Her Majesty may by Order in Council direct that sections 1 to 4 of this Act, in so far as they relate to killing, injuring, molesting or taking native mammals or native birds, shall have effect as if Antarctica included the whole of the high seas south of the sixtieth parallel of south latitude.

(4) In so far as it appears to Her Majesty to be expedient to do so for giving effect to any recommendations made in accordance with Article IX(1) of the Treaty, or to any special arrangements made with any other Contracting Party, Her Majesty may by Order in Council direct that, subject to such exceptions and modifications as may be specified in the Order, such provisions of this Act as are so specified shall have effect in accordance with any one or more of paragraphs (a) to (c) of this subsection, that is to say—

(a) as if references to persons to whom section 1 of this Act applies included references to persons who (not

being persons to whom that section applies) fulfil such conditions as to nationality as are specified in the Order ;

- (b) as if, in any provision of this Act specified in the Order, references to persons of any description specified in that provision included references to persons (not falling within that description) who are for the time being members of any expedition organised in or proceeding from the United Kingdom or any other territory to which that provision extends ;
- (c) as if, in any provision of this Act specified in the Order, references to British ships registered in the United Kingdom included references to British ships registered in any other territory so specified which is a territory to which that provision extends,

or may by Order in Council direct that, subject to such exceptions and modifications as may be specified in the Order, section 5 of this Act shall have effect as if, for the words from " who has been designated " to " member of such a staff ", there were substituted such other words as may be so specified.

(5) Her Majesty may by Order in Council make provision for any of the following matters, that is to say—

- (a) the arrest in any part of Antarctica of any person suspected of committing an offence under any provision of this Act which is punishable by imprisonment ;
- (b) the conveyance in custody of any person so arrested to any place where, by virtue of this Act, he can be tried for that offence ;
- (c) the seizure and detention of any article which may be evidence of an offence under any provision of this Act and the conveyance of any such article to any place where, by virtue of this Act, a person charged with that offence can be tried ;
- (d) securing the attendance, before any court by which a person can be tried for an offence under any provision of this Act, of any person required to give evidence or produce documents in proceedings relating to that offence.

(6) In the last preceding subsection any reference to this Act includes a reference to any Order in Council made under section 6 of this Act.

(7) Any Order in Council made under any of subsections (2) to (5) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

8.—(1) Without prejudice to any jurisdiction exercisable ^{Proceedings} apart from this section, proceedings for an offence under any ^{and evidence.} provision of this Act may be taken against any person at any place at which he is for the time being and which is in the United Kingdom or in any other territory to which that provision extends.

(2) For the purposes of any such proceedings—

- (a) any Order in Council under section 7(1) of this Act shall be conclusive evidence of the matters certified by the Order ;
- (b) any document purporting to be a permit issued under this Act, or to be a permit issued by or on behalf of one of the other Contracting Parties, and to be issued in respect of a person bearing the name by which a person is referred to in the proceedings, shall, unless the contrary is proved, be deemed to be a permit issued under this Act, or issued by or on behalf of that Contracting Party, as the case may be, and to relate to the person so referred to ;
- (c) any document purporting to be a certificate issued by or on behalf of Her Majesty's Government in the United Kingdom, or by or on behalf of one of the other Contracting Parties, certifying that a person bearing the name by which a person is referred to in the proceedings was designated or made available by or on behalf of that Government or Contracting Party as an observer or exchanged scientist, or is or at a time specified in the document was a member of the staff accompanying an observer or exchanged scientist so designated or made available, shall, unless the contrary is proved, be deemed to be a certificate issued by or on behalf of that Government or Contracting Party, and shall, unless the contrary is proved, be sufficient evidence of the fact stated in the document.

9. Her Majesty may by Order in Council direct that any of the ^{Extension of} provisions of this Act specified in the Order shall extend, ^{sub- Act.} subject to such exceptions and modifications (if any) as may be specified in the Order, to—

- (a) the Isle of Man ;
- (b) any of the Channel Islands ;
- (c) any colony.

Interpretation
and
supplementary
provisions.

10.—(1) In this Act “the Treaty” means the Treaty set out in Schedule 1 to this Act, and “the Agreed Measures” means the measures set out in Schedule 2 to this Act, being measures recommended for approval by the Contracting Parties:

Provided that, if Schedule 2 to this Act is amended in the exercise of any power conferred by the following provisions of this section, “the Agreed Measures” shall mean the measures set out in that Schedule as so amended.

(2) If the measures set out in Schedule 2 to this Act are modified before they become effective in pursuance of Article IX(4) of the Treaty, and become effective as so modified, Her Majesty may by Order in Council amend Schedule 2 to this Act in such manner as She may consider requisite for giving effect to those modifications.

(3) If the measures set out in that Schedule, having become effective (with or without modifications) in pursuance of Article IX(4) of the Treaty, are subsequently amended, either in pursuance of the said Article IX(4) or in pursuance of Article XIV set out in that Schedule, Her Majesty may by Order in Council amend, or (if it has previously been amended, either under the last preceding subsection or under this subsection) may by Order in Council further amend, Schedule 2 to this Act in such manner as She may consider requisite for giving effect to that subsequent amendment of those measures.

(4) Any Order in Council made under subsection (2) or subsection (3) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“Antarctica” means the area south of the sixtieth parallel of south latitude, excluding any part of the high seas but including all ice shelves south of that parallel;

“the appointed day” means such day as Her Majesty may by Order in Council appoint;

“the Contracting Parties” means the Contracting Parties to the Treaty and “the other Contracting Parties” means the Contracting Parties other than Her Majesty’s Government in the United Kingdom;

“exchanged scientist” means a person exchanged in pursuance of Article III(1)(b) of the Treaty, and any reference to an exchanged scientist made available by a Contracting Party is a reference to an exchanged

scientist who, in pursuance of arrangements made by that Contracting Party, is employed by or serves under another Contracting Party ;

“ native bird ”, “ native mammal ” and “ native plant ” have the meanings assigned to them respectively by Article II of the Agreed Measures ;

“ observer ” means a person designated in pursuance of Article VII(1) of the Treaty ;

“ specially protected area ” and “ specially protected species ” mean respectively an area or species designated under section 7(2) of this Act ;

“ territory ” includes any country ;

“ vehicle ” includes an aircraft while it is on the ground and any reference to driving a vehicle shall be construed as a reference to being in charge of it while it is in motion, whether it is mechanically propelled or not.

(6) For the purpose of construing any reference in this Act to an offence under any provision of this Act, an act or omission in respect of which a person is guilty of an offence by virtue of section 5 of this Act shall be taken to be an offence under that section.

(7) Any power conferred by any provision of this Act to make an Order in Council shall include power to vary or revoke the Order by a subsequent Order in Council.

(8) Section 3(1) of the British Nationality Act 1948 (which limits the criminal liability of certain persons who are not citizens of the United Kingdom and Colonies) shall not have effect in relation to any offence under any provision of this Act. 1948 c. 56.

11. This Act may be cited as the Antarctic Treaty Act 1967. Short title.

SCHEDULES

SCHEDULE 1

Section 10.

THE ANTARCTIC TREATY

The Governments of Argentina, Australia, Belgium, Chile, the French Republic, Japan, New Zealand, Norway, the Union of South Africa, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America,

Recognising that it is in the interest of all mankind that Antarctica shall continue forever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord ;

Acknowledging the substantial contributions to scientific knowledge resulting from international co-operation in scientific investigation in Antarctica ;

Convinced that the establishment of a firm foundation for the continuation and development of such co-operation on the basis of freedom of scientific investigation in Antarctica as applied during the International Geophysical Year accords with the interests of science and the progress of all mankind ;

Convinced also that a treaty ensuring the use of Antarctica for peaceful purposes only and the continuance of international harmony in Antarctica will further the purposes and principles embodied in the Charter of the United Nations ;

Have agreed as follows:

ARTICLE I

1. Antarctica shall be used for peaceful purposes only. There shall be prohibited, *inter alia*, any measures of a military nature, such as the establishment of military bases and fortifications, the carrying out of military manoeuvres, as well as the testing of any type of weapons.

2. The present Treaty shall not prevent the use of military personnel or equipment for scientific research or for any other peaceful purpose.

ARTICLE II

Freedom of scientific investigation in Antarctica and co-operation toward that end, as applied during the International Geophysical Year, shall continue, subject to the provisions of the present Treaty.

ARTICLE III

1. In order to promote international co-operation in scientific investigation in Antarctica, as provided for in Article II of the present Treaty, the Contracting Parties agree that, to the greatest extent feasible and practicable:

(a) information regarding plans for scientific programmes in Antarctica shall be exchanged to permit maximum economy and efficiency of operations ;

- (b) scientific personnel shall be exchanged in Antarctica between expeditions and stations ;
- (c) scientific observations and results from Antarctica shall be exchanged and made freely available.
- SCH. 1

2. In implementing this Article, every encouragement shall be given to the establishment of co-operative working relations with those Specialized Agencies of the United Nations and other international organisations having a scientific or technical interest in Antarctica.

ARTICLE IV

1. Nothing contained in the present Treaty shall be interpreted as :

- (a) a renunciation by any Contracting Party of previously asserted rights of or claims to territorial sovereignty in Antarctica ;
- (b) a renunciation or diminution by any Contracting Party of any basis of claim to territorial sovereignty in Antarctica which it may have whether as a result of its activities or those of its nationals in Antarctica, or otherwise ;
- (c) prejudicing the position of any Contracting Party as regards its recognition or non-recognition of any other State's right of or claim or basis of claim to territorial sovereignty in Antarctica.

2. No acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in Antarctica or create any rights of sovereignty in Antarctica. No new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the present Treaty is in force.

ARTICLE V

1. Any nuclear explosions in Antarctica and the disposal there of radioactive waste material shall be prohibited.

2. In the event of the conclusion of international agreements concerning the use of nuclear energy, including nuclear explosions and the disposal of radioactive waste material, to which all of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX are parties, the rules established under such agreements shall apply in Antarctica.

ARTICLE VI

The provisions of the present Treaty shall apply to the area south of 60° South Latitude, including all ice shelves, but nothing in the present Treaty shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regard to the high seas within that area.

SCH. 1

ARTICLE VII

1. In order to promote the objectives and ensure the observance of the provisions of the present Treaty, each Contracting Party whose representatives are entitled to participate in the meetings referred to in Article IX of the Treaty shall have the right to designate observers to carry out any inspection provided for by the present Article. Observers shall be nationals of the Contracting Parties which designate them. The names of observers shall be communicated to every other Contracting Party having the right to designate observers, and like notice shall be given of the termination of their appointment.

2. Each observer designated in accordance with the provisions of paragraph 1 of this Article shall have complete freedom of access at any time to any or all areas of Antarctica.

3. All areas of Antarctica, including all stations, installations and equipment within those areas, and all ships and aircraft at points of discharging or embarking cargoes or personnel in Antarctica, shall be open at all times to inspection by any observers designated in accordance with paragraph 1 of this Article.

4. Aerial observation may be carried out at any time over any or all areas of Antarctica by any of the Contracting Parties having the right to designate observers.

5. Each Contracting Party shall, at the time when the present Treaty enters into force for it, inform the other Contracting Parties, and thereafter shall give them notice in advance, of

- (a) all expeditions to and within Antarctica, on the part of its ships or nationals, and all expeditions to Antarctica organized in or proceeding from its territory ;
- (b) all stations in Antarctica occupied by its nationals ; and
- (c) any military personnel or equipment intended to be introduced by it into Antarctica subject to the conditions prescribed in paragraph 2 of Article I of the present Treaty.

ARTICLE VIII

1. In order to facilitate the exercise of their functions under the present Treaty, and without prejudice to the respective positions of the Contracting Parties relating to jurisdiction over all other persons in Antarctica, observers designated under paragraph 1 of Article VII and scientific personnel exchanged under sub-paragraph 1 (b) of Article III of the Treaty, and members of the staffs accompanying any such persons, shall be subject only to the jurisdiction of the Contracting Party of which they are nationals in respect of all acts or omissions occurring while they are in Antarctica for the purpose of exercising their functions.

2. Without prejudice to the provisions of paragraph 1 of this Article and pending the adoption of measures in pursuance of sub-paragraph 1 (e) of Article IX, the Contracting Parties concerned in any case of dispute with regard to the exercise of jurisdiction in Antarctica shall immediately consult together with a view to reaching a mutually acceptable solution.

ARTICLE IX

SCH. 1

1. Representatives of the Contracting Parties named in the preamble to the present Treaty shall meet at the City of Canberra within two months after the date of entry into force of the Treaty, and thereafter at suitable intervals and places, for the purpose of exchanging information, consulting together on matters of common interest pertaining to Antarctica, and formulating and considering, and recommending to their Governments, measures in furtherance of the principles and objectives of the Treaty, including measures regarding:

- (a) use of Antarctica for peaceful purposes only ;
- (b) facilitation of scientific research in Antarctica ;
- (c) facilitation of international scientific co-operation in Antarctica ;
- (d) facilitation of the exercise of the rights of inspection provided for in Article VII of the Treaty ;
- (e) questions relating to the exercise of jurisdiction in Antarctica ;
- (f) preservation and conservation of living resources in Antarctica.

2. Each Contracting Party which has become a party to the present Treaty by accession under Article XIII shall be entitled to appoint representatives to participate in the meetings referred to in paragraph 1 of the present Article, during such time as that Contracting Party demonstrates its interest in Antarctica by conducting substantial scientific research activity there, such as the establishment of a scientific station or the despatch of a scientific expedition.

3. Reports from the observers referred to in Article VII of the present Treaty shall be transmitted to the representatives of the Contracting Parties participating in the meetings referred to in paragraph 1 of the present Article.

4. The measures referred to in paragraph 1 of this Article shall become effective when approved by all the Contracting Parties whose representatives were entitled to participate in the meetings held to consider those measures.

5. Any or all of the rights established in the present Treaty may be exercised as from the date of entry into force of the Treaty whether or not any measures facilitating the exercise of such rights have been proposed, considered or approved as provided in this Article.

ARTICLE X

Each of the Contracting Parties undertakes to exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity in Antarctica contrary to the principles or purposes of the present Treaty.

ARTICLE XI

1. If any dispute arises between two or more of the Contracting Parties concerning the interpretation or application of the present Treaty, those Contracting Parties shall consult among themselves

Sch. 1 with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.

2. Any dispute of this character not so resolved shall, with the consent, in each case, of all parties to the dispute, be referred to the International Court of Justice for settlement; but failure to reach agreement on reference to the International Court shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it by any of the various peaceful means referred to in paragraph 1 of this Article.

ARTICLE XII

1.—(a) The present Treaty may be modified or amended at any time by unanimous agreement of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX. Any such modification or amendment shall enter into force when the depositary Government has received notice from all such Contracting Parties that they have ratified it.

(b) Such modification or amendment shall thereafter enter into force as to any other Contracting Party when notice of ratification by it has been received by the depositary Government. Any such Contracting Party from which no notice of ratification is received within a period of two years from the date of entry into force of the modification or amendment in accordance with the provisions of sub-paragraph 1 (a) of this Article shall be deemed to have withdrawn from the present Treaty on the date of the expiration of such period.

2.—(a) If after the expiration of thirty years from the date of entry into force of the present Treaty, any of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX so requests by a communication addressed to the depositary Government, a Conference of all the Contracting Parties shall be held as soon as practicable to review the operation of the Treaty.

(b) Any modification or amendment to the present Treaty which is approved at such a Conference by a majority of the Contracting Parties there represented, including a majority of those whose representatives are entitled to participate in the meetings provided for under Article IX, shall be communicated by the depositary Government to all the Contracting Parties immediately after the termination of the Conference and shall enter into force in accordance with the provisions of paragraph 1 of the present Article.

(c) If any such modification or amendment has not entered into force in accordance with the provisions of sub-paragraph 1 (a) of this Article within a period of two years after the date of its communication to all the Contracting Parties, any Contracting Party may at any time after the expiration of that period give notice to the depositary Government of its withdrawal from the present Treaty; and such withdrawal shall take effect two years after the receipt of the notice by the depositary Government.

ARTICLE XIII

SCH. 1

1. The present Treaty shall be subject to ratification by the signatory States. It shall be open for accession by any State which is a Member of the United Nations, or by any other State which may be invited to accede to the Treaty with the consent of all the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX of the Treaty.

2. Ratification of or accession to the present Treaty shall be effected by each State in accordance with its constitutional processes.

3. Instruments of ratification and instruments of accession shall be deposited with the Government of the United States of America, hereby designated as the depositary Government.

4. The depositary Government shall inform all signatory and acceding States of the date of each deposit of an instrument of ratification or accession, and the date of entry into force of the Treaty and of any modification or amendment thereto.

5. Upon the deposit of instruments of ratification by all the signatory States, the present Treaty shall enter into force for those States and for States which have deposited instruments of accession. Thereafter the Treaty shall enter into force for any acceding State upon the deposit of its instrument of accession.

6. The present Treaty shall be registered by the depositary Government pursuant to Article 102 of the Charter of the United Nations.

ARTICLE XIV

The present Treaty, done in the English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited in the archives of the Government of the United States of America, which shall transmit duly certified copies thereof to the Governments of the signatory and acceding States.

SCHEDULE 2

Section 10.

AGREED MEASURES FOR THE CONSERVATION OF
ANTARCTIC FAUNA AND FLORA

PREAMBLE

The Governments participating in the Third Consultative Meeting under Article IX of the Antarctic Treaty,

Desiring to implement the principles and purposes of the Antarctic Treaty ;

Recognising the scientific importance of the study of Antarctic fauna and flora, their adaptation to their rigorous environment, and their inter-relationship with that environment ;

Considering the unique nature of these fauna and flora, their circum-polar range, and particularly their defencelessness and susceptibility to extermination ;

SCH. 2

Desiring by further international collaboration within the framework of the Antarctic Treaty to promote and achieve the objectives of protection, scientific study, and rational use of these fauna and flora ; and

Having particular regard to the conservation principles developed by the Scientific Committee on Antarctic Research (SCAR) of the International Council of Scientific Unions ;

Hereby consider the Treaty Area as a Special Conservation Area and have agreed on the following measures :

ARTICLE I

1. These Agreed Measures shall apply to the same area to which the Antarctic Treaty is applicable (hereinafter referred to as the Treaty Area) namely the area south of 60° South Latitude, including all ice shelves.

2. However, nothing in these Agreed Measures shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regard to the high seas within the Treaty Area, or restrict the implementation of the provisions of the Antarctic Treaty with respect to inspection.

3. The Annexes to these Agreed Measures shall form an integral part thereof, and all references to the Agreed Measures shall be considered to include the Annexes.

ARTICLE II

For the purposes of these Agreed Measures :

- (a) "Native mammal" means any member, at any stage of its life cycle, of any species belonging to the Class Mammalia indigenous to the Antarctic or occurring there through natural agencies of dispersal, excepting whales.
- (b) "Native bird" means any member, at any stage of its life cycle (including eggs), of any species of the Class Aves indigenous to the Antarctic or occurring there through natural agencies of dispersal.
- (c) "Native plant" means any kind of vegetation at any stage of its life cycle (including seeds), indigenous to the Antarctic or occurring there through natural agencies of dispersal.
- (d) "Appropriate authority" means any person authorised by a Participating Government to issue permits under these Agreed Measures.
- (e) "Permit" means a formal permission in writing issued by an appropriate authority.
- (f) "Participating Government" means any Government for which these Agreed Measures have become effective in accordance with Article XIII of these Agreed Measures.

ARTICLE III

Each participating Government shall take appropriate action to carry out these Agreed Measures.

ARTICLE IV

SCH. 2

The Participating Governments shall prepare and circulate to members of expeditions and stations information to ensure understanding and observance of the provisions of these Agreed Measures, setting forth in particular prohibited activities, and providing lists of specially protected species and specially protected areas.

ARTICLE V

The provisions of these Agreed Measures shall not apply in cases of extreme emergency involving possible loss of human life or involving the safety of ships or aircraft.

ARTICLE VI

1. Each Participating Government shall prohibit within the Treaty Area the killing, wounding, capturing or molesting of any native mammal or native bird, or any attempt at any such act, except in accordance with a permit.

2. Such permits shall be drawn in terms as specific as possible and issued only for the following purposes :

(a) to provide indispensable food for men or dogs in the Treaty Area in limited quantities, and in conformity with the purposes and principles of these Agreed Measures ;

(b) to provide specimens for scientific study or scientific information ;

(c) to provide specimens for museums, zoological gardens, or other educational or cultural institutions or uses.

3. Permits for Specially Protected Areas shall be issued only in accordance with the provisions of Article VIII.

4. Participating Governments shall limit the issue of such permits so as to ensure as far as possible that :

(a) no more native mammals or birds are killed or taken in any year than can normally be replaced by natural reproduction in the following breeding season ;

(b) the variety of species and the balance of the natural ecological systems existing within the Treaty Area are maintained.

5. The species of native mammals and birds listed in Annex A of these Measures shall be designated "Specially Protected Species", and shall be accorded special protection by Participating Governments.

6. A Participating Government shall not authorize an appropriate authority to issue a permit with respect to a Specially Protected Species except in accordance with paragraph 7 of this Article.

7. A permit may be issued under this Article with respect to a Specially Protected Species, provided that :

(a) it is issued for a compelling scientific purpose, and

(b) the actions permitted thereunder will not jeopardise the existing natural ecological system or the survival of that species.

SCH. 2

ARTICLE VII

1. Each Participating Government shall take appropriate measures to minimize harmful interference within the Treaty Area with the normal living conditions of any native mammal or bird, or any attempt at such harmful interference, except as permitted under Article VI.

2. The following acts and activities shall be considered as harmful interference:

- (a) allowing dogs to run free,
- (b) flying helicopters or other aircraft in a manner which would unnecessarily disturb bird and seal concentrations, or landing close to such concentrations (e.g. within 200 m.),
- (c) driving vehicles unnecessarily close to concentrations of birds and seals (e.g. within 200 m.),
- (d) use of explosives close to concentrations of birds and seals,
- (e) discharge of firearms close to bird and seal concentrations (e.g. within 300 m.),
- (f) any disturbance of bird and seal colonies during the breeding period by persistent attention from persons on foot.

However, the above activities, with the exception of those mentioned in (a) and (e) may be permitted to the minimum extent necessary for the establishment, supply and operation of stations.

3. Each Participating Government shall take all reasonable steps towards the alleviation of pollution of the waters adjacent to the coast and ice shelves.

ARTICLE VIII

1. The areas of outstanding scientific interest listed in Annex B shall be designated "Specially Protected Areas" and shall be accorded special protection by the Participating Governments in order to preserve their unique natural ecological system.

2. In addition to the prohibitions and measures of protection dealt with in other Articles of these Agreed Measures, the Participating Governments shall in Specially Protected Areas further prohibit:

- (a) the collection of any native plant, except in accordance with a permit;
- (b) the driving of any vehicle.

3. A permit issued under Article VI shall not have effect within a Specially Protected Area except in accordance with paragraph 4 of the present Article.

4. A permit shall have effect within a Specially Protected Area provided that:

- (a) it was issued for a compelling scientific purpose which cannot be served elsewhere; and
- (b) the actions permitted thereunder will not jeopardise the natural ecological system existing in that Area.

ARTICLE IX

SCH. 2

1. Each Participating Government shall prohibit the bringing into the Treaty Area of any species of animal or plant not indigenous to that Area, except in accordance with a permit.

2. Permits under paragraph 1 of this Article shall be drawn in terms as specific as possible and shall be issued to allow the importation only of the animals and plants listed in Annex C. When any such animal or plant might cause harmful interference with the natural system if left unsupervised within the Treaty Area, such permits shall require that it be kept under controlled conditions and, after it has served its purpose, it shall be removed from the Treaty Area or destroyed.

3. Nothing in paragraphs 1 and 2 of this Article shall apply to the importation of food into the Treaty Area so long as animals and plants used for this purpose are kept under controlled conditions.

4. Each Participating Government undertakes to ensure that all reasonable precautions shall be taken to prevent the accidental introduction of parasites and diseases into the Treaty Area. In particular, the precautions listed in Annex D shall be taken.

ARTICLE X

Each Participating Government undertakes to exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity in the Treaty Area contrary to the principles or purposes of these Agreed Measures.

ARTICLE XI

Each Participating Government whose expeditions use ships sailing under flags of nationalities other than its own shall, as far as feasible, arrange with the owners of such ships that the crews of these ships observe these Agreed Measures.

ARTICLE XII

1. The Participating Government may make such arrangements as may be necessary for the discussion of such matters as:

- (a) the collection and exchange of records (including records of permits) and statistics concerning the numbers of each species of native mammal and bird killed or captured annually in the Treaty Area ;
- (b) the obtaining and exchange of information as to the status of native mammals and birds in the Treaty Area, and the extent to which any species needs protection ;
- (c) the number of native mammals or birds which should be permitted to be harvested for food, scientific study, or other uses in the various regions ;
- (d) the establishment of a common form in which this information shall be submitted by Participating Governments in accordance with paragraph 2 of this Article.

SCH. 2

2. Each Participating Government shall inform the other Governments in writing before the end of November of each year of the steps taken and information collected in the preceding period of 1st July to 30th June relating to the implementation of these Agreed Measures. Governments exchanging information under paragraph 5 of Article VII of the Antarctic Treaty may at the same time transmit the information relating to the implementation of these Agreed Measures.

ARTICLE XIII

1. After the receipt by the Government designated in Recommendation I–XIV (5) of notification of approval by all Governments whose representatives are entitled to participate in meetings provided for under Article IX of the Antarctic Treaty, these Agreed Measures shall become effective for those Governments.

2. Thereafter any other Contracting Party to the Antarctic Treaty may, in consonance with the purposes of Recommendation III–VII, accept these agreed Measures by notifying the designated Government of its intention to apply the Agreed Measures and to be bound by them. The Agreed Measures shall become effective with regard to such Governments on the date of receipt of such notification.

3. The designated Government shall inform the Governments referred to in paragraph 1 of this Article of each notification of approval, the effective date of these Agreed Measures and of each notification of acceptance. The designated Government shall also inform any Government which has accepted these Agreed Measures of each subsequent notification of acceptance.

ARTICLE XIV

1. These Agreed Measures may be amended at any time by unanimous agreement of the Governments whose Representatives are entitled to participate in meetings under Article IX of the Antarctic Treaty.

2. The Annexes, in particular, may be amended as necessary through diplomatic channels.

3. An amendment proposed through diplomatic channels shall be submitted in writing to the designated Government which shall communicate it to the Governments referred to in paragraph 1 of the present Article for approval ; at the same time, it shall be communicated to the other Participating Governments.

4. Any amendment shall become effective on the date on which notifications of approval have been received by the designated Government and from all of the Governments referred to in paragraph 1 of this Article.

5. The designated Government shall notify those same Governments of the date of receipt of each approval communicated to it and the date on which the amendment will become effective for them.

6. Such amendment shall become effective on that same date for all other Participating Governments, except those which before the expiry of two months after that date notify the designated Government that they do not accept it.

SCH. 2

ANNEXES TO THESE AGREED MEASURES

ANNEX A.

Specially protected species

[Species recommended for inclusion in this Annex in pursuance of Article IX(1) of the Antarctic Treaty

1. All species of the genus *Arctocephalus*, Fur Seals.
2. *Ommatophoca rossi*, Ross Seal.]

ANNEX B

Specially protected areas

[Areas recommended for inclusion in this Annex in pursuance of Article IX(1) of the Antarctic Treaty

1. Taylor Rookery, Mac. Robertson Land.
Lat. 67° 26' S., Long. 60° 50' E.
2. Rookery Islands, Holme Bay.
Lat. 67° 37' S., Long. 62° 33' E.
3. Ardery Island and Odber Island, Budd Coast.
Lat. 66° 22' S., Long. 110° 28' E. and Lat. 66° 22' S.,
Long 110° 33' E.
4. Sabrina Island, Balleny Islands.
Lat. 66° 54' S., Long. 163° 20' E.
5. Beaufort Island, Ross Sea.
Lat. 76° 58' S., Long. 167° 03' E.
6. Cape Crozier, Ross Island.
Lat. 77° 32' S., Long. 169° 19' E.
7. Cape Hallett, Victoria Land.
Lat. 72° 18' S., Long. 170° 19' E.
8. Dion Islands, Marguerite Bay, Antarctic Peninsula.
Lat. 67° 52' S., Long. 68° 43' W.
9. Green Island, Berthelot Islands, Antarctic Peninsula.
Lat. 65° 19' S., Long. 64° 10' W.
10. Byers Peninsula, Livingston Island, South Shetland Islands.
Lat. 62° 38' S., Long. 61° 05' W.
11. Cape Shirreff, Livingston Island, South Shetland Islands.
Lat. 62° 28' S., Long. 60° 48' W.
12. Fildes Peninsula, King George Island, South Shetland Islands.
Lat. 62° 12' S., Long. 58° 58' W.
13. Moe Island, South Orkney Islands.
Lat. 60° 45' S., Long. 45° 41' W.
14. Lynch Island, South Orkney Islands.
Lat. 60° 40' S., Long. 45° 38' W.
15. Southern Powell Island and adjacent islands, South Orkney
Islands.
Lat. 60° 45' S., Long. 45° 02' W.]

SCH. 2

ANNEX C

Importation of animals and plants

The following animals and plants may be imported into the Treaty Area in accordance with permits issued under Article IX (2) of these Agreed Measures:

- (a) sledge dogs,
- (b) domestic animals and plants,
- (c) laboratory animals and plants.

ANNEX D

Precautions to prevent accidental introduction of parasites and diseases into the Treaty Area

The following precautions shall be taken:

1. *Dogs*: All dogs imported into the Treaty Area shall be inoculated against the following diseases:
 - (a) distemper;
 - (b) contagious canine hepatitis;
 - (c) rabies;
 - (d) leptospirosis (*L. canicola* and *L. icterohaemorrhagicae*).

Each dog shall be inoculated at least two months before the time of its arrival in the Treaty Area.

2. *Poultry*: Notwithstanding the provisions of Article IX (3) of these Agreed Measures, no living poultry shall be brought into the Treaty Area after 1st July, 1966.



Welsh Language Act 1967

1967 CHAPTER 66

An Act to make further provision with respect to the Welsh language and references in Acts of Parliament to Wales. [27th July 1967]

WHEREAS it is proper that the Welsh language should be freely used by those who so desire in the hearing of legal proceedings in Wales and Monmouthshire; that further provision should be made for the use of that language, with the like effect as English, in the conduct of other official or public business there; and that Wales should be distinguished from England in the interpretation of future Acts of Parliament:

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

1.—(1) In any legal proceeding in Wales or Monmouthshire the Welsh language may be spoken by any party, witness or other person who desires to use it, subject in the case of proceedings in a court other than a magistrates' court to such prior notice as may be required by rules of court; and any necessary provision for interpretation shall be made accordingly. Use of Welsh in legal proceedings.

(2) Section 1 of the Welsh Courts Act 1942, and in paragraph 7 of the Schedule to the Pensions Appeal Tribunals Act 1943 the words from the beginning to "language and", are hereby repealed. 1942 c. 40.
1943 c. 39.

2.—(1) Where any enactment passed either before or after this Act specifies the form of any document or any form of words which is to be or may be used for an official or public purpose, the appropriate Minister may by order prescribe a version of Welsh versions of statutory forms etc.

the document or words in Welsh, or partly in Welsh and partly in English, for use for that purpose in such circumstances and subject to such conditions as may be prescribed by the order.

(2) Any power to specify such a form of document or words as is mentioned in subsection (1) of this section which is conferred, whether in express terms or otherwise, by any enactment passed either before or after this Act shall include power to prescribe such a version of the document or words as is there mentioned for use for the purpose in question in such circumstances and subject to such conditions as may be prescribed by the instrument by which the power is exercised.

(3) In this section “the appropriate Minister” means, in relation to any enactment—

(a) in the case of an enactment for the execution of which in Wales a Minister other than the Secretary of State is responsible, that Minister; and

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

and any question arising under this subsection shall be determined by the Treasury.

Provisions
supplementary
to s.2.

3.—(1) Subject to subsection (2) of this section, anything done in Welsh in a version authorised by section 2 of this Act shall have the like effect as if done in English.

(2) Any power to prescribe conditions conferred by the said section 2 shall, without prejudice to the generality of that power, include power—

(a) to provide that in case of any discrepancy between an English and a Welsh text the English text shall prevail;

(b) to prescribe conditions subject to which a document containing a version authorised by the said section 2 of any provisions of another document shall be treated as a true copy of that other document.

(3) Any provision authorising the use of a document or words to the like effect as a document or words of which a version is prescribed by virtue of the said section 2, or authorising the adaptation of a document or words of which a version is so prescribed, shall apply to the version as it applies to the original document or words.

(4) The power to make an order conferred by subsection (1) of the said section 2 shall be exercisable by statutory instrument and shall include power to vary or revoke an order under that subsection by a subsequent order thereunder; and any statutory instrument made in pursuance of this subsection shall be laid before Parliament after being made.

4. Section 3 of the Wales and Berwick Act 1746 (which provides that references in Acts of Parliament to England include references to Wales and Berwick) shall have effect in relation to any Act passed after this Act as if the words "dominion of Wales and" were omitted.

References to England in future Acts not to include Wales.
1746 c. 42.

5.—(1) This Act may be cited as the Welsh Language Act 1967.

Short title, interpretation and saving.

(2) In this Act "Minister" includes the Treasury, the Board of Trade, the Commissioners of Customs and Excise and the Commissioners of Inland Revenue, and "enactment" does not include an enactment of the Parliament of Northern Ireland.

(3) Nothing in this Act shall prejudice the use of Welsh in any case in which it is lawful apart from this Act.



Irish Sailors and Soldiers Land Trust Act 1967

1967 CHAPTER 67

An Act to enable the Irish Sailors and Soldiers Land Trust to provide, or assist in the provision of, living accommodation other than cottages; and to extend the powers of the Trust to sell cottages to the widows of former tenants. [27th July 1967]

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

1.—(1) In section 3(1) of the Irish Free State (Consequential Provisions) Act 1922 (Session 2) (which established the Irish Sailors and Soldiers Land Trust for the purpose of providing cottages in Ireland for the accommodation of ex-servicemen of the first world war) the reference to providing cottages shall include a reference to providing, or assisting in the provision of, living accommodation other than cottages; and section 4(5) of the Irish Land (Provision for Sailors and Soldiers) Act 1919 as applied by section 3(3) of the said Act of 1922 (power to dispose of cottages which cease to be required) shall apply to any such accommodation as it applies to a cottage.

Power to provide living accommodation other than cottages and extension of power to sell cottages to widows.
1922 c. 2
(13 Geo. 5 (Sess. 2)).
1919 c. 82.

(2) In section 1(1)(b) of the Irish Sailors and Soldiers Land Trust Act 1952 (which enables the Trust, subject to certain limitations, to sell cottages to the widows of ex-servicemen dying before or within six months after the commencement of that Act)—

- (a) the words “ dying before or within six months after the commencement of this Act ”; and
- (b) sub-paragraph (ii) (which limits the power of sale to cases where the ex-serviceman or his widow has within

the said six months given notice of a desire to buy), together with the word "and" at the end of subparagraph (i),
are hereby repealed.

Short title. **2.** This Act may be cited as the Irish Sailors and Soldiers Land Trust Act 1967.



Fugitive Offenders Act 1967

1967 CHAPTER 68

An Act to make fresh provision for the return from the United Kingdom to other Commonwealth countries and United Kingdom dependencies of persons accused or convicted of offences in those countries and dependencies; to regulate the treatment of persons accused or convicted of offences in the United Kingdom who are returned from such countries and dependencies; to authorise the making of corresponding provisions for United Kingdom dependencies, including provisions for the return from such dependencies of persons accused or convicted in the Republic of Ireland; and for purposes connected with the matters aforesaid. [27th July 1967]

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

Return of offenders to Commonwealth countries and dependencies

1. Subject to the provisions of this Act, a person found in the United Kingdom who is accused of a relevant offence in any other country being—

Persons liable to be returned.

- (a) a Commonwealth country designated for the purposes of this section under subsection (1) of section 2 of this Act; or
- (b) a United Kingdom dependency as defined by subsection (2) of that section,

or who is alleged to be unlawfully at large after conviction of such an offence in any such country, may be arrested and returned to that country as provided by this Act.

Designated
Common-
wealth
countries and
United
Kingdom
dependencies.
1948 c. 56.

2.—(1) Her Majesty may by Order in Council designate for the purposes of section 1 of this Act any country for the time being mentioned in subsection (3) of section 1 of the British Nationality Act 1948 (countries having separate citizenship), or any other country within the Commonwealth; and any country so designated is in this Act referred to as a designated Commonwealth country.

(2) In this Act the expression “United Kingdom dependency” means—

- (a) any colony (not being a colony for whose external relations a country other than the United Kingdom is responsible);
- 1967 c. 4. (b) any associated state within the meaning of the West Indies Act 1967; and
- (c) any country outside Her Majesty’s dominions (being a country in which Her Majesty has jurisdiction, or over which She extends protection, in right of Her Government in the United Kingdom) to which Her Majesty may by Order in Council apply this subsection,

not being in any case a country which is or forms part of a designated Commonwealth country.

(3) Her Majesty may by Order in Council direct that this Act shall have effect in relation to the return of persons to, or in relation to persons returned from, any designated Commonwealth country or United Kingdom dependency subject to such exceptions, adaptations or modifications as may be specified in the Order.

(4) For the purposes of any Order in Council under subsection (1) of this section, any territory for the external relations of which a Commonwealth country is responsible may be treated as part of that country or, if the Government of that country so requests, as a separate country.

(5) Any Order in Council under this section, other than an Order to which subsection (6) applies, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) No recommendation shall be made to Her Majesty in Council to make an Order containing any such direction as is authorised by subsection (3) of this section unless a draft of the Order has been laid before Parliament and approved by resolution of each House of Parliament.

Relevant
offences.

3.—(1) For the purposes of this Act an offence of which a person is accused or has been convicted in a designated Commonwealth country or United Kingdom dependency is a relevant offence if—

- (a) in the case of an offence against the law of a designated Commonwealth country, it is an offence which, however

described in that law, falls within any of the descriptions set out in Schedule 1 to this Act, and is punishable under that law with imprisonment for a term of twelve months or any greater punishment :

- (b) in the case of an offence against the law of a United Kingdom dependency, it is punishable under that law, on conviction by or before a superior court, with imprisonment for a term of twelve months or any greater punishment ; and
- (c) in any case, the act or omission constituting the offence, or the equivalent act or omission, would constitute an offence against the law of the United Kingdom if it took place within the United Kingdom or, in the case of an extra-territorial offence, in corresponding circumstances outside the United Kingdom.

(2) In determining for the purposes of this section whether an offence against the law of a designated Commonwealth country falls within a description set out in the said Schedule 1, any special intent or state of mind or special circumstances of aggravation which may be necessary to constitute that offence under the law shall be disregarded.

(3) The descriptions set out in the said Schedule 1 include in each case offences of attempting or conspiring to commit, of assisting, counselling or procuring the commission of or being accessory before or after the fact to the offences therein described, and of impeding the apprehension or prosecution of persons guilty of those offences.

(4) References in this section to the law of any country (including the United Kingdom) include references to the law of any part of that country.

4.—(1) A person shall not be returned under this Act to a designated Commonwealth country, or committed to or kept in custody for the purposes of such return, if it appears to the Secretary of State, to the court of committal or to the High Court or High Court of Judicature on an application for habeas corpus or for review of the order of committal—

General
restrictions
on return.

- (a) that the offence of which that person is accused or was convicted is an offence of a political character ;
- (b) that the request for his return (though purporting to be made on account of a relevant offence) is in fact made for the purpose of prosecuting or punishing him on account of his race, religion, nationality or political opinions ; or
- (c) that he might, if returned, be prejudiced at his trial or punished, detained or restricted in his personal liberty by reason of his race, religion, nationality or political opinions.

(2) A person accused of an offence shall not be returned under this Act to any country, or committed to or kept in custody for the purposes of such return, if it appears as aforesaid that if charged with that offence in the United Kingdom he would be entitled to be discharged under any rule of law relating to previous acquittal or conviction.

(3) A person shall not be returned under this Act to any country, or committed to or kept in custody for the purposes of such return, unless provision is made by the law of that country, or by an arrangement made with that country, for securing that he will not, unless he has first been restored or had an opportunity of returning to the United Kingdom, be dealt with in that country for or in respect of any offence committed before his return under this Act other than—

- (a) the offence in respect of which his return under this Act is requested ;
- (b) any lesser offence proved by the facts proved before the court of committal ; or
- (c) any other offence being a relevant offence in respect of which the Secretary of State may consent to his being so dealt with.

(4) Any such arrangement as is mentioned in subsection (3) of this section may be an arrangement made for the particular case or an arrangement of a more general nature ; and for the purposes of that subsection a certificate issued by or under the authority of the Secretary of State confirming the existence of an arrangement with any country and stating its terms shall be conclusive evidence of the matters contained in the certificate.

(5) The reference in this section to an offence of a political character does not include an offence against the life or person of the Head of the Commonwealth or any related offence described in subsection (3) of section 3 of this Act.

Proceedings for return

Authority
to proceed.

5.—(1) Subject to the provisions of this Act relating to provisional warrants, a person shall not be dealt with thereunder except in pursuance of an order of the Secretary of State (in this Act referred to as an authority to proceed), issued in pursuance of a request made to the Secretary of State by or on behalf of the Government of the designated Commonwealth country, or the Governor of the United Kingdom dependency, in which the person to be returned is accused or was convicted.

(2) There shall be furnished with any request made for the purposes of this section on behalf of any country—

- (a) in the case of a person accused of an offence, a warrant for his arrest issued in that country ;
- (b) in the case of a person unlawfully at large after conviction of an offence, a certificate of the conviction and

sentence in that country, and a statement of the amount if any of that sentence which has been served,

together (in each case) with particulars of the person whose return is requested and of the facts upon which and the law under which he is accused or was convicted, and evidence sufficient to justify the issue of a warrant for his arrest under section 6 of this Act.

(3) On receipt of such a request the Secretary of State may issue an authority to proceed unless it appears to him that an order for the return of the person concerned could not lawfully be made, or would not in fact be made, in accordance with the provisions of this Act.

6.—(1) A warrant for the arrest of a person accused of a relevant offence, or alleged to be unlawfully at large after conviction of such an offence, may be issued—

Arrest for purposes of committal.

(a) on the receipt of an authority to proceed, by a metropolitan stipendiary magistrate or by the sheriff or sheriff-substitute of the Lothians and Peebles ;

(b) without such an authority, by a metropolitan stipendiary magistrate or a justice of the peace in any part of the United Kingdom, upon information that the said person is or is believed to be in or on his way to the United Kingdom ;

and any warrant issued by virtue of paragraph (b) above is in this Act referred to as a provisional warrant.

(2) A warrant of arrest under this section may be issued upon such evidence as would, in the opinion of the magistrate or justice, authorise the issue of a warrant for the arrest of a person accused of committing a corresponding offence or, as the case may be, of a person alleged to be unlawfully at large after conviction of an offence, within the jurisdiction of the magistrate or justice.

(3) Where a provisional warrant is issued under this section, the authority by whom it is issued shall forthwith give notice to the Secretary of State, and transmit to him the information and evidence, or certified copies of the information and evidence, upon which it was issued ; and the Secretary of State may in any case, and shall if he decides not to issue an authority to proceed in respect of the person to whom the warrant relates, by order cancel the warrant and, if that person has been arrested thereunder, discharge him from custody.

(4) A warrant of arrest issued under this section may, without being backed, be executed in any part of the United Kingdom and may be so executed by any person to whom it is directed or by any constable.

(5) Where a warrant is issued under this section for the arrest of a person accused of an offence of stealing or receiving stolen property or any other offence in respect of property, a justice of the peace in any part of the United Kingdom shall have the like power to issue a warrant to search for the property as if the offence had been committed within the jurisdiction of the justice.

Proceedings
for committal.

7.—(1) A person arrested in pursuance of a warrant under section 6 of this Act shall (unless previously discharged under subsection (3) of that section) be brought as soon as practicable before a court (in this Act referred to as the court of committal) consisting of a metropolitan stipendiary magistrate or the sheriff or sheriff-substitute of the Lothians and Peebles, as may be directed by the warrant.

(2) For the purposes of proceedings under this section a court of committal consisting of a metropolitan stipendiary magistrate shall have the like jurisdiction and powers, as nearly as may be, including power to remand in custody or on bail, as a magistrates' court acting as examining justices.

(3) For the purposes of proceedings under this section a court of committal consisting of the said sheriff or sheriff-substitute shall have the like powers, including power to adjourn the case and meanwhile to remand the person arrested under the warrant either in custody or on bail, and the proceedings shall be conducted as nearly as may be in the like manner, as if the proceedings were summary proceedings in respect of an offence alleged to have been committed by that person; and the provisions of the Legal Aid and Solicitors (Scotland) Act 1949 relating to such proceedings or any appellate proceedings following thereon shall apply accordingly to that person.

1949 c. 63.

(4) Where the person arrested is in custody by virtue of a provisional warrant and no authority to proceed has been received in respect of him, the court of committal may fix a reasonable period (of which the court shall give notice to the Secretary of State) after which he will be discharged from custody unless such an authority has been received.

(5) Where an authority to proceed has been issued in respect of the person arrested and the court of committal is satisfied, after hearing any evidence tendered in support of the request for the return of that person or on behalf of that person, that the offence to which the authority relates is a relevant offence and is further satisfied—

(a) where that person is accused of the offence, that the evidence would be sufficient to warrant his trial for that offence if it had been committed within the jurisdiction of the court;

- (b) where that person is alleged to be unlawfully at large after conviction of the offence, that he has been so convicted and appears to be so at large,

the court shall, unless his committal is prohibited by any other provision of this Act, commit him to custody to await his return thereunder ; but if the court is not so satisfied or if the committal of that person is so prohibited, the court shall discharge him from custody.

8.—(1) Where a person is committed to custody under section 7 of this Act, the court shall inform him in ordinary language of his right to make an application for habeas corpus or to apply to the High Court of Justiciary for review of the order of committal, and shall forthwith give notice of the committal to the Secretary of State. Application for habeas corpus etc.

(2) A person committed to custody under the said section 7 shall not be returned under this Act—

(a) in any case, until the expiration of the period of fifteen days beginning with the day on which the order for his committal is made ;

(b) if an application for habeas corpus, or an application to the High Court of Justiciary for review of the order of committal, is made in his case, so long as proceedings on that application are pending.

(3) On any such application the High Court or High Court of Justiciary may, without prejudice to any other jurisdiction of the court, order the person committed to be discharged from custody if it appears to the court that—

(a) by reason of the trivial nature of the offence of which he is accused or was convicted ; or

(b) by reason of the passage of time since he is alleged to have committed it or to have become unlawfully at large, as the case may be ; or

(c) because the accusation against him is not made in good faith in the interests of justice,

it would, having regard to all the circumstances, be unjust or oppressive to return him.

(4) On any such application the High Court or the High Court of Justiciary may receive additional evidence relevant to the exercise of their jurisdiction under section 4 of this Act or under subsection (3) of this section.

(5) For the purposes of this section proceedings on an application for habeas corpus shall be treated as pending until any appeal in those proceedings is disposed of ; and an appeal shall

be treated as disposed of at the expiration of the time within which the appeal may be brought or, where leave to appeal is required, within which the application for leave may be made, if the appeal is not brought or the application made within that time.

Order for return to requesting country.

9.—(1) Where a person is committed to await his return and is not discharged by order of the High Court or the High Court of Justiciary, the Secretary of State may by warrant order him to be returned to the country by which the request for his return was made unless the return of that person is prohibited, or prohibited for the time being, by section 4 of this Act or this section, or the Secretary of State decides under this section to make no such order in his case.

(2) An order shall not be made under this section in the case of a person who is serving a sentence of imprisonment or detention, or is charged with an offence, in the United Kingdom—

(a) in the case of a person serving such a sentence, until the sentence has been served ;

(b) in the case of a person charged with an offence, until the charge is disposed of or withdrawn and, if it results in a sentence of imprisonment (not being a suspended sentence), until the sentence has been served.

(3) The Secretary of State shall not make an order under this section in the case of any person if it appears to the Secretary of State, on the grounds mentioned in subsection (3) of section 8 of this Act, that it would be unjust or oppressive to return that person, and may decide to make no order under this section in the case of a person accused or convicted of an offence in a United Kingdom dependency if he considers, on any such grounds as are mentioned in paragraphs (a) to (c) of subsection (1) of section 4 of this Act, that the order ought not to be made.

(4) The Secretary of State may decide to make no order under this section in the case of a person accused or convicted of a relevant offence not punishable with death in Great Britain if that person could be or has been sentenced to death for that offence in the country by which the request for his return is made.

(5) The Secretary of State may decide to make no order under this section for the return of a person committed in consequence of a request made on behalf of any country if another request for his return under this Act, or a requisition for his surrender under the Extradition Act 1870, has been made on behalf of another country and it appears to the

Secretary of State, having regard to all the circumstances of the case and in particular—

- (a) the relative seriousness of the offences in question ;
- (b) the date on which each such request or requisition was made ; and
- (c) the nationality or citizenship of the person concerned and his ordinary residence,

that preference should be given to the other request or requisition.

(6) Notice of the issue of a warrant under this section shall forthwith be given to the person to be returned thereunder.

10.—(1) If any person committed to await his return is in custody in the United Kingdom under this Act after the expiration of the following period, that is to say— Discharge in case of delay in returning.

- (a) in any case, the period of two months beginning with the first day on which, having regard to subsection (2) of section 8 of this Act, he could have been returned ;
- (b) where a warrant for his return has been issued under section 9 of this Act, the period of one month beginning with the day on which that warrant was issued,

he may apply to the High Court or the High Court of Justiciary for his discharge.

(2) If upon any such application the court is satisfied that reasonable notice of the proposed application has been given to the Secretary of State, the court may, unless sufficient cause is shown to the contrary, by order direct the applicant to be discharged from custody and, if a warrant for his return has been issued under the said section 9, quash that warrant.

11.—(1) In any proceedings under this Act, including proceedings on an application for habeas corpus in respect of a person in custody thereunder— Evidence.

- (a) a document, duly authenticated, which purports to set out evidence given on oath in a designated Commonwealth country or United Kingdom dependency shall be admissible as evidence of the matters stated therein ;
- (b) a document, duly authenticated, which purports to have been received in evidence, or to be a copy of a document so received, in any proceeding in any such country or dependency shall be admissible in evidence ;
- (c) a document, duly authenticated, which certifies that a person was convicted on a date specified in the document of an offence against the law of, or of a part of, any such country or dependency shall be admissible as evidence of the fact and date of the conviction.

(2) A document shall be deemed to be duly authenticated for the purposes of this section—

- (a) in the case of a document purporting to set out evidence given as aforesaid, if the document purports to be certified by a judge or magistrate or officer in or of the country or dependency in question to be the original document containing or recording that evidence or a true copy of such a document.
- (b) in the case of a document which purports to have been received in evidence as aforesaid or to be a copy of a document so received, if the document purports to be certified as aforesaid to have been, or to be a true copy of a document which has been, so received ;
- (c) in the case of a document which certifies that a person was convicted as aforesaid, if the document purports to be certified as aforesaid,

and in any such case the document is authenticated either by the oath of a witness or by the official seal of a Minister of the designated Commonwealth country or of the Governor or a Minister, secretary or other officer administering a department of the Government of the dependency, as the case may be.

(3) In this section “oath” includes affirmation or declaration ; and nothing in this section shall prejudice the admission in evidence of any document which is admissible in evidence apart from this section.

(4) In the application of this section to Scotland, for the words “admissible as evidence”, in both places where they occur, there shall be substituted the words “sufficient evidence”.

Custody.

12.—(1) Any person remanded or committed to custody under section 7 of this Act shall be committed to the like institution as a person charged with an offence before the court of committal.

(2) If any person who is in custody by virtue of a warrant under this Act escapes out of custody, he may be retaken in any part of the United Kingdom in like manner as a person escaping from custody under a warrant for his arrest issued in that part in respect of an offence committed therein.

(3) Where a person, being in custody in any part of the United Kingdom whether under this Act or otherwise, is required to be removed in custody under this Act to another part of the United Kingdom and is so removed by sea or by air, he shall be deemed to continue in legal custody until he reaches the place to which he is required to be removed.

(4) A warrant under section 9 of this Act for the return of any person to any country shall be sufficient authority for all persons to whom it is directed and all constables to receive that person, keep him in custody and convey him into the jurisdiction of that country.

13.—(1) Any warrant or order to be issued or made by the Secretary of State under any of the foregoing provisions of this Act shall be given under the hand of the Secretary of State or an Under-Secretary of State. Form of warrants and orders.

(2) The Secretary of State may by regulations made by statutory instrument prescribe the form of any warrant or order to be issued or made under the foregoing provisions of this Act.

*Treatment of persons returned from
Commonwealth countries and United Kingdom dependencies*

14.—(1) This section applies to any person accused or convicted of an offence under the law of or of any part of the United Kingdom who is returned to the United Kingdom— Restriction upon proceedings for other offences.

- (a) from any designated Commonwealth country, under any law of that country corresponding with this Act ;
- (b) from any United Kingdom dependency, under this Act as extended to that dependency or under any corresponding law of that dependency.

(2) A person to whom this section applies shall not, during the period described in subsection (3) of this section, be dealt with in the United Kingdom for or in respect of any offence committed before he was returned to the United Kingdom other than—

- (a) the offence in respect of which he was returned ;
- (b) any lesser offence proved by the facts proved for the purposes of securing his return ; or
- (c) any other offence in respect of which the Government of the country or Governor of the Dependency from which he was returned may consent to his being dealt with.

(3) The period referred to in subsection (2) of this section in relation to a person to whom this section applies is the period beginning with the day of his arrival in the United Kingdom on his return as mentioned in subsection (1) of this section and ending forty-five days after the first subsequent day on which he has the opportunity to leave the United Kingdom.

Restoration of persons not tried or acquitted.

15.—(1) This section applies to any person accused of an offence under the law of or of any part of the United Kingdom who is returned to the United Kingdom as mentioned in subsection (1) of section 14 of this Act.

(2) If in the case of a person to whom this section applies, either—

(a) proceedings against him for the offence for which he was returned are not begun within the period of six months beginning with the day of his arrival in the United Kingdom on being returned ; or

(b) on his trial for that offence, he is acquitted or discharged under section 7 of the Criminal Justice Act 1948, section 1 of the Criminal Justice (Scotland) Act 1949 or section 5 of the Probation Act (Northern Ireland) 1950, or any corresponding enactment of the Parliament of Northern Ireland for the time being in force,

1948 c. 58.

1949 c. 94.

1950 c. 7 (N.I.).

the Secretary of State may, if he thinks fit, on the request of that person, arrange for him to be sent back free of charge and with as little delay as possible to the country from which he was returned.

Channel Islands, Isle of Man and United Kingdom dependencies

Application to Channel Islands and Isle of Man.

16.—(1) Subject to the provisions of this section, this Act shall extend to the Channel Islands and the Isle of Man, and shall have effect (except for purposes of the references to the United Kingdom in section 3) as if each of them were part of the United Kingdom.

(2) Her Majesty may by Order in Council direct that this Act shall, in its application to any of the said islands, have effect subject to such exceptions, adaptations or modifications as may be specified in the Order.

Application to colonies and other dependencies.

17.—(1) Her Majesty may by Order in Council make provision for extending all or any of the provisions of this Act other than this section to any of the following countries that is to say—

(a) any colony (not being a colony for whose external relations a country other than the United Kingdom is responsible) ;

(b) any country outside Her Majesty's dominions in which Her Majesty has jurisdiction in right of Her Government in the United Kingdom,

with the substitution of a reference to that country for any reference to the United Kingdom or Great Britain, and with such other exceptions, adaptations or modifications as may be specified in the Order.

(2) Without prejudice to the generality of the foregoing provision, an Order in Council under this section may—

- (a) so far as it extends to any such country provisions of this Act relating to the return of persons to and the treatment of persons returned from designated Commonwealth countries, apply those provisions in relation to the Republic of Ireland as they apply in relation to a designated Commonwealth country ;
- (b) so far as it extends to any such country provisions of this Act relating to the return of persons to and the treatment of persons returned from United Kingdom dependencies, apply those provisions in relation to the United Kingdom as they apply in relation to a United Kingdom dependency.

(3) Any Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament

18.—(1) Without prejudice to the powers exercisable by virtue of section 17 of this Act, Her Majesty may by Order in Council make, for any country to which subsection (1) of that section applies, such special provision as appears to Her to be appropriate as between that country and any other country being either a designated Commonwealth country or a United Kingdom dependency—

Alternative arrangements for colonies and dependencies.

- (a) for authorising and regulating the return to that other country of persons accused or convicted therein of offences ;
- (b) for regulating the treatment in the first-mentioned country of persons returned thereto from that other country pursuant to this Act or any Order in Council thereunder or any corresponding law of that other country.

(2) The legislature of any country to which subsection (1) of the said section 17 applies shall have power to make provision, not inconsistent with any Order in Council under that section or under this section which extends to that country, for any purpose for which provision could be made by such an Order in Council.

(3) Any Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Supplemental

19.—(1) In this Act the following expressions have the Interpretation. meanings hereby assigned to them that is to say:—

“application for habeas corpus” means an application for a writ of habeas corpus ad subjiciendum ;

- “ country ” includes any territory ;
 “ dealt with ” means tried or returned or surrendered to any country or detained with a view to trial or with a view to such return or surrender ;
 “ designated Commonwealth country ” and “ United Kingdom dependency ” have the meanings assigned by section 2 of this Act ;
 “ Governor ”, in relation to any country, means the person or persons administering the government of that country ;
 “ High Court ” means Her Majesty’s High Court of Justice ;
 “ imprisonment ” includes detention of any description ;
 “ race ” includes tribe.

(2) For the purposes of this Act a person convicted of an offence in his absence shall be treated as a person accused of that offence.

(3) For the purposes of the application of this Act to Scotland any reference to a justice of the peace shall be construed as a reference to a sheriff or justice of the peace.

Orders in Council etc.

20.—(1) Any Order in Council under this Act may contain such transitional or other incidental and supplementary provisions as may appear to Her Majesty to be necessary or expedient.

(2) Any power to make an Order in Council or order under this Act includes power to revoke or vary such an Order in Council or order by a subsequent Order in Council or order.

Repeals, transitional provisions, etc.

21.—(1) Subject to the provisions of this section, the enactments described in Schedule 2 to this Act are hereby repealed as respects the United Kingdom to the extent specified in the third column of that Schedule.

1881 c. 69.

(2) The repeals effected by subsection (1) of this section shall not affect the operation of the Fugitive Offenders Act 1881 in any case where, before the date on which that subsection comes into force, a warrant endorsed under section 3 of that Act, or a provisional warrant issued under section 4 of that Act, has been executed in the United Kingdom :

Provided that for the purposes of proceedings under that Act in respect of a fugitive from a designated Commonwealth country, subsection (1) of section 4 of this Act shall apply as if—

(a) for the reference to this Act there were substituted a reference to that Act ; and

(b) for references to the court of committal and the order of committal there were substituted references to the magistrate before whom that person is brought under section 5 of that Act and the order of that magistrate.

(3) Without prejudice to subsection (2) of this section, this Act applies to offences committed before as well as after the passing of this Act.

(4) In paragraph 4 of Schedule 3 to the Parliamentary Commissioner Act 1967 c. 13, the reference to the Fugitive Offenders Act 1881 shall include a reference to this Act.

22.—(1) The provisions of this Act other than this section shall come into force on such date as the Secretary of State may by order made by statutory instrument appoint.

(2) Different dates may be appointed under this section for different provisions of this Act, and different dates may be so appointed for any such provision or provisions in relation to different countries.

23.—(1) This Act may be cited as the Fugitive Offenders Act 1967. Short title
and extent.

(2) This Act extends to Northern Ireland.

SCHEDULES

Section 3.

SCHEDULE 1**DESCRIPTION OF RELEVANT OFFENCES
IN DESIGNATED COMMONWEALTH COUNTRIES**

1. Murder of any degree.
2. Manslaughter or culpable homicide.
3. An offence against the law relating to abortion.
4. Maliciously or wilfully wounding or inflicting grievous bodily harm.
5. Assault occasioning actual bodily harm.
6. Rape.
7. Unlawful sexual intercourse with a female.
8. Indecent assault.
9. Procuring, or trafficking in, women or young persons for immoral purposes.
10. Bigamy.
11. Kidnapping, abduction or false imprisonment, or dealing in slaves.
12. Stealing, abandoning, exposing or unlawfully detaining a child.
13. Bribery.
14. Perjury or subornation of perjury or conspiring to defeat the course of justice.
15. Arson or fire-raising.
16. An offence concerning counterfeit currency.
17. An offence against the law relating to forgery.
18. Stealing, embezzlement, fraudulent conversion, fraudulent false accounting, obtaining property or credit by false pretences, receiving stolen property or any other offence in respect of property involving fraud.
19. Burglary, housebreaking or any similar offence.
20. Robbery.
21. Blackmail or extortion by means of threats or by abuse of authority.
22. An offence against bankruptcy law or company law.
23. Malicious or wilful damage to property.
24. Acts done with the intention of endangering vehicles, vessels or aircraft.
25. An offence against the law relating to dangerous drugs or narcotics.
26. Piracy.
27. Revolt against the authority of the master of a ship or the commander of an aircraft.
28. Contravention of import or export prohibitions relating to precious stones, gold and other precious metals.

SCHEDULE 2
ENACTMENTS REPEALED

Section 21.

| Chapter | Short Title | Extent of Repeal |
|-------------------------|---|--|
| 44 & 45 Vict. c. 69. | The Fugitive Offenders Act 1881. | The whole Act. |
| 53 & 54 Vict. c. 37. | The Foreign Jurisdiction Act 1890. | In Schedule 1 the entry relating to the Fugitive Offenders Act 1881. |
| 5 & 6 Geo. 5. c. 39. | The Fugitive Offenders (Protected States) Act 1915. | The whole Act. |



Civic Amenities Act 1967

1967 CHAPTER 69

An Act to make further provision for the protection and improvement of buildings of architectural or historic interest and of the character of areas of such interest; for the preservation and planting of trees; and for the orderly disposal of disused vehicles and equipment and other rubbish. [27th July 1967]

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

PART I

PRESERVATION OF AREAS AND BUILDINGS OF ARCHITECTURAL OR HISTORIC INTEREST

1.—(1) Every local planning authority shall from time to time determine which parts of their area, or in Scotland district, are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and shall designate such areas (hereafter referred to as "Conservation Areas") for the purpose of this section. Preservation of character of areas of special architectural or historic interest.

(2) The Minister may, after consultation with a local planning authority, give to that authority such directions as he thinks necessary with respect to the exercise of their functions under subsection (1) of this section; and it shall be the duty of the authority to comply with any such directions.

(3) Before making a determination under this section, a local planning authority in Greater London shall consult with the other local planning authority or authorities for the area to which the proposed determination relates, and a local planning authority outside Greater London shall consult with the council

PART I of each county district of which any part is included in that area.

(4) The local planning authority shall give notice to the Minister of the designation of any Conservation Area, and of any variation or cancellation of any such designation, with sufficient particulars to identify the area affected, and shall cause the like notice to be published in the London Gazette (or in Scotland in the Edinburgh Gazette) and in at least one newspaper circulating in the area, or in Scotland district, of the local planning authority.

(5) Where any area is for the time being designated as a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance in the exercise, with respect to any buildings or other land in that area, of any powers—

1953 c. 49.
1962 c. 36.

(a) in England and Wales, under Part I of the Historic Buildings and Ancient Monuments Act 1953, the Local Authorities (Historic Buildings) Act 1962 or the Planning Act;

(b) in Scotland, under Part I of the Historic Buildings and Ancient Monuments Act 1953, the Local Authorities (Historic Buildings) Act 1962, the Scottish Planning Act, the Town and Country Planning (Scotland) Act 1954 or the Town and Country Planning (Scotland) Act 1959.

1954 c. 73.
1959 c. 70.

(6) Where an application for planning permission for any development of land is made to a local planning authority and either the development would, in the opinion of the authority, affect the character or appearance of a Conservation Area or the development is of a kind specified by the Minister for the purposes of this subsection and in respect of land in or adjacent to a Conservation Area, then—

(a) the local planning authority shall publish in a local newspaper circulating in the locality in which the land is situated a notice indicating the nature of the development in question and naming a place within the locality where a copy of the application, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during the period of twenty-one days beginning with the date of publication of the notice; and

(b) the application shall not be determined by the local planning authority before the end of the period aforesaid; and

(c) without prejudice to the requirements of subsection (5) of this section, in determining the application the local

planning authority shall take into account any representations relating to the application which are received by them before the end of that period.

(7) The local planning authority for the purposes of this section shall, in Greater London, be the Greater London Council and also—

- (a) in relation to the City of London, the Common Council ; and
- (b) in relation to a London borough, the council of that borough.

2.—(1) In subsection (1) of section 33 of the Planning Act and subsection (6) of section 28 of the Scottish Planning Act (which require previous notice of certain works affecting buildings listed as buildings of special architectural or historic interest) for the words “at least two months before the works are executed” there shall be substituted the words “at least six months before the works are executed but not more than two years before they are begun”:

Unauthorised works on listed buildings and contraventions of building preservation orders.

Provided that this subsection, so far as it increases the period of notice required by the said subsection (1) or subsection (6), shall not affect the carrying out of works pursuant to a notice given one month or more before the commencement of this Act.

(2) In subsection (3) of section 62 of the Planning Act and subsection (5) of section 27 of the Scottish Planning Act (which penalise the execution of works, in contravention of a building preservation order, by any person being the owner of the relevant building or a person on whom a copy of the order has been served) the following words are hereby repealed, that is to say—

- (a) in the said subsection (3), the words from “being” to “made”; and
- (b) in the said subsection (5) the words from “being” to “served”;

but in any proceedings for an offence under either of those subsections it shall be a defence to prove that the person charged did not know and could not reasonably be expected to have known that the building preservation order in question had been made.

(3) In relation to any contravention after the commencement of this Act of the provisions of the said section 33(1) or the said section 28(6) or of a building preservation order, sections 52(3) and 62(3) of the Planning Act and sections 28(8) and 27(5)

PART I of the Scottish Planning Act (which provide for the punishment of such contraventions) shall have effect as if for the words from "liable" to "pounds" there were substituted the words "liable—

(a) on summary conviction, to a fine not exceeding two hundred and fifty pounds or to imprisonment for a term not exceeding three months or to both ; and

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding twelve months or to both ;

and in determining the amount of any fine to be imposed under paragraph (b) of this subsection the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to the offender in consequence of the offence."

Acts causing or likely to result in damage to listed buildings.

3.—(1) Where a building, not being a building of a description specified in section 30(2) of the Planning Act, is included in a list compiled or approved under section 32 of that Act, then, if any person who, but for this section, would be entitled to do so, does or permits the doing of any act which causes or is likely to result in damage to the building (other than an act for the execution of excepted works) and he does or permits it with the intention of causing such damage, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds.

(2) In subsection (1) of this section "excepted works" means works authorised by planning permission granted or deemed to be granted in pursuance of an application under the Planning Act and works of which notice has been given in pursuance of section 33 of that Act or which are lawful by virtue of subsection (2) of that section.

(3) Where a person convicted of an offence under this section fails to take such reasonable steps as may be necessary to prevent any damage or further damage resulting from the offence, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding twenty pounds for every day on which the failure continues.

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

(a) in subsection (1), for the references to sections 30(2) and 32 of the Planning Act there shall be substituted respectively references to the proviso to section 27(1) and section 28(1) of the Scottish Planning Act ;

(b) in subsection (2), for the references to the Planning Act, section 33, and subsection (2) of section 33 of the Planning Act, there shall be substituted respectively references to the Scottish Planning Act, section 28(6) and the proviso to section 28(6) of the Scottish Planning Act.

4.—(1) The power conferred by subsection (1) of section 4 of the Historic Buildings and Ancient Monuments Act 1953 to make grants for the purposes mentioned in that subsection shall include power to make loans for those purposes, and references to grants in subsections (3) and (4) of that section shall be construed accordingly. **Loans for preservation of historic buildings etc. 1953 c. 49.**

(2) Any loan made by virtue of this section shall be made on such terms as to repayment, payment of interest and otherwise as the Minister making the loan may determine with the approval of the Treasury; and all sums received by any Minister by way of interest on or repayment of such a loan shall be paid into the Exchequer.

5. Sections 1 and 2 of the Local Authorities (Historic Buildings) Act 1962 (which make provision for contributions by local authorities in England and Wales towards the repair and maintenance of buildings of historic or architectural interest) shall apply to Scotland subject to the following modifications— **Application of sections 1 and 2 of the Local Authorities (Historic Buildings) Act 1962 to Scotland. 1962 c. 36.**

(a) in subsection (1) of section 1, for the reference to England or Wales, section 32 of the Planning Act and the Minister of Housing and Local Government, there shall be substituted respectively a reference to Scotland, section 28 of the Scottish Planning Act and the Secretary of State;

(b) in subsection (4) of section 1, for the definition of "local authority" there shall be substituted the following definitions:—

"local authority" means a local planning authority or a county council or the town council of a burgh;

"local planning authority" has the same meaning as that expression has for the purposes of the Town and Country Planning (Scotland) Act 1947;

(c) in subsection (1) of section 2, for the reference to exchange there shall be substituted a reference to excambion, and the words "in any court of competent jurisdiction" shall be omitted.

6.—(1) If it appears to a local authority or in Scotland a local planning authority that any works are urgently necessary for the preservation of a building to which this subsection **Works to preserve listed buildings etc.**

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(2) Subsection (1) of this section applies to any unoccupied building in respect of which a building preservation order is in force or which is included in a list compiled or approved under section 32 of the Planning Act or section 28 of the Scottish Planning Act, other than a building of a description specified in subsection (2) of section 30 of the Planning Act or, as the case may be, the proviso to subsection (1) of section 27 of the Scottish Planning Act.

Compulsory acquisition of listed buildings.

7.—(1) In subsection (1) and subsection (2) of section 69 of the Planning Act (which provide for the compulsory acquisition of a building in respect of which a building preservation order is in force and which is not being properly preserved)—

(a) after the word "Where" there shall be inserted the words "a building, not being a building of a description specified in section 30(2) of this Act, is included in a list compiled or approved under section 32 thereof or"; and

(b) for the words "and it appears" there shall be substituted the words "and, in either case, it appears";

and in subsection (6) of that section after the words "the building preservation order" there shall be inserted the words "(if any)".

(2) The Minister shall not make or confirm a compulsory purchase order for the acquisition of any building by virtue of this section unless he is satisfied that it is expedient to make provision for the preservation of the building and to authorise its compulsory acquisition for that purpose.

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

(a) for the references to sections 30(2) and 32 and subsections (1) and (2) of section 69 of the Planning Act there shall be substituted respectively references to the proviso to section 27(1), section 28(1) and subsections (1) and (2) of section 38 of the Scottish Planning Act; and

(b) in subsection (1), the words following paragraph (b) shall be omitted.

Management etc. of buildings acquired under section 69 of Planning Act etc.

8.—(1) Where a local authority acquire any building or other land under section 69(1) or section 71(1)(b) of the Planning Act, they may make such arrangements as to its management, use or disposal as they consider appropriate for the purpose of its preservation.

(2) Where the Minister acquires any building or other land under section 69(2) of the Planning Act, subsection (3) of section 5 of the Historic Buildings and Ancient Monuments Act 1953 (management, custody and disposal), except so much of it as refers to subsection (4) of that section, shall apply in relation thereto as it applies in relation to property acquired under that section. 1953 c. 49.

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

(a) the reference to a local authority shall be construed as a reference to a local planning authority ;

(b) for the references to sections 69(1), 69(2) and 71(1)(b) of the Planning Act there shall be substituted respectively references to sections 38(1), 38(2) and 38(5) of the Scottish Planning Act.

9. A building used or available for use by a minister of religion wholly or mainly as a residence from which to perform the duties of his office shall be deemed not to be a building of a description specified in paragraph (a) of subsection (2) of section 30 of the Planning Act or paragraph (a) of the proviso to subsection (1) of section 27 of the Scottish Planning Act (buildings in respect of which building preservation orders are not to be made); and accordingly after the word "purposes" in those paragraphs there shall be inserted the words "other than a building used or available for use by a minister of religion wholly or mainly as a residence from which to perform the duties of his office". Building preservation orders in respect of parsonages etc.

10.—(1) If it appears to a local planning authority or other local authority having power to make a building preservation order that any such order proposed to be made by that authority should take effect immediately without previous confirmation by the Minister, they may include in the order as made by them a direction that this section shall apply to the order. Procedure for making building preservation orders.

(2) Notwithstanding subsection (3) of section 30 of the Planning Act or subsection (3) of section 27 of the Scottish Planning Act, an order which contains such a direction shall take effect provisionally on such date as may be specified therein, and shall continue in force by virtue of this section until the expiration of the period of six months beginning with the date on which the order was made, or until the date on which the Minister confirms the order or notifies the authority that he does not propose to confirm it, whichever first occurs.

(3) Provision shall be made by regulations under the Planning Act or the Scottish Planning Act, as the case may be, for securing—

(a) that the notices to be given of the submission to the Minister of a building preservation order containing a

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direction under this section shall include a statement of the effect of the direction ; and

- (b) that where the Minister, within the said period of six months, notifies the authority that he does not propose to confirm such an order, copies of that notice shall be served on the owner and any occupier, and in Scotland also on any lessee, of the building to which the order applied.

1889 c. 63.

(4) Subsection (2) of section 31 of the Planning Act, and the proviso to subsection (4) of section 27 of the Scottish Planning Act, are hereby repealed ; and without prejudice to section 38(1) of the Interpretation Act 1889 (effect of repeals), references in the Planning Act or the Scottish Planning Act to the enactments hereby repealed shall be construed as references to this section.

Public inspection of lists of buildings of special architectural or historic interest.

11.—(1) The Minister shall keep available for public inspection free of charge at reasonable hours and at a convenient place copies of all lists and amendments of lists compiled, approved or made by him under section 32 of the Planning Act or section 28(1) of the Scottish Planning Act, or having effect as if so compiled, approved or made ; and every local authority shall similarly keep available copies of so much of any such list or amendment as relates to buildings within their area.

1963 c. 33.

(2) In this section “ local authority ” means any authority with whose clerk copies of the relevant lists or amendments are deposited pursuant to section 32(2) of the Planning Act, section 28(3) of the Scottish Planning Act or section 28 of the London Government Act 1963.

PART II

PRESERVATION AND PLANTING OF TREES

Duty of planning authority to provide for planting of trees.

12.—(1) It shall be the duty of the local planning authority to ensure, wherever it is appropriate, that, in granting planning permission for any development under the Planning Act or the Scottish Planning Act, as the case may be, adequate provision is made, by the imposition of conditions, for the preservation or planting of trees and to make such tree preservation orders under that Act as appear to that authority to be necessary in connection with the grant of such permission (whether for giving effect to such conditions or otherwise).

(2) A tree preservation order may be made so as to apply, in relation to trees to be planted pursuant to any such conditions, as from the time when those trees are planted.

Replacement of trees.

13.—(1) If any tree in respect of which a tree preservation order is for the time being in force, other than a tree to which the order applies as part of a woodland, is removed or destroyed

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in contravention of the order or is removed or destroyed or dies at a time when its cutting down is authorised only by the provisions of section 29(7) of the Planning Act relating to trees which are dying or dead or have become dangerous, it shall be the duty of the owner of the land, unless on his application the local planning authority dispense with this requirement, to plant another tree of an appropriate size and species at the same place as soon as he reasonably can.

(2) In relation to any tree planted pursuant to this section, the relevant tree preservation order shall apply as it applied to the original tree.

(3) The duty imposed by subsection (1) of this section on the owner of any land shall attach to the person who is from time to time the owner of the land and may be enforced as provided by section 14 of this Act and not otherwise.

(4) In the application of this section to Scotland, in subsection (1) for the words from "cutting" to "dangerous" there shall be substituted the words "felling is authorised only by the provisions of the proviso to section 26(6) of the Scottish Planning Act relating to felling where urgently necessary in the interests of safety".

14.—(1) If it appears to the local planning authority that the provisions of section 13 of this Act, or any conditions of a consent given under a tree preservation order which require the replacement of trees, are not complied with in the case of any tree or trees, that authority may, at any time within four years from the date of the alleged failure to comply with the said provisions or conditions, serve on the owner of the land a notice requiring him, within such period as may be specified in the notice, to plant a tree or trees of such size and species as may be so specified. Default powers and appeals.

(2) Subject to the following provisions of this section, a notice under this section shall take effect at the end of such period (not being less than twenty-eight days after the service thereof) as may be specified in the notice.

(3) A person on whom a notice under this section is served may, at any time within the period specified in the notice as the period at the end of which it is to take effect, appeal to the Minister against the notice on the ground—

- (a) that the provisions of the said section 13 or the conditions aforesaid are not applicable or have been complied with;
- (b) that the requirements of the notice are unreasonable in respect of the period or the size or species of trees specified therein;

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(c) that the planting of a tree or trees in accordance with the notice is not required in the interests of amenity or would be contrary to the practice of good forestry;

(d) that the place on which the tree is or trees are required to be planted is unsuitable for that purpose;

and subsections (2) to (5) of section 46 and section 180 of the Planning Act (procedure and powers of Minister on appeal, and appeals to the High Court from decision of Minister) shall apply in relation to any such appeal as they apply in relation to an appeal against an enforcement notice.

(4) In section 48 of the Planning Act (execution by local planning authority of works required by an enforcement notice) and in section 49 of that Act (supplementary provisions as to enforcement notices) and any regulations in force under that section, references to an enforcement notice and an enforcement notice served in respect of development shall include references to a notice under this section; and in relation to such a notice the reference in subsection (1) of the said section 49 to the person by whom the development was carried out shall be construed as a reference to any person, other than the owner, responsible for the cutting down, destruction or removal of the original tree or trees.

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

(a) in subsection (1), for the words from “four” to “conditions” there shall be substituted the words “two years from the date on which the failure to comply with the said provisions or conditions came to their knowledge”;

(b) for subsection (3) there shall be substituted the following subsection:—

“(3) A person on whom a notice under this section is served may, at any time within the period specified in the notice as the period at the end of which it is to take effect, appeal to the sheriff against the notice; and on any such appeal the sheriff—

(a) if satisfied—

(i) that the provisions of the said section 13 or the conditions aforesaid are not applicable or have been complied with, or

(ii) that the planting of a tree or trees in accordance with the notice is not required in the interests of amenity or would be contrary to the practice of good forestry, or

(iii) that the place on which the tree is or trees are required to be planted is unsuitable for that purpose,

shall quash the notice ;

(b) if not so satisfied, but satisfied that the requirements of the notice are unreasonable in respect of the period or the size or species of trees specified therein, shall vary the notice accordingly ;

(c) in any other case shall dismiss the appeal :

Provided that—

(i) the sheriff on such an appeal to him may, and if so directed by the Court of Session shall, state a case for the opinion of that Court on any question of law arising in the proceedings, and an appeal shall lie to the Court of Session on any question of law from the decision of the sheriff ; and

(ii) where the notice is varied or the appeal is dismissed, the sheriff may, if he thinks fit, direct that the notice shall not come into force until such date (not being later than twenty-eight days from the determination of the appeal) as he thinks fit.” ;

(c) in subsection (4), for the references to sections 48 and 49 of the Planning Act there shall be substituted a reference to section 22 of the Scottish Planning Act, and for the reference to subsection (1) of the said section 49 there shall be substituted a reference to subsection (2) of the said section 22.

15.—(1) In relation to an offence of cutting down or wilfully ^{Penalties.} destroying a tree, or of topping or lopping a tree in such a manner as to be likely to destroy it, being an offence committed after the commencement of this Act, section 62(1) of the Planning Act and section 26(6) of the Scottish Planning Act (enforcement of tree preservation orders) shall have effect as if for the words “fifty pounds” there were substituted the words “two hundred and fifty pounds or twice the sum which appears to the court to be the value of the tree, whichever is the greater”.

(2) In relation to an offence committed after the commencement of this Act, section 17(1) of the Forestry Act 1967 (penalty ^{1967 c. 10.} for unlawful felling of trees) shall have effect as if for the words

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“ten pounds” there were substituted the words “two hundred and fifty pounds”.

Procedure for making tree preservation orders.

16.—(1) If it appears to a local planning authority that a tree preservation order proposed to be made by that authority should take effect immediately without previous confirmation by the Minister, they may include in the order as made by them a direction that this section shall apply to the order.

(2) Notwithstanding subsection (4) of section 29 of the Planning Act or subsection (4) of section 26 of the Scottish Planning Act, an order which contains such a direction shall take effect provisionally on such date as may be specified therein, and shall continue in force by virtue of this section until the expiration of the period of six months beginning with the date on which the order was made, or until the date on which the Minister confirms the order or notifies the local planning authority that he does not propose to confirm it, whichever first occurs.

(3) Provision shall be made by regulations under the Planning Act or the Scottish Planning Act as the case may be for securing—

- (a) that the notices to be given of the submission to the Minister of a tree preservation order containing a direction under this section shall include a statement of the effect of the direction ; and
- (b) that where the Minister, within the said period of six months, notifies the local planning authority that he does not propose to confirm such an order, copies of that notice shall be served on the owners and occupiers, and in Scotland also on lessees, of the land to which the order related.

(4) Subsection (6) of the said section 29, and the proviso to subsection (5) of the said section 26, are hereby repealed ; and without prejudice to section 38(1) of the Interpretation Act 1889 (effect of repeals), references in the Planning Act or the Scottish Planning Act to the enactments hereby repealed shall be construed as references to this section.

1889 c. 63.

Delegation of functions of local planning authorities.

17. Section 3 of the Planning Act (which provides for the delegation to county district councils of functions of local planning authorities under specified provisions of that Act) shall have effect as if this Part of this Act were included among the provisions specified in subsection (2) of that section and as if the reference in subsection (6) of that section to functions under that Act included a reference to functions under this Part of this Act.

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DISPOSAL OF ABANDONED VEHICLES AND OTHER REFUSE

Control of dumping

18.—(1) It shall be the duty of a local authority to provide ^{Provision of} places where refuse, other than refuse falling to be disposed of ^{refuse dumps.} in the course of a business, may be deposited at all reasonable times free of charge by persons resident in the area of the authority and, on payment of such charges (if any) as the authority think fit, by other persons.

(2) Any place provided by a local authority in pursuance of subsection (1) of this section shall either be situated within the area of the authority or, if not so situated, be reasonably accessible to persons resident in that area ; and a local authority may if they think fit, without prejudice to the generality of their duty under subsection (1) of this section, determine that any such place shall be available for the deposit of refuse of such descriptions only as are specified in the determination.

(3) A local authority may—

- (a) permit, on such terms as they think fit, the deposit at a place provided by them in pursuance of this section of refuse falling to be disposed of in the course of a business ;
- (b) provide plant and apparatus for the treatment or disposal of refuse deposited at such a place ; and
- (c) sell or otherwise dispose of any such refuse.

(4) The power of a local authority to provide places, plant and apparatus and to accept and dispose of refuse in pursuance of the foregoing provisions of this section includes power to enter into an agreement with any other person for the provision of facilities by him for the purposes of those provisions at any place under his control ; and without prejudice to any powers of combination conferred on local authorities by any other enactment, any two or more local authorities may by agreement combine for the purposes of their functions under the foregoing provisions of this section.

(5) No action shall lie against a local authority in respect of damage resulting from their failure to carry out their duty under this section ; but if the Minister is satisfied, after holding a local inquiry, that a local authority have failed to carry out that duty he may by order require the authority to take such steps for carrying it out as are specified in the order, and an order under this subsection shall be enforceable on the application of the Minister by mandamus or, in Scotland, by proceedings under section 91 of the Court of Session Act 1868.

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(6) In this section—

“local authority” means, in relation to England and Wales, the council of a county borough or county district and the Greater London Council;

“the Minister” means, in relation to England excluding Monmouthshire, the Minister of Housing and Local Government; and

“refuse” includes any matter whatsoever, whether inorganic or organic.

(7) Subject to the following subsection, subsection (1) of this section shall come into force on the expiration of the period of one year beginning with the passing of this Act, so however that the Minister may, by order made before the expiration of that period, provide that that subsection shall come into force in any area on such date after the expiration of that period as may be specified by the order in relation to that area.

(8) Where the Secretary of State, in relation to an area or part of an area of a local authority in Scotland, is of the opinion that the circumstances in that area or part are such that there is no need to bring subsection (1) of this section into force, he may by order made before the expiration of the period of one year beginning with the passing of this Act provide that such area or part, as the case may be, shall be excluded from the operation of the said subsection:

Provided that if at any time the Secretary of State is of the opinion that the circumstances in that area or part have so changed that the said subsection (1) should be brought into force in respect of it, he may make an order bringing the said subsection into force accordingly.

(9) Nothing in subsection (7) or subsection (8) of this section shall prevent the exercise by a local authority of any powers which, apart from those subsections, are exercisable by them by virtue of subsection (1) of this section.

Penalty for unauthorised dumping.

19.—(1) Any person who, without lawful authority,—

(a) abandons on any land in the open air, or on any other land forming part of a highway, a motor vehicle or anything which formed part of a motor vehicle and was removed from it in the course of dismantling the vehicle on the land; or

(b) abandons on any such land any thing other than a motor vehicle, being a thing which he has brought to the land for the purpose of abandoning it there,

shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding one hundred pounds or in the case of a second or subsequent conviction to a fine of an

amount not exceeding two hundred pounds or imprisonment for a term not exceeding three months or both. PART III

(2) For the purposes of subsection (1) of this section, a person who leaves any thing on any land in such circumstances or for such a period that he may reasonably be assumed to have abandoned it or to have brought it to the land for the purpose of abandoning it there shall be deemed to have abandoned it there or, as the case may be, to have brought it to the land for that purpose unless the contrary is shown.

(3) In Scotland, an offence under this section may be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act 1954 having 1954 c. 48. jurisdiction in the place where the offence was committed.

Removal and disposal of vehicles and other refuse

20.—(1) Where it appears to a local authority that a motor vehicle in their area is abandoned without lawful authority on any land in the open air or on any other land forming part of a highway, it shall be the duty of the authority, subject to the following provisions of this section, to remove the vehicle. Removal of abandoned vehicles.

(2) Where it appears to a local authority that the land on which a motor vehicle is abandoned as aforesaid is occupied by any person, the authority shall give him notice in the prescribed manner that they propose to remove the vehicle in pursuance of subsection (1) of this section but shall not be entitled to remove it if he objects to the proposal in the prescribed manner and within the prescribed period; and a local authority shall not be required by virtue of subsection (1) of this section to remove a vehicle situated otherwise than on a carriageway within the meaning of the Highways Act 1959 if it appears to them that the cost of its removal to the nearest convenient carriageway within the meaning of that Act would be unreasonably high. 1959 c. 25.

(3) Where in pursuance of this section a local authority propose to remove a vehicle which in their opinion is in such a condition that it ought to be destroyed they shall, not less than the prescribed period before removing it, cause to be affixed to the vehicle a notice stating that the authority propose to remove it for destruction on the expiration of that period.

(4) Any vehicle removed by the council of a London borough or the Common Council under this section shall be delivered by them to the Greater London Council in accordance with such arrangements (including arrangements as to the sharing of any expenses incurred or sums received by the council and the Greater London Council under this Part of this Act) as may

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be agreed between the council and the Greater London Council or, in default of agreement, as may be determined by the Minister of Housing and Local Government.

(5) While a vehicle, other than a vehicle to which a notice was affixed in accordance with subsection (3) of this section, is in the custody of a local authority or the Greater London Council in pursuance of this section, it shall be the duty of the authority or the Council to take such steps as are reasonably necessary for the safe custody of the vehicle.

(6) Subsection (5) of section 18 of this Act shall apply to the duties imposed by subsections (1) and (2) of this section as if for any reference to the duty imposed by that section, the Minister of Housing and Local Government or a local authority within the meaning of that section there were substituted respectively a reference to the duties aforesaid, the Minister and a local authority within the meaning of this section.

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

(a) in subsection (2), “carriageway” means a way, other than a cycle track, over which the public have a right of way for the passage of vehicles ;

(b) in subsection (6), for the words from “the Minister of Housing” to the end there shall be substituted the words “there were substituted a reference to the duties aforesaid”.

(8) The foregoing provisions of this section shall have effect during the period of six months beginning with the commencement of this Act as if for the words “the duty of” in subsection (1) and “but” in subsection (2) there were substituted respectively the words “lawful for” and “before doing so and” and as if in subsection (2) the words from “and a” onwards and subsections (6) and (7) were omitted ; and the Minister may, by order made before the expiration of the period of six months beginning with the commencement of this Act, provide that this subsection shall have effect in relation to any area specified by the order as if for the first reference to the period of six months there were substituted a reference to such longer period as may be specified by the order in relation to that area.

(9) This section and sections 21 and 22 of this Act shall come into force on the expiration of the period of six months beginning with the passing of this Act or on such earlier date as the Minister may by order appoint.

Disposal of removed vehicles.

21.—(1) Subject to subsection (4) of this section, the council of a county borough or county district or the Greater London Council may, in such manner as they think fit, dispose of any

vehicle which is in their custody in pursuance of section 20 of this Act—

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- (a) in the case of a vehicle to which a notice was affixed in accordance with subsection (3) of that section and on which no current licence was displayed at the time of its removal, at any time after its removal ;
- (b) in the case of a vehicle to which a notice was so affixed and on which a current licence was so displayed, at any time after the licence expires ;
- (c) in any other case, at any time after the council have taken such steps as may be prescribed to find a person appearing to them to be the owner of the vehicle and either—
 - (i) they have failed to find such a person, or
 - (ii) he has failed to comply with a notice served on him in the prescribed manner by the council requiring him to remove the vehicle within the prescribed period from their custody,
 but not earlier, in a case where it appears to the council that a licence is in force in respect of the vehicle, than the expiration of the licence.

(2) The power to dispose of vehicles conferred on a council by subsection (1) of this section includes power to provide plant and apparatus for the purpose of disposing of vehicles.

(3) The Minister may by regulations require a council by whom a vehicle is disposed of in pursuance of this section to give such information relating to the disposal as may be prescribed to such persons as may be prescribed.

(4) If before a vehicle is disposed of by a council in pursuance of the foregoing provisions of this section the vehicle is claimed by a person who satisfies the council that he is its owner and pays to the council such sums in respect of its removal and storage as may be prescribed, the council shall permit him to remove the vehicle from their custody during such period as may be prescribed ; and if before the expiration of the period of one year beginning with the date on which a vehicle is sold by a council in pursuance of this section any person satisfies the council that at the time of its sale he was the owner of the vehicle, the council shall pay over to him any sum by which the proceeds of sale exceed the aggregate of such sums in respect of the removal, storage and disposal of the vehicle as may be prescribed.

(5) If in the case of any vehicle it appears to such a council as aforesaid that more than one person is or was its owner at the relevant time, such one of them as the council think fit shall be treated as its owner for the purposes of subsection (4) of this section.

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(6) In the application of this section to Scotland, for any reference to the council of a county borough or county district there shall be substituted a reference to a local authority.

Recovery of expenses connected with removed vehicles.

22.—(1) Where a vehicle is removed in pursuance of subsection (1) of section 20 of this Act, the appropriate authority shall be entitled to recover from any person responsible—

- (a) such charges as may be prescribed in respect of the removal of the vehicle ; and
- (b) charges ascertained by reference to a prescribed scale in respect of any period during which the vehicle is in the custody of the authority ; and
- (c) where the vehicle is disposed of in pursuance of section 21 of this Act, charges determined in the prescribed manner in respect of its disposal.

(2) Any sum recoverable by virtue of this section shall be recoverable as simple contract debt in any court of competent jurisdiction ; and, without prejudice to the foregoing provisions of this subsection, the court by which a person is convicted of an offence under subsection (1) of section 19 of this Act in respect of a motor vehicle may, on the application of the appropriate authority and in addition to any other order made by the court in relation to that person, order him to pay to the authority any sum which, in the opinion of the court, the authority are entitled to recover from him under this section in respect of the vehicle.

(3) In this section—

“ the appropriate authority ” means, in the case of a vehicle removed in pursuance of subsection (1) of section 20 of this Act by the council of a county borough or a county district, that council and, in the case of a vehicle so removed by the council of a London borough or the Common Council, the Greater London Council ; and

“ person responsible ”, in relation to a vehicle means—

(a) the owner of the vehicle at the time when it was put in the place from which it was so removed, unless he shows that he was not concerned in and did not know of its being put there ;

(b) any person by whom it was put in the place aforesaid ;

(c) any person convicted of an offence under subsection (1) of section 19 of this Act in consequence of the putting of the vehicle in the place aforesaid ;

and for the purposes of paragraph (b) of subsection (1) of this section a vehicle removed as aforesaid by the council of a

London borough or the Common Council shall be treated as in the custody of the Greater London Council while it was in the custody of the council by whom it was so removed.

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

(a) the definition of “the appropriate authority” shall be omitted and for any other reference to the appropriate authority there shall be substituted a reference to the local authority;

(b) in subsection (2), the words from the beginning to the words “this subsection” shall be omitted.

23.—(1) Where it appears to a local authority that any thing in their area, other than a motor vehicle, is abandoned without lawful authority on any land in the open air or on any other land forming part of a highway, the authority may if they think fit, subject to subsection (2) of this section, remove the thing. Removal and disposal etc. of other refuse.

(2) A local authority shall not be entitled to exercise their powers under subsection (1) of this section as respects a thing situated on land appearing to the authority to be occupied by any person unless the authority have given him notice in the prescribed manner that they propose to remove the thing and he has failed to object to the proposal in the prescribed manner and within the prescribed period.

In this subsection “prescribed”, in relation to England excluding Monmouthshire, means prescribed by regulations made by the Minister of Housing and Local Government.

(3) The following provisions (which relate to the deposit and disposal of refuse), that is to say—

(a) section 76 of the Public Health Act 1936 (except paragraph (a) of subsection (3)); 1936 c. 49

(b) sub-paragraphs (3) and (4) of paragraph 15 of Part I of Schedule 11 to the London Government Act 1963; and 1963 c. 33.

(c) without prejudice to the generality of subsection (2) of section 30 of this Act, sub-paragraphs (1) and (2) of the said paragraph 15 so far as they relate to provisions of the said section 76,

shall apply to any thing removed in pursuance of subsection (1) of this section as those provisions apply to other refuse.

(4) A local authority by whom any thing is removed in pursuance of subsection (1) of this section shall be entitled to recover the cost of removing and disposing of it from any person by whom it was put in the place from which it was so removed or any person convicted of an offence under subsection (1) of section 19 of this Act in consequence of the putting

PART III

of the thing in that place ; but any sum received in pursuance of this subsection by a local authority in Greater London in respect of the cost to the Greater London Council of disposing of any thing shall be paid over by the authority to the Council.

(5) Subsection (2) of section 22 of this Act shall apply for the purposes of this section as it applies for the purposes of that section, but as if it had come into force at the commencement of this Act and as if for references to a vehicle there were substituted references to any other thing and for references to the appropriate authority there were substituted references to the relevant local authority.

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

(a) for subsection (3) there shall be substituted the following subsection—

“ (3) A local authority may—

(a) provide places for the deposit of any thing removed by them under subsection (1) of this section ;

(b) provide plant and apparatus for the treatment or disposal of any thing deposited at such a place ; and

(c) sell or otherwise dispose of any such thing. ” ;

(b) in subsection (5) the words from “ and for ” to the end shall be omitted.

Miscellaneous and supplemental

Acquisition
of land.

1946 c. 49.

1947 c. 42.

24.—(1) A local authority and the Greater London Council may be authorised by the Minister to acquire land compulsorily for any of the purposes of this Part of this Act, and the Acquisition of Land (Authorisation Procedure) Act 1946 or, in Scotland, the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply to the compulsory acquisition of land under this section as if this section had been in force immediately before the commencement of that Act.

(2) In subsection (1) of this section “ the Minister ” means, in relation to England excluding Monmouthshire, the Minister of Housing and Local Government.

Amendments
of enactments
relating to
abandoned
etc. vehicles.
1960 c. 63.
1960 c. 16.

25. The Minister may by order alter, in such manner as he considers expedient in consequence of the passing of this Part of this Act, any of the provisions of sections 15 and 16 of the Road Traffic and Roads Improvement Act 1960 and section 43 of the Road Traffic Act 1960 (which among other things relate to the removal and disposal of abandoned vehicles) in their

application to vehicles of any description, whether abandoned or not; and an order under this subsection may contain such transitional, incidental or supplemental provisions as the Minister considers expedient for the purposes of the order.

26. In subsection (1) of section 34 of the Public Health Act 1961 (which provides for the removal by a local authority from a vacant site in a built-up area of an accumulation of rubbish which is seriously detrimental to the amenities of the neighbourhood) for the words "on any vacant site in a built-up area an accumulation of rubbish" there shall be substituted the words "on any land in the open air in their area any rubbish"; and in subsection (2) of that section for the word "site" there shall be substituted the word "land".

Amendment
of 1961 c. 64
s. 34.

27.—(1) In this Part of this Act the following expressions have the meanings hereby assigned to them unless the contrary intention appears, that is to say—

Interpretation
etc. of Part III.

"highway", in the application of this Part of this Act to Scotland, shall be deemed to include any public right of way;

"licence" means, in relation to a vehicle, a licence issued for the vehicle under the Vehicles (Excise) Act 1962; 1962 c. 13.

"local authority" means, in relation to England and Wales, the council of a county borough, county district or London borough and the Common Council;

"the Minister" means, in relation to England excluding Monmouthshire, the Minister of Transport;

"motor vehicle" means a mechanically propelled vehicle intended or adapted for use on roads, whether or not it is in a fit state for such use, and includes any trailer intended or adapted for use as an attachment to such a vehicle, any chassis or body, with or without wheels, appearing to have formed part of such a vehicle or trailer and anything attached to such a vehicle or trailer;

"owner", in relation to a motor vehicle which is the subject of a hiring agreement or hire-purchase agreement, includes the person entitled to possession of the vehicle under the agreement;

"prescribed" means prescribed by regulations made by the Minister;

and any reference in section 20 or section 23 of this Act to a motor vehicle or other thing which is abandoned includes a reference to a motor vehicle or other thing abandoned before the passing of this Act.

PART III

(2) Any power to make regulations conferred by this Part of this Act includes power to make provision in respect of such cases only as may be specified in the regulations and to make different provision for different circumstances; and an order under any provision of this Part of this Act may be revoked or varied by a subsequent order under that provision.

(3) Any power to make regulations or an order under any provision of this Part of this Act, except subsection (5) of section 18, subsection (2) of section 22 and the said subsection (5) as applied by subsection (6) of section 20, shall be exercisable by statutory instrument; and any statutory instrument made by virtue of any provision of this Part of this Act, except subsection (7) of section 18 and subsections (8) and (9) of section 20, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

PART IV

GENERAL

Rights of entry and other supplementary provisions.

28.—(1) Any person duly authorised in writing by the Minister or a local authority may at any reasonable time enter upon any land for the purpose of ascertaining whether—

- (a) an offence under section 3 of this Act appears to have been committed on the land; or
- (b) the land may be acquired compulsorily by virtue of section 7 of this Act; or
- (c) any of the functions conferred by section 6, section 14, section 20 or section 23 of this Act should or may be exercised in connection with the land,

or for the purpose of exercising any of those functions in connection with the land.

(2) Subsections (1) to (5) of section 212 of the Planning Act (which contain supplementary provisions as to rights of entry under section 211 of that Act) shall have effect with the necessary modifications as if references to section 211 included references to subsection (1) of this section.

(3) Sections 213 to 215 of the Planning Act (which relate to local inquiries, the service of notices and the furnishing of information) shall have effect as if any reference to that Act or specified provisions of that Act included a reference to this Act and as if references to the Minister in section 213 included references to the Minister of Transport.

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

- (a) in subsection (1) after the word “Minister” there shall be inserted the words “a local planning authority”;

(b) for subsections (2) and (3) there shall be substituted the following subsections—

PART IV

“(2)(a) Subsections (4) to (6) of section 99 of the Scottish Planning Act (which contain certain provisions as to powers of entry under that section) and subsection (7) of that section (compensation for damage resulting from the exercise of powers of entry) shall have effect with the necessary modifications as if references to that section included references to subsection (1) of this section ;

(b) any question of disputed compensation under subsection (7) of the said section 99 as extended by the foregoing paragraph shall be determined by the Lands Tribunal for Scotland in accordance with the Land Compensation (Scotland) Act 1963 :

1963 c. 51.

Provided that any such question shall, in the period before the coming into force in Scotland of sections 1 to 4 of the Lands Tribunal Act 1949,

1949 c. 42.

be determined by an official arbiter appointed under section 2 of the said Act of 1963.

(3) Sections 100 to 102 of the Scottish Planning Act (which relate to local inquiries, the service of notices and the furnishing of information) shall have effect as if any reference to that Act or specified provisions of that Act, other than the reference to Schedule 8 to that Act contained in subsection (1) of the said section 100, included a reference to this Act.”.

29.—(1) The Minister of Housing and Local Government may, after consultation with the Council of the Isles of Scilly, by order provide that any provision of this Act specified in the order shall apply to the Isles, subject to such modifications as may be so specified, as if the Isles were a separate county or a county district.

Application to Isles of Scilly.

(2) The power to make orders conferred by this section shall be exercisable by statutory instrument and shall include power to vary or revoke an order under this section by a subsequent order thereunder.

30.—(1) In this Act the following expressions have the meaning hereby assigned to them unless the contrary intention appears, that is to say:—

Interpretation—general.

“the Common Council” means the Common Council of the City of London ;

“local authority” in relation to England and Wales, has the same meaning as in the Planning Act and, in

PART IV

relation to Scotland, means a county council or the town council of a burgh ;

“ local planning authority ” and “ owner ” have the same meanings as those expressions have for the purposes of the Planning Act or the Scottish Planning Act ;

“ the Minister ” means, in relation to England excluding Monmouthshire, the Minister of Housing and Local Government and, in relation to Scotland, Wales and Monmouthshire, the Secretary of State ;

1962 c. 38.

“ the Planning Act ” means the Town and Country Planning Act 1962 ;

1947 c. 53.

“ the Scottish Planning Act ” means the Town and Country Planning (Scotland) Act 1947 ;

and any reference in any provision of this Act to the commencement of this Act shall be construed as a reference to the date when that provision comes into operation.

(2) Any reference in this Act to any enactment is a reference to it as amended or applied by or under any other enactment, including this Act.

Expenses.

31. There shall be paid out of moneys provided by Parliament any increase attributable to this Act in the sums so payable under any other enactment.

Short title,
commencement
and extent.

32.—(1) This Act may be cited as the Civic Amenities Act 1967.

(2) Subject to the provisions of subsections (7) and (8) of section 18 and subsection (9) of section 20 of this Act, Parts I to III of this Act, except subsection (1) of section 2, shall come into force on the expiration of the period of one month beginning with the date of the passing of this Act.

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



Road Traffic (Amendment) Act 1967

1967 CHAPTER 70

An Act to make provision for securing compliance with the requirements imposed by law as to the use of motor vehicles and trailers on roads and their construction, equipment, weight and condition, and for exempting persons convicted of offences against such requirements from the consequences of conviction, and to remove doubts about the extent of the power to make Orders under the Motor Vehicles (International Circulation) Act 1952. [27th July 1967]

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

1.—(1) Where on testing a motor vehicle under section 67 of the principal Act (roadside tests) it appears to an authorised examiner that there is a defect in the vehicle by reason that the vehicle does not comply with a construction and use requirement applicable to the vehicle, he may, whether or not the requirement is one mentioned in subsection (1) of that section and whether or not proceedings are instituted for a breach of the requirement, give a notice in writing to the person who is then the owner of the vehicle specifying the defect and the requirement in question and requiring him to give to the Minister within the permitted period a certificate complying with subsection (3) of this section or a declaration complying with subsection (4) of this section.

Remedying of defects discovered on roadside tests.

(2) On testing a motor vehicle as aforesaid an authorised examiner may require the person in charge of the vehicle to state whether he is the owner of the vehicle and, if he is not the owner, the name and address of the owner.

(3) A certificate under this section shall contain—

- (a) a statement signed by the person to whom the notice under this section was given that he has taken steps to secure that repairs for the purpose of remedying the defects specified in the notice have been carried out at a vehicle testing station or to secure that the vehicle has been examined at such a station for the purpose of ascertaining whether any such repairs have been carried out ; and
- (b) a statement signed by a person having power to carry out examinations at such a station under section 65 of the principal Act (examinations for test certificates) that the signatory has either carried out any such repairs or examined the vehicle for the purpose of ascertaining whether those repairs have been carried out and that in his opinion the vehicle complies with the construction and use requirement specified in the notice.

(4) A declaration under this section shall be signed by the person to whom the notice under this section was given and shall state that he has sold or disposed of his interest in the vehicle to which the notice relates or that he does not intend to use it thereafter on a road in Great Britain.

(5) A person who, having been given a notice under this section, fails to give a certificate or declaration under this section within the permitted period to the Minister shall be liable on summary conviction to a fine not exceeding £50.

(6) A person who fails to comply with a requirement imposed on him by an authorised examiner under subsection (2) of this section shall be liable on summary conviction to a fine not exceeding £20.

(7) A person who knowingly makes a false statement in a certificate or declaration under this section shall be liable on summary conviction to imprisonment for a term not exceeding four months or a fine not exceeding £100 or both.

(8) The Minister may by regulations make provision with respect to the examination of vehicles for the purpose of ascertaining whether any such repairs as are mentioned in subsection (3)(a) of this section have been carried out and with respect to the making of statements under subsection (3)(b) of this section and, in particular, any such regulations—

- (a) may prescribe the manner in which, conditions under which and apparatus with which such examinations are carried out and make provision with respect to the maintenance of that apparatus in an efficient state,

- and with respect to the inspection of premises at which and apparatus with which such examinations are being, or are to be, carried out ;
- (b) may prescribe the manner in which applications may be made for such examinations or for such statements ;
 - (c) shall give a right of appeal to any person aggrieved by the refusal of a person mentioned in subsection (3)(b) of this section to sign a certificate under that paragraph and shall prescribe the manner in which and time within which appeals under the regulations may be brought ;
 - (d) may prescribe the information to be supplied and documents to be produced on such an application, examination or appeal ;
 - (e) may prescribe the fees to be paid on such an application or appeal, and the repayment of the whole or of part of the fee paid on such appeal where it appears to the Minister that there were substantial grounds for appeal ;
 - (f) may prescribe the form of notices, certificates and declarations under this section and of notices of appeal and other documents required for the purposes of this section ; and
 - (g) may make different provision for different cases.
- (9) In this section—
- “ authorised examiner ” means any person who may act as an authorised examiner for the purposes of section 67 of the principal Act ;
 - “ construction and use requirement ” means a requirement, whether applicable generally or at specified times or in specified circumstances, imposed under section 64 of the principal Act or imposed by or under the Road Transport Lighting Act 1957 or section 15 of the Road Traffic Act 1962 ; 1957 c. 51.
1962 c. 59.
 - “ permitted period ” means a period of twenty-eight days beginning with the date of the notice under this section or such longer period as the Minister may, on the application of the owner of a motor vehicle, specify in writing.

2.—(1) Where a certificate has been given under the last foregoing section with respect to a motor vehicle, the Minister may, within the period of thirty days beginning with the date on which he receives the certificate, require the person who is the owner of the vehicle at the time of the requirement to make the Tests to check whether defects have been remedied.

vehicle available for a further test by an officer of the Minister and for that purpose may request that person to specify—

- (a) a period of seven days within which the examination is to take place, being a period falling within the period of thirty days beginning with the date of the requirement, disregarding any day in which the vehicle is outside Great Britain; and
- (b) a place, or if that person thinks fit, a local government area, where the test may conveniently be carried out.

(2) Where a vehicle is made available under the foregoing subsection for a further test, any officer of the Minister may test and inspect it for the purpose of ascertaining whether any defect specified in the notice relating to it under the last foregoing section has been remedied.

(3) Section 1 of this Act shall apply in relation to a test under this section as it applies in relation to a test under section 67 of the principal Act with the substitution for references to an authorised examiner of references to an officer of the Minister.

(4) Paragraphs 3 and 4 of Schedule 8 to the principal Act (deferred tests of condition of vehicles) shall apply in relation to a test under this section as they apply in relation to a deferred test, subject to the following modifications, that is to say—

- (a) for references therein to the foregoing provisions of that Schedule there shall be substituted references to subsection (1) of this section;
- (b) in those paragraphs “owner” shall have the same meaning as in this Act and not the meaning assigned by paragraph 5 of that Schedule; and
- (c) for the reference in paragraph 3 to premises there shall be inserted a reference to a place,

and section 67(4) of the principal Act (obstruction and failure to comply with that section and that Schedule) shall apply in relation to this section and in relation to that Schedule as applied by this section as it applies in relation to that section and that Schedule as originally enacted.

(5) Any station or apparatus provided and maintained under section 65(6) of the principal Act (provision and maintenance of stations and apparatus for examinations for test certificates) by the Minister or a council designated for the purposes of that section may be used by the Minister or that council, as the case may be, for the carrying out of examinations for the purpose of ascertaining whether any such repairs as are mentioned in

section 1(3)(a) of this Act have been carried out and for the carrying out of tests and inspections under this section.

(6) In subsection (1) of this section "local government area" means, as respects England and Wales, a county borough, a county district or Greater London and, as respects Scotland, a county or burgh.

3.—(1) An authorised examiner may at any reasonable hour enter premises where used motor vehicles or trailers are sold, supplied, or offered or kept for sale or supply, in the course of a business and test and inspect any used motor vehicle or trailer found thereon for the purpose of ascertaining whether it is in any such condition as is mentioned in section 68(1) of the principal Act (prohibition on the sale of vehicles in an unroadworthy condition), and for the purpose of testing a motor vehicle and any trailer drawn by it may drive it and for the purpose of testing a trailer may draw it with a motor vehicle.

Testing condition of used vehicles at sale rooms, etc.

(2) If a person obstructs an authorised examiner acting under this section he shall be liable on summary conviction to a fine not exceeding £50.

(3) In this section an authorised examiner means a person who may act as an authorised examiner for the purposes of section 67 of the principal Act (roadside tests); and any such person, other than a police constable in uniform, shall produce his authority to act for the purposes of that section if required to do so.

(4) A motor vehicle or trailer shall be treated as used for the purposes of this section if, but only if, it has previously been sold or supplied by retail.

4.—(1) The motor vehicles to which section 66 of the principal Act (requirement for test certificates in case of vehicles registered not less than the prescribed period) applies at any time shall include those which, having a date of manufacture not less than the prescribed period before that time, have been used on roads (whether in Great Britain or elsewhere) before being registered under the Vehicles (Excise) Act 1962.

Extension of requirements of obligatory test certificates.

1962 c. 13.

(2) The use of a vehicle before it is sold or supplied by retail shall be disregarded for the purpose of the foregoing subsection.

(3) Section 66(6) of the principal Act (power to make regulations providing that excise licences shall not be granted to motor vehicles to which that section applies except on compliance with certain conditions) shall not apply in relation to motor vehicles to which subsection (1) of this section applies.

1962 c. 13.

but the Minister may by regulations provide that where application is made for a licence under the Vehicles (Excise) Act 1962 for any such vehicle and it appears from the application that the vehicle has been used on roads (whether in Great Britain or elsewhere) before the date of the application, the licence shall not be granted unless—

- (a) there is produced such evidence as may be prescribed by the regulations of the granting of an effective test certificate or (if it is so prescribed) such a certificate ; or
- (b) the owner of the vehicle declares in writing the year in which the vehicle was manufactured, and the prescribed period from the date of manufacture has not expired ; or
- (c) there has been made a declaration prescribed by the regulations that the vehicle is not intended to be used during the period for which the licence is to be in force except for a purpose prescribed under subsection (4), or in an area prescribed under subsection (5), of the said section 66 (exemption of use for prescribed purposes and in prescribed areas).

In paragraph (a) of this subsection “ effective test certificate ” has the same meaning as in paragraph (a) of the said section 66(6).

(4) Where a person is charged under section 15(1) of the Vehicles (Excise) Act 1962 (failure to fix marks and signs) with failing to fix a mark on a motor vehicle to which subsection (1) of this section applies, it shall be a defence for him to prove that he had no reasonable opportunity of registering the vehicle and that the vehicle was being driven on a road for the purposes of or in connection with its examination under section 65 of the principal Act (examination for test certificates) in circumstances in which its use is exempted from section 66(1) of that Act by regulations under section 66(4) thereof.

(5) For the purposes of this section the date of manufacture of a vehicle shall be taken to be the last day of the year during which its final assembly is completed, except where after that day modifications are made to the vehicle before it is sold or supplied by retail, and in the said excepted case shall be taken to be the last day of the year during which the modifications are completed.

(6) A person who knowingly produces false evidence for the purposes of regulations under subsection (3) of this section or knowingly makes a false statement in a declaration required to be made by the regulations shall be liable on summary

conviction to imprisonment for a term not exceeding four months or to a fine not exceeding £100 or both.

(7) In this section "prescribed period" means ten years or such shorter period as may be specified in an order under section 66(3) of the principal Act.

5. The power conferred by section 65(3) of the principal Act on the local authorities therein specified to appoint inspectors for the carrying out of examinations under that section shall be exercisable by councils of urban districts as well as by the councils therein specified, and accordingly in that subsection after the word "borough" there shall be inserted the words "of an urban district".

Power to appoint inspectors to carry out vehicle tests.

6.—(1) A person who contravenes or fails to comply with regulations under section 64 of the principal Act (construction and use regulations) shall be liable to the same punishment as if he uses on a road a motor vehicle or trailer which fails to comply with the regulations; and accordingly for subsection (2) of that section (punishment for using motor vehicles and trailers in contravention of such regulations) there shall be substituted the following subsection:—

Punishment for contravention of construction and use regulations.

"(2) Subject to the provisions of this section, a person—

(a) who contravenes or fails to comply with any such regulations as aforesaid; or

(b) who uses on a road a motor vehicle or trailer which does not comply with any such regulations or causes or permits the vehicle to be used;

shall be liable on summary conviction to a fine not exceeding £50".

(2) In paragraph 19 of Part II of Schedule 1 to the Road Traffic Act 1962 the amendment of the said subsection (2) shall cease to have effect. 1962 c. 59.

(3) Nothing in this section shall apply to any offence committed before the day appointed for the coming into operation of this section.

7. Where a person is convicted in relation to a motor vehicle or trailer of an offence specified in paragraph 19 of Part II of Schedule 1 to the Road Traffic Act 1962 (using vehicles, or causing or permitting vehicles to be used, in contravention of construction and use regulations in specified respects), he shall not be liable to be disqualified under section 5 of that Act, nor shall particulars of his conviction be endorsed under section 7 thereof on any licence held by him, if he proves that he did

Exemption from disqualification and endorsement for offences against construction and use regulations.

not know, and had no reasonable cause to suspect, that the facts of the case were such that that offence would be committed.

Extent of powers under Motor Vehicles (International Circulation) Act 1952. 1952 c. 39.

8. It is hereby declared for the avoidance of doubt that—

- (a) the power conferred on Her Majesty by section 1 of the Motor Vehicles (International Circulation) Act 1952 (Orders in Council for implementing international agreements about international road traffic) to make provision by Order in Council for modifying any enactment relating to vehicles or the drivers of vehicles includes power to make provision corresponding to any such enactment ; and
- (b) the reference in subsection (1)(b) of that section to any enactment is a reference to any enactment passed before or after that Act ;

and that section 2 of that Act (Orders for implementing international agreements about international road traffic in Northern Ireland) has effect accordingly.

Supplemental. **9.**—(1) In this Act, except so far as the context otherwise requires—

“ owner ”, in relation to a vehicle which is the subject of a hire-purchase agreement, means the person in possession of the vehicle under that agreement ;

“ the Minister ” means the Minister of Transport ;

1960 c. 16.

“ the principal Act ” means the Road Traffic Act 1960 ;

“ sold or supplied by retail ” means sold or supplied otherwise than to a person acquiring solely for the purpose of resale or of re-supply for a valuable consideration ;

and other expressions used in the principal Act and this Act have the same meanings in this Act as they have in that Act.

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

(3) Section 260(1) to (3) of the principal Act (exercise of regulation making powers and Parliamentary control thereover) shall apply to any power to make regulations conferred by this Act and to any regulations made thereunder as it applies to any power to make regulations conferred by that Act and to any regulations made thereunder.

10.—(1) This Act may be cited as the Road Traffic (Amendment) Act 1967.

Short title,
citation,
commence-
ment and
extent.

(2) This Act shall be included among the Acts which may be cited together as the Road Traffic Acts 1960 to 1967.

(3) This Act shall come into operation on such day as the Minister may by order made by statutory instrument appoint; and different days may be appointed under this subsection for different purposes.

(4) This Act, except section 8 thereof, does not extend to Northern Ireland.



Aden, Perim and Kuria Muria Islands Act 1967

1967 CHAPTER 71

An Act to make provision for, and in connection with, the relinquishment of Her Majesty's sovereignty over Aden, Perim and the Kuria Muria Islands, and to amend the definition of "Governor" in section 32(1) of the British Nationality Act 1948.

[27th July 1967]

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

1.—(1) On the day which, in relation to any territory to which this section applies, is the appointed day that territory shall cease to form part of Her Majesty's dominions; and on and after that day Her Majesty's Government in the United Kingdom shall have no responsibility for the government of that territory.

Relinquishment of sovereignty over Aden, Perim and Kuria Muria Islands.

(2) This section applies to the following territories, that is to say, Aden, Perim and the Kuria Muria Islands, as each of those territories is constituted immediately before the appointed day.

(3) Subject to the next following subsection, in this Act "the appointed day", in relation to all the territories specified in subsection (2) of this section, means such day as Her Majesty may by Order in Council appoint.

(4) Different days may be appointed by Order in Council under this section in relation to different territories specified in subsection (2) of this section; and, if different days are so appointed, any reference in this Act to the appointed day, in relation to any such territory, shall be construed as a reference to the day so appointed in relation to that territory.

Modifications
of British
Nationality
Acts.
1948 c. 56.

2.—(1) The provisions of the Schedule to this Act shall have effect.

(2) In section 32(1) of the British Nationality Act 1948 (interpretation) the definition of "Governor" shall have effect, and shall be deemed to have had effect as from 17th January 1963, with the addition of the words "and includes the High Commissioner for Aden and the Protectorate of South Arabia".

1967 c. 4.

(3) In accordance with section 3(3) of the West Indies Act 1967, it is hereby declared that this section and the Schedule to this Act extend to all associated states.

Consequential
modification
of other
statutory
provisions.

3.—(1) Her Majesty may make by Order in Council such amendments or modifications of any enactment of the Parliament of the United Kingdom for the time being in force, or of any instrument for the time being in force and having effect by virtue of such an enactment, as appear to Her Majesty to be necessary or expedient in consequence of the provisions of section 1 of this Act.

(2) Any provision which, in consequence of the operation of subsection (1) of section 1 of this Act in relation to a territory to which that section applies, is made by Order in Council under this section after the appointed day may be made with retrospective effect as from that day or any later date.

(3) Subject to the next following subsection, any provision made by an Order in Council under this section with respect to an enactment or instrument shall, except in so far as the Order otherwise provides, have effect as part of the law of every country or territory outside the United Kingdom to which the enactment or instrument in question extends, as well as having effect as part of the law of the United Kingdom.

(4) An Order in Council made under this section shall not have effect as part of the law of any associated state or of any country or territory for whose government, at the date on which the Order is made, Her Majesty's Government in the United Kingdom have no responsibility.

(5) For the purpose of making an Order in Council under this section, any reference in subsection (1) of this section to any enactment or instrument for the time being in force shall be construed as a reference to any enactment or instrument in force immediately before that Order is made, whether the enactment or instrument was passed or made before or after the passing of this Act.

Aden Widows'
and Orphans'
Pension Fund.

4.—(1) For the purpose of giving effect to any arrangements made with a view to, or in consequence of, the winding up of the Aden Widows' and Orphans' Pension Fund, the Minister of

Overseas Development may by regulations make provision for the payment of pensions of such amounts, and payable to or in respect of such persons, as may appear to him to be appropriate for that purpose.

(2) Any such regulations may include provision for the payment, by or in respect of persons to whom the regulations apply, of such contributions as may be prescribed by, or determined in accordance with, the regulations, and may contain such transitional or other incidental and supplementary provisions as may appear to the Minister of Overseas Development to be necessary or expedient.

(3) Any pension payable by virtue of regulations made under this section shall be payable out of moneys provided by Parliament; and any contributions paid in pursuance of the regulations as mentioned in the last preceding subsection shall be paid into the Exchequer.

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

(5) In this section "the Aden Widows' and Orphans' Pension Fund" means the fund established by that name under the law of Aden, and "pension" means any contributory or non-contributory pension, of any kind whatsoever, payable to or in respect of any person, or a lump sum or gratuity so payable, by way of compensation or otherwise, or a return of contributions, with or without interest thereon or any other addition thereto.

5.—(1) This section applies to appeals to Her Majesty in Council—

- (a) from the Court of Appeal for Eastern Africa acting on appeal from any court having jurisdiction under the laws of a territory to which section 1 of this Act applies, or
- (b) from any other court acting in the exercise of any jurisdiction exercisable by that court in relation to such a territory,

Pending
appeals to
Her Majesty
in Council.

being appeals which are pending immediately before the appointed day and in which the records have been registered in the Office of the Privy Council before that day.

(2) In respect of appeals to which this section applies, or in respect of any class of such appeals, Her Majesty may by Order in Council confer on the Judicial Committee of the Privy Council such jurisdiction as appears to Her Majesty to be appropriate in the circumstances for the purpose of enabling them to be continued before and disposed of by that Committee.

(3) An Order in Council under this section may, if Her Majesty thinks fit, direct that any appeal continued before the Judicial Committee of the Privy Council in pursuance of the Order shall abate on a date specified in the Order unless it has been heard by the Committee before that date; and an Order containing such a direction may contain provisions to facilitate the hearing of any such appeal before that date, including provisions as to the sittings of the Committee and provisions for expediting the steps to be taken by the parties preliminary to the hearing of an appeal.

(4) An Order in Council under this section may determine the practice and procedure to be followed on any appeal continued before the said Committee in pursuance of the Order, and, in particular, may include provisions as to the form of any report or recommendation to be made by that Committee in the exercise of the jurisdiction conferred on that Committee by the Order, as to the authority to whom any such report or recommendation is to be transmitted and as to the manner in which it is to be transmitted to that authority.

1833 c. 41.

(5) Except so far as otherwise provided by an Order in Council under this section, and subject to such modifications as may be so provided, the Judicial Committee Act 1833 shall apply in relation to appeals continued before the Judicial Committee of the Privy Council under this section as it applied in relation to those appeals before the appointed day.

Supplementary provisions as to Orders in Council.

6.—(1) Any Order in Council under this Act may contain such transitional or other incidental and supplementary provisions as may appear to Her Majesty to be necessary or expedient.

(2) Any Order in Council made under section 3 of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Any Order in Council made under section 5 of this Act shall be laid before Parliament after being made.

(4) Any power to make an Order in Council under section 3 or section 5 of this Act shall include power to revoke or vary the Order by a subsequent Order in Council made under the same section.

Interpretation.

7.—(1) In this Act any reference to a territory shall be construed as including a reference to its dependencies (if any).

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

8.—(1) In section 3 of this Act references to any enactment of the Parliament of the United Kingdom shall be construed as including references to any enactment of the Parliament of Northern Ireland. Provisions as
to Northern
Ireland.

(2) In relation to any Order in Council made under that section which amends or modifies an enactment of the Parliament of Northern Ireland or an enactment relating to any matter in respect of which that Parliament has power to make laws, section 6 of the Government of Ireland Act 1920 (conflict of laws) shall have effect as if the Order were a provision of an Act (other than that Act) passed by the Parliament of the United Kingdom before the date which is the appointed day for the purposes of the said section 6. 1920 c. 67.

9. This Act may be cited as the Aden, Perim and Kuria Muria Islands Act 1967. Short title.

Section 2.

SCHEDULE**MODIFICATIONS OF BRITISH NATIONALITY ACTS***Change of citizenship*

1.—(1) Except as provided by the following provisions of this Schedule, any person who, on such date as may be specified in an order made by the Secretary of State,—

(a) in consequence of his connection with a territory designated by the order, possesses any such nationality or citizenship as may be specified by the order, whether he acquired that nationality or citizenship before that date or acquires it on that date, and

(b) immediately before that date is a citizen of the United Kingdom and Colonies,

shall on that date cease to be a citizen of the United Kingdom and Colonies.

(2) Subject to the next following sub-paragraph, the territory designated by an order under this paragraph shall be a territory to which section 1 of this Act applies, and the date specified in the order shall not be earlier than the appointed day.

(3) The territory designated by an order under this paragraph may be so designated as being a territory in which a territory to which section 1 of this Act applies which is specified in the order (in this sub-paragraph referred to as “the specified component territory”) is comprised on or immediately after the day which, in relation to the specified component territory, is the appointed day; and in that case the date specified in the order shall not be earlier than that day.

(4) An order may be made under this paragraph specifying a nationality or citizenship and a date, as mentioned in the preceding provisions of this paragraph, notwithstanding that one or more orders, specifying the same nationality or citizenship but an earlier date or earlier dates, have previously been made thereunder.

1948 c. 56.

2. Section 6(2) of the British Nationality Act 1948 (registration as citizens of the United Kingdom and Colonies of women who have been married to such citizens) shall not apply to a woman by virtue of her marriage to a person who ceases to be a citizen of the United Kingdom and Colonies under paragraph 1 of this Schedule, or who, in consequence of his connection with a territory designated by an order under that paragraph, would have ceased to be such a citizen under that paragraph if he had been living on the date specified in the order.

*Retention of citizenship of the United Kingdom
and Colonies in certain cases*

3.—(1) Subject to sub-paragraph (6) of this paragraph, a person shall not cease to be a citizen of the United Kingdom and Colonies under paragraph 1 of this Schedule if he, his father or his father's father—

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

- SCH.
- (b) is or was a person naturalised in the United Kingdom and Colonies; or
 - (c) was registered as a citizen of the United Kingdom and Colonies; or
 - (d) became a British subject by reason of the annexation of any territory included in a colony.

(2) A person shall not cease to be a citizen of the United Kingdom and Colonies under paragraph 1 of this Schedule if either—

- (a) he was born in a protectorate or protected state, or
- (b) his father or his father's father was so born and is or at any time was a British subject.

(3) A person shall not cease to be a citizen of the United Kingdom and Colonies under paragraph 1 of this Schedule in consequence of his connection with a territory designated by an order under that paragraph if on the date specified in the order he is ordinarily resident in the United Kingdom or in a colony or an associated state.

(4) A woman who is the wife of a citizen of the United Kingdom and Colonies shall not cease to be such a citizen under paragraph 1 of this Schedule unless her husband does so.

(5) Subject to sub-paragraph (6) of this paragraph, the reference in sub-paragraph (1)(b) of this paragraph to a person naturalised in the United Kingdom and Colonies shall include a person who would, if living immediately before the commencement of the British Nationality Act 1948, have become a person naturalised in the United Kingdom and Colonies by virtue of section 32(6) of that Act (persons given local naturalisation before the commencement of that Act). 1948 c. 56.

(6) For the purposes of the operation of this paragraph, as read with paragraph 1 of this Schedule, in relation to a territory designated by an order under paragraph 1 of this Schedule—

- (a) any reference in this paragraph to a colony shall be construed as not including any territory to which section 1 of this Act applies or any territory (not being one to which that section applies) which has ceased to be a colony before the date specified in the order, and
- (b) any reference in this paragraph to a protectorate or protected state shall be construed as not including any territory for the time being comprised in the Protectorate of South Arabia or Kamaran, and as not including any territory not so comprised which has ceased to be a protectorate or protected state before the date specified in the order;

and sub-paragraph (1) of this paragraph shall not apply to a person by virtue of any certificate of naturalisation granted or registration effected by the governor or government of a territory which by virtue of this sub-paragraph is excluded from references in this paragraph to a colony, protectorate or protected state.

(7) Part III of the British Nationality Act 1948 (supplementary provisions) shall have effect for the purposes of this paragraph as if this paragraph were included in that Act.

SCH.

Provisions as to orders

4.—(1) Any power to make an order under paragraph 1 of this Schedule shall include power to revoke or vary the order by a subsequent order under that paragraph.

(2) Any power to make an order under that paragraph shall be exercisable by statutory instrument.



Wireless Telegraphy Act 1967

1967 CHAPTER 72

An Act to enable the Postmaster General to obtain information as to the sale and hire of television receiving sets; to enable him to prohibit the manufacture or importation of certain wireless telegraphy apparatus; to make provision for requiring applicants for vehicle excise licences to give information about such apparatus installed in vehicles; to make miscellaneous amendments in the Wireless Telegraphy Act 1949; and for connected purposes. [27th July 1967]

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

PART I

INFORMATION AS TO SALE AND HIRE OF TELEVISION SETS

1.—(1) The provisions of this section shall have effect for the Registration purpose of enabling the Postmaster General to compile and of dealers. maintain a register of television dealers.

(2) Subject to subsection (3) of this section, every person who is a television dealer on the appointed day or who subsequently becomes such a dealer shall, within twenty-eight days from the appointed day or, as the case may be, the date on which he becomes such a dealer, give to the Postmaster General a notice in the prescribed form containing the following information—

- (a) that person's name ;
- (b) the place or places where the records which he is required by this Part of this Act to keep will be kept and be available for inspection ; and

PART I

(c) the address to which notices under this Part of this Act are to be sent to him.

(3) No notice need be given under the last foregoing subsection by a television dealer in whose case the following conditions are satisfied, that is to say—

(a) that he is such a dealer by reason only that he sells or lets, or holds himself out as willing to sell or let, television sets in pursuance of arrangements made by another television dealer ; and

(b) that all payments of or towards the price or by way of rent in respect of any television set sold or let by him which are due after the appointed day are received or collected on his behalf by the dealer who arranged for the sale or letting to be made ;

but if those conditions cease to be satisfied in his case that subsection shall apply to him as if he had become a television dealer when the conditions ceased to be so satisfied.

(4) If a person who has given a notice under subsection (2) of this section ceases to be a television dealer, or any change occurs in the matters as respects which he has given information under this section, he shall give notice thereof to the Postmaster General within twenty-eight days from the date on which he so ceases or, as the case may be, the change in question.

(5) Any notice to be given to the Postmaster General under this section shall be given to him at the prescribed address.

Notification
and recording
of transactions.

2.—(1) Subject to subsection (2) of this section, every television dealer required to give a notice under section 1(2) of this Act who after the expiration of the period within which he is required to give that notice—

(a) sells a television set by retail ;

(b) lets a television set on hire or hire-purchase ; or

(c) arranges for a television set to be sold or let as aforesaid to any person by another television dealer,

shall, in relation to that sale or letting, give to the Postmaster General a notification containing the particulars specified in Part I of the Schedule to this Act and make a record of the particulars specified in Part II of that Schedule.

(2) In relation to any sale or letting as respects which the foregoing subsection is required to be complied with by the dealer who arranges for the sale or letting to be made, the other dealer concerned—

(a) shall not be required to comply with that subsection ; but

(b) shall, unless all payments of or towards the price or by way of rent in respect of the sale or letting are to

be received or collected on his behalf by the first-mentioned dealer, make a record of the particulars specified in Part III of the Schedule to this Act.

(3) Any notification to be given to the Postmaster General under this section shall be in the prescribed form and shall be given to him within twenty-eight days from the date of the sale or letting to which it relates; and any such notification to be given by any dealer shall be given to the Postmaster General at such address as he may have directed by a notice in writing given to that dealer or, if no such notice has been given, at the prescribed address.

(4) Any record under this section may be made either in the prescribed form or in any other form which enables the matters recorded to be readily ascertained by any person to whom the record is produced for inspection; and any matter required to be recorded by virtue of Part II or III of the Schedule to this Act shall be recorded within the time specified in relation thereto in that Part of the Schedule.

(5) Any record made under this section by any person shall be kept at a place at which he carries on business and, unless he previously ceases to be a television dealer, shall be preserved by him—

- (a) if it relates to a sale and the price is not payable by instalments, for twelve months from the date of the sale;
- (b) if it relates to a sale and the price is payable by instalments or to a letting, for twelve months from the date when the last instalment or payment of rent is due.

(6) The person having charge of any place where records are kept under this section shall at any time during normal business hours, if so required by a person duly authorised in that behalf by the Postmaster General, produce the records for inspection.

(7) The Postmaster General may by regulations amend or delete any provision of the Schedule to this Act or add any further provision thereto.

3.—(1) The Postmaster General may by notice in writing require a television dealer to furnish to him, at the specified address and within twenty-eight days from the date of the notice, a statement containing the following information—

Power to call for additional information.

- (a) whether, in the case of any specified credit-sale contract, hire contract or hire-purchase contract made after the expiration of twenty-eight days from the appointed day, any instalment of the price or payment of rent will fall to be received or collected by him from the buyer or hirer after the date of the notice;

PART I

(b) if so, the present or last-known address of the buyer or hirer.

(2) The Postmaster General may by notice in writing require a television dealer to furnish to him, at the specified address and within the specified period (which shall not be less than twelve months from the date of the notice), a statement containing the following information—

(a) whether, in the case of any, or any specified class or description of, credit-sale contract, hire contract or hire-purchase contract made before the expiration of twenty-eight days from the appointed day (including such a contract made before the passing of this Act), any instalment of the price or payment of rent will fall to be received or collected by him from the buyer or hirer after the date on which the statement is furnished ;

(b) as respects each such contract in the case of which such an instalment or payment will fall to be received or collected as aforesaid, the name and present or last-known address of the buyer or hirer.

(3) In this section “credit-sale contract” means a contract for the sale of a television set by retail on terms providing for the price to be paid by instalments, “hire contract” means a contract for the letting of a television set on hire, “hire-purchase contract” means a contract for the letting of a television set on hire-purchase and “specified” means specified in the notice in question.

Service of notices etc.

1889 c. 63.

4.—(1) Any notice authorised to be given under section 2 or 3 of this Act by the Postmaster General to any person may be given by sending it to him by registered post or the recorded delivery service ; and for the purposes of section 26 of the Interpretation Act 1889 in its application to this subsection, the proper address of a person to whom any such notice is to be given shall be such address as may for the time being have been notified by him for that purpose under section 1 of this Act.

(2) Any notice or notification required to be given under section 1 or 2 of this Act to the Postmaster General may be given by sending it to him by post, and any statement required to be furnished to him under section 3 of this Act may be sent to him by registered post or the recorded delivery service.

Offences and enforcement.

5.—(1) Any person who—

(a) without reasonable excuse, fails to comply with, or with any notice given under, any of the foregoing provisions of this Part of this Act ; or

(b) in purported compliance therewith—

PART I

(i) knowingly or recklessly furnishes any information which is false in a material particular ; or

(ii) makes or causes to be made or knowingly allows to be made any record which he knows to be false in a material particular,

shall be guilty of an offence under the principal Act.

(2) If a person is convicted of failing to comply with a notice under section 3(2) of this Act requiring any information to be furnished to the Postmaster General and the failure to furnish that information as aforesaid continues after the conviction, that person shall be guilty of a further offence of failing to comply with that notice and shall be liable to be proceeded against and punished accordingly.

(3) Summary proceedings in England, Wales or Northern Ireland for an offence under this section may be taken on behalf of the Postmaster General at any time within six months from the date on which evidence sufficient in his opinion to justify the proceedings comes to his knowledge :

Provided that proceedings shall not be so taken more than three years after the commission of the offence.

(4) Summary proceedings in Scotland for an offence under this section shall not be commenced after the expiration of three years from the commission of the offence, but subject to the foregoing limitation, and notwithstanding anything in section 23 of the Summary Jurisdiction (Scotland) Act 1954, such proceedings may be commenced at any time within six months after the date on which evidence sufficient in the opinion of the Lord Advocate to justify the proceedings comes to his knowledge or, where such evidence was reported to him by the Postmaster General, within six months after the date on which it came to the knowledge of the Postmaster General ; and subsection (2) of the said section 23 shall apply for the purposes of this subsection as it applies for the purposes of that section. 1954 c. 48.

(5) For the purpose of subsections (3) and (4) of this section, a certificate of the Postmaster General or the Lord Advocate, as the case may be, as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact.

6.—(1) In this Part of this Act—

“appointed day” means such day as the Postmaster General may by order appoint ;

“prescribed” means prescribed by regulations made by the Postmaster General ;

Interpretation
of Part I.

PART I

“television dealer” means a person who by way of trade or business—

- (a) sells television sets by retail ;
- (b) lets such sets on hire or hire-purchase ;
- (c) arranges for such sets to be sold or let as aforesaid by another television dealer ; or
- (d) holds himself out as willing to engage in any of the foregoing activities ;

“television set” means any wireless telegraphy apparatus designed primarily for the purpose of receiving and exhibiting television programmes broadcast for general reception (whether or not its use for that purpose is dependent on the use of anything else in conjunction therewith) and any assembly comprising such apparatus and other apparatus.

(2) In this Part of this Act references to sale by retail do not include references to such sales by auction unless the auctioneer is selling as principal ; and references to letting on hire or hire-purchase do not include references to letting as aforesaid for the purpose of re-sale or re-letting.

(3) For the purposes of this Part of this Act a television set is sold or let on hire or hire-purchase when the contract of sale or, as the case may be, the contract of hire or hire-purchase is made.

PART II

MISCELLANEOUS

Restriction of manufacture or importation of certain apparatus.

7.—(1) Where it appears to the Postmaster General to be expedient that the provisions of this section should apply to wireless telegraphy apparatus of any class or description for the purpose of preventing or reducing the risk of interference with wireless telegraphy, he may by order specify apparatus of that class or description for the purposes of this section.

(2) Where apparatus of any class or description is for the time being specified by an order under subsection (1) of this section—

- (a) no person shall manufacture, whether or not for sale, any apparatus of that class or description ; and
- (b) the importation of apparatus of that class or description is hereby prohibited,

save with the authority of the Postmaster General and subject to compliance with any terms and conditions attached by the Postmaster General to that authority ; and any such terms and conditions may relate to a period after, as well as to the time of, or a period before, the manufacture or importation.

(3) The Postmaster General's authority aforesaid may be given, and any terms or conditions may be attached by him thereto, either generally by means of a notice in the London Gazette or by an instrument in writing issued to each person authorised to manufacture or import any apparatus to which the authority relates ; and any such notice published in the London Gazette shall also be published in the Edinburgh Gazette and the Belfast Gazette.

(4) The Postmaster General shall not make any order under subsection (1) or give any authority under subsection (2) of this section, or attach any term or condition to such an authority, unless the Board of Trade are satisfied that the order, authority, term or condition in question is compatible with the international obligations of the United Kingdom ; and where any statutory instrument containing such an order or any notice or instrument in writing giving such an authority or attaching any term or condition to such an authority contains a statement that the Board of Trade are so satisfied, that statement shall be evidence, and in Scotland sufficient evidence, of that fact.

(5) A person commissioned by the Commissioners of Customs and Excise may require any person possessing or having control of any apparatus of a class or description for the time being specified by an order under subsection (1) of this section which is being or has been imported to furnish proof that the importation of the apparatus is or was not unlawful by virtue of this section ; and if such proof is not furnished to the satisfaction of the said Commissioners, then, unless the contrary is proved, the apparatus shall be deemed to be prohibited goods and be liable to forfeiture under the Customs and Excise Act 1952 c. 44. 1952.

(6) Any person who—

- (a) manufactures any apparatus in contravention of this section ; or
- (b) contravenes or fails to comply with any terms or conditions attached to any authority given by the Postmaster General under this section to manufacture or import any apparatus,

shall, without prejudice to any liability to a penalty which he may have incurred under the said Act of 1952, be guilty of an offence under the principal Act.

(7) For the avoidance of doubt, it is hereby declared that in this section the expression " manufacture " includes construction by any method and the assembly of component parts.

PART II
Provisions for
securing
enforcement
of s. 1(1) of
principal Act
in relation
to vehicles.
1962 c. 13.

8.—(1) The power to make regulations under the Vehicles (Excise) Act 1962 as to the declaration to be made and particulars to be furnished by a person applying for a licence under that Act in respect of a vehicle shall include power to require the declaration and particulars to extend to any matters relevant for the enforcement of section 1(1) of the principal Act in respect of any apparatus for wireless telegraphy installed in the vehicle; and the appropriate authority shall accordingly not be required to issue a licence under the said Act of 1962 where the applicant fails to comply with provisions included in the regulations by virtue of this subsection.

(2) If any person, in furnishing any information for the purpose of regulations made by virtue of subsection (1) of this section, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence under the principal Act.

(3) Subsection (2) of this section shall have effect to the exclusion of any provision for corresponding purposes contained in the said Act of 1962.

(4) In this section, references to the said Act of 1962 include references to any corresponding enactment for the time being in force in Northern Ireland.

Amendments
as to
territorial
extent of
Part I of
principal Act.

9.—(1) For the avoidance of doubt, it is hereby declared that, as respects any period beginning on or after 30th September 1964, references in section 6 of the principal Act (which relates to the territorial extent of sections 1 to 5 of that Act) to the territorial waters adjacent to the United Kingdom are references to the whole of the sea adjacent to the United Kingdom which is within the seaward limits of the said territorial waters determined by reference to the baseline for the time being established by the Territorial Waters Order in Council 1964 or any subsequent Order of Her Majesty made in Council under Her royal prerogative for establishing the baseline from which the breadth of the territorial sea adjacent to the United Kingdom, the Channel Islands and the Isle of Man is measured.

(2) The references in paragraphs (b) and (c) of subsection (1) of the said section 6 to any British seagoing ship or British aircraft which is registered in the United Kingdom shall be construed as references to any ship or aircraft which is so registered; and accordingly the words "British" and "seagoing", wherever they appear in the said paragraphs (b) and (c), and the word "British" in the first and second places where it occurs in subsection (3) of the said section 6, are hereby repealed.

PART II

(3) In subsection (2) of the said section 6 (which enables the Postmaster General to make regulations for regulating the use, on board any foreign seagoing ship or foreign aircraft within the limits of the United Kingdom and the territorial waters adjacent thereto, of wireless telegraphy apparatus on board the ship or aircraft, and provides that save as aforesaid nothing in Part I of the principal Act shall operate so as to impose any prohibition or restriction on persons using wireless telegraphy apparatus on board any foreign seagoing ship or foreign aircraft)—

(a) for the words " foreign seagoing ship or foreign aircraft " there shall be substituted—

(i) in the first place where those words occur, the words " ship or aircraft which, not being registered in the United Kingdom, is registered in a country other than the United Kingdom, the Isle of Man or any of the Channel Islands while that ship or aircraft is " ;

(ii) in the second place where those words occur, the words " such ship or aircraft as aforesaid " ;

(b) after the words " save as aforesaid " there shall be inserted the words " or by virtue of an Order in Council under subsection (3) of this section " ;

and accordingly, in section 14(1) of the principal Act, for the words from " Part " in the first place where it occurs to " foreign aircraft " there shall be substituted the words " section 6(2) of this Act " .

(4) Regulations under subsection (2) of the said section 6 may make different provision for different cases or for ships or aircraft registered in different countries.

(5) The provisions of subsections (2) and (3) of this section shall have effect as from the expiration of the period of one month beginning with the day on which this Act is passed.

10.—(1) The provisions of this section shall have effect for the purposes of Part II of the principal Act (which makes provision as to interference with wireless telegraphy). Amendments as to scope and territorial extent of Part II of principal Act.

(2) The apparatus which may be specified in regulations under section 10 of the principal Act shall include wireless telegraphy apparatus ; and accordingly in subsection (3) of that section the words " and not being wireless telegraphy apparatus " are hereby repealed.

(3) Section 6 of the principal Act shall have effect as if any reference therein to the preceding provisions of Part I of that Act included a reference to the provisions of any regulations made under section 10 and the provisions of sections 11, 12 and 13 of that Act.

PART II
Amendments
as to
penalties for
offences under
principal Act.

11.—(1) In section 14 of the principal Act, in subsection (1) (which relates to penalties for offences under that Act), immediately before paragraph (a) there shall be inserted the following paragraph:—

“(aa) shall—

(i) if the offence is under Part I of this Act and consists in the installation or use, otherwise than under and in accordance with a wireless telegraphy licence, of any apparatus not designed or adapted for emission (as opposed to reception); or

(ii) if the offence is under section 5 or 8(2) of the Wireless Telegraphy Act 1967,

be liable on summary conviction, in the case of the first such offence under the Part or section in question to a fine not exceeding fifty pounds, and, in the case of any subsequent such offence under the Part or section in question, to a fine not exceeding one hundred pounds;”

and sub-paragraph (i) of the said paragraph (a) is hereby repealed.

(2) In paragraph (c) of the said subsection (1) (which relates to the penalty for offences under the principal Act other than those mentioned in the preceding paragraphs of that subsection) for the words “one hundred pounds” there shall be substituted the words “four hundred pounds”.

(3) Subsection (3) of the said section 14 (which relates to the forfeiture of wireless telegraphy apparatus for certain offences)—

(a) shall cease to apply to wireless telegraphy apparatus not designed or adapted for emission (as opposed to reception); and

(b) shall apply to an offence under section 7(6) of this Act as it applies to the offences specified in the said subsection (3).

(4) Apparatus may be ordered to be forfeited under subsection (3) of the said section 14 notwithstanding that it is not the property of the person by whom the offence giving rise to the forfeiture was committed, and any apparatus ordered to be forfeited under that subsection may be disposed of by the Postmaster General in such manner as he thinks fit; and the provisions of the said subsection (3) and this subsection shall have effect notwithstanding anything in section 115 of the Magistrates' Courts Act 1952 or section 66 of the Magistrates' Courts Act (Northern Ireland) 1964.

(5) The court by whom any apparatus is ordered to be forfeited under subsection (3) of the said section 14 may also order the person by whom the offence giving rise to the forfeiture was committed not to dispose of that apparatus except by delivering

1952 c. 55.
1964 c. 21
(N.I.).

it up to the Postmaster General within forty-eight hours of being so required by him; and if that person contravenes that order or fails so to deliver up the apparatus to the Postmaster General he shall be guilty of a further offence under the principal Act which, for the purpose of determining the appropriate penalty in accordance with section 14(1) of that Act, shall be deemed to be an offence under the same provision as the offence for which the forfeiture was ordered.

PART II

12.—(1) For the purposes of any offence under the principal Act committed within the seaward limits referred to in section 9(1) of this Act but not within the United Kingdom, proceedings for that offence may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom. Enforcement of principal Act.

(2) For the purpose of the enforcement of the principal Act, a member of a police force shall have in any area of the sea within the seaward limits aforesaid all the powers, protection and privileges which he has in the area for which he acts as constable.

(3) In the application of this section to Northern Ireland, the following subsection shall be substituted for subsection (2):—

“(2) For the purpose of the enforcement of the principal Act, a member of the Royal Ulster Constabulary shall have in any area of the sea within the seaward limits aforesaid all the powers, protection and privileges which he has in Northern Ireland.”

PART III

GENERAL

13.—(1) Any power to make regulations or orders under this Act shall be exercisable by statutory instrument. Regulations and orders.

(2) A statutory instrument made in the exercise of any such power shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Regulations under this Act may make different provision for different classes of case.

(4) Any Order in Council under this Act may be revoked or varied by a subsequent Order in Council, and any order under section 7 of this Act may be revoked or varied by a subsequent order under that section.

14.—(1) In section 3(2) of the Post Office Act 1961 (which provides for the payment into the Post Office Fund of sums provided by Parliament for paying the Postmaster General for discharging his functions under the principal Act) the reference to the principal Act shall include a reference to this Act. Financial provisions. 1961 c. 15.

PART III

1962 c. 13.

(2) There shall be paid out of moneys provided by Parliament any increase attributable to section 8 of this Act in the expenses to which section 22(1)(b) of the Vehicles (Excise) Act 1962 applies (expenses of government departments other than the Postmaster General in administering that Act).

Short title,
citation,
interpretation
and extent.

15.—(1) This Act may be cited as the Wireless Telegraphy Act 1967.

(2) The Wireless Telegraphy Acts 1949 and 1955 and this Act may be cited together as the Wireless Telegraphy Acts 1949 to 1967.

1949 c. 54.

(3) In this Act “the principal Act” means the Wireless Telegraphy Act 1949, and “wireless telegraphy”, “wireless telegraphy apparatus”, “apparatus for wireless telegraphy” and “interference” have the same meanings respectively as in that Act.

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

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

(6) Her Majesty may by Order in Council direct that all or any of the provisions of this Act shall extend to the Isle of Man or, except for section 7 of this Act, to any of the Channel Islands with such exceptions, adaptations and modifications as may be specified in the Order.

SCHEDULE

Section 2.

NOTIFICATIONS AND RECORDS

PART I

PARTICULARS TO BE NOTIFIED

1. The date of the sale or letting.
2. The name and address of the buyer or hirer.
3. In the case of a sale, whether the price is payable by instalments and, in the case of a letting, whether it is a letting on hire or hire-purchase.
4. If the dealer is not himself the seller or owner and all payments of or towards the price or by way of rent in respect of the sale or letting are not to be received or collected by the dealer on behalf of the seller or owner, the name and address of the seller or owner.
5. If the set has been or is to be installed by the dealer or another person to his order, the address of the premises at which it has been or is to be installed.
6. If the set has not been and is not to be installed as aforesaid but has been or is to be delivered by the dealer or another person to his order to any premises, the address of those premises.
7. Whether the set is designed for reception in colour.

PART II

PARTICULARS TO BE RECORDED BY NOTIFYING DEALER

Within 28 days from the date of the sale or letting

1. The date of the sale or letting.
2. The name and address of the buyer or hirer.
3. If the dealer is not himself the seller or owner and all payments of or towards the price or by way of rent in respect of the sale or letting are not to be received or collected by the dealer on behalf of the seller or owner, the name and address of the seller or owner.
4. If the set has been or is to be installed by the dealer or another person to his order, the address of the premises at which it has been or is to be installed.
5. If the set has not been and is not to be installed as aforesaid but has been or is to be delivered by the dealer or another person to his order to any premises, the address of those premises.
6. Whether the set is designed for reception in colour.

Within 28 days of the information coming to the knowledge of the dealer

7. If the dealer is himself the seller or owner or such payments as are mentioned in paragraph 3 of this Part of this Schedule are to be received or collected by him on behalf of the seller or owner, any change in the address of the buyer or hirer.

- SCH. 8. If after the date of the sale or letting any such payments as aforesaid which would otherwise be received or collected by the dealer are to be received or collected by another person, the name and address of that other person.

PART III

PARTICULARS TO BE RECORDED BY OTHER DEALER

Within 28 days from the date of the sale or letting

1. The date of the sale or letting.
2. The name and address of the buyer or hirer.
3. The name and address of the dealer who arranged the sale or letting.
4. The address (if known) of the premises where the set is first installed or normally kept.
5. Whether the set is designed for reception in colour.
Within 28 days of the information coming to the knowledge of the dealer
6. Any change in the address of the buyer or hirer.

7. If after the date of the sale or letting any payments of or towards the price or by way of rent in respect of the sale or letting which would otherwise be received or collected by the dealer are to be received or collected by another person, the name and address of that other person.



National Insurance Act 1967

1967 CHAPTER 73

An Act to amend the provisions of the National Insurance Act 1965, the National Insurance (Industrial Injuries) Act 1965 and the Industrial Injuries and Diseases (Old Cases) Act 1967 as to contributions, benefit and insurable employments; to provide for the set-off of certain overpayments; to confer temporary power to increase family allowances by order; and for connected purposes. [27th July 1967]

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

1.—(1) In the Insurance Act—

- (a) for the provisions set out in Schedule 1 (rates of flat-rate contributions) there shall be substituted the provisions set out in Schedule 1 to this Act;
- (b) for the provisions set out in Schedule 3 (rates of periodical benefits and of increases for dependants) there shall be substituted the provisions set out in Schedule 2 to this Act;
- (c) for the provisions set out in Schedule 4 (amounts of grants) there shall be substituted the provisions set out in Schedule 3 to this Act (being provisions increasing the amount of death grant);
- (d) in section 10(1)(a)(iii) (which provides for excepting insured persons from liability to pay contributions when their income does not exceed two hundred and sixty pounds a year) for the words "two hundred and sixty pounds" there shall be substituted the words "three hundred and twelve pounds";

Amendments
as to
contributions
and benefit
under
Insurance Act.

- (e) subject to paragraph 5 of Schedule 7 to this Act, in sections 31(1), 34(1)(a) and 34(1)(b) (which provide for the weekly rate of a retirement pension of, or of the wife or widow of, a person who has paid flat-rate contributions in respect of a period after his attaining pensionable age to be increased in certain circumstances by a specified amount for every twelve of those contributions) for the word "twelve" there shall in each case be substituted the word "nine".

(2) The provisions specified in Schedule 4 to this Act shall have effect subject to the amendments so specified.

Amendments
of Industrial
Injuries Act
as to
contributions,
benefit and
insurable
employments.

2.—(1) In the Industrial Injuries Act—

- (a) for the Table set out in Part I of Schedule 2 (weekly rates of contribution payable by insured persons and employers) there shall be substituted the Table set out in Schedule 5 to this Act ;
- (b) for the provisions of Schedule 3 (rate or amount of benefit etc.) there shall be substituted the provisions set out in Schedule 6 to this Act ;
- (c) in subsection (3) of section 19, for the words "one pound" (being the weekly rate of a pension payable under that section to a widow in a case which does not fall within paragraphs (a) to (e) of that subsection) there shall be substituted the words "one pound ten shillings".

(2) The Minister may by regulations make provision with respect to employment under a contract of service on board a ship or vessel in a capacity other than that of master or a member of the crew or on board an aircraft in a capacity other than that of pilot, commander, navigator or member of the crew substituting, in such cases or classes of case as may be specified in the regulations—

- (a) for the circumstances set out in paragraph 2(1)(b) or 8(1)(b) of Part I of Schedule 1 to the Industrial Injuries Act as circumstances in which such employment is an insurable employment, or
- (b) for the corresponding circumstances set out in paragraph 2(b) or 4(b) of Part II of that Schedule as circumstances in which such employment is an excepted employment,

such circumstances as may be specified in the regulations.

3.—(1) In the Old Cases Act—

Amendments
as to benefit
under Old
Cases Act.

(a) in section 2(6)(c), for the words “two pounds seven shillings and sixpence” (being the maximum weekly rate of a lesser incapacity allowance in supplementation of workmen’s compensation) there shall be substituted the words “two pounds fifteen shillings”;

(b) in section 7(2)(b), for the words “two pounds ten shillings” (being the weekly rate of an allowance by virtue of section 5(1)(a) of that Act in respect of disablement which is not total) there shall be substituted the words “two pounds fifteen shillings”.

(2) With a view to securing that section 5 of the Old Cases Act (which enables schemes to make provision for industrial diseases benefit in respect of employment before 5th July 1948), in addition to applying to the diseases mentioned in paragraphs (a), (b) and (c) of subsection (2) of that section, applies to any other disease which is a malignant or potentially malignant neoplasm and is for the time being prescribed for the purposes of Part IV of the Industrial Injuries Act as it applies to any disease such as is mentioned in the said paragraph (c) (except in relation to a person who died as a result of any such other disease before the passing of this Act), the said section 5 shall have effect subject to the following amendments, namely—

(a) in subsection (1)(c), at the end there shall be added the words “so, however, that in relation to such a disease as is mentioned in subsection (2)(d) of this section the foregoing provisions of this paragraph shall have effect as if for the reference to 31st December 1949 there were substituted a reference to the date of the passing of the National Insurance Act 1967”;

(b) in subsection (2), after paragraph (c) there shall be inserted the following paragraph:—

“(d) any other disease which is a malignant or potentially malignant neoplasm and is for the time being prescribed for the purposes of Part IV of the Industrial Injuries Act;”

(c) in subsection (2), after the words “paragraph (c)” there shall be inserted the words “or (d)”.

(3) In section 14(1) of the Old Cases Act, in the definition of “pneumoconiosis”, after the word “treated” there shall be inserted the words “for the purposes of any scheme under section 2 or 5 of this Act”; and in section 14(2) of that Act for the words “an allowance under the said section 2 or 5” there shall be substituted the words “any such scheme”.

Modifications
of British
Nationality
Acts.
1948 c. 56.

2.—(1) The provisions of the Schedule to this Act shall have effect.

(2) In section 32(1) of the British Nationality Act 1948 (interpretation) the definition of "Governor" shall have effect, and shall be deemed to have had effect as from 17th January 1963, with the addition of the words "and includes the High Commissioner for Aden and the Protectorate of South Arabia".

1967 c. 4.

(3) In accordance with section 3(3) of the West Indies Act 1967, it is hereby declared that this section and the Schedule to this Act extend to all associated states.

Consequential
modification
of other
statutory
provisions.

3.—(1) Her Majesty may make by Order in Council such amendments or modifications of any enactment of the Parliament of the United Kingdom for the time being in force, or of any instrument for the time being in force and having effect by virtue of such an enactment, as appear to Her Majesty to be necessary or expedient in consequence of the provisions of section 1 of this Act.

(2) Any provision which, in consequence of the operation of subsection (1) of section 1 of this Act in relation to a territory to which that section applies, is made by Order in Council under this section after the appointed day may be made with retrospective effect as from that day or any later date.

(3) Subject to the next following subsection, any provision made by an Order in Council under this section with respect to an enactment or instrument shall, except in so far as the Order otherwise provides, have effect as part of the law of every country or territory outside the United Kingdom to which the enactment or instrument in question extends, as well as having effect as part of the law of the United Kingdom.

(4) An Order in Council made under this section shall not have effect as part of the law of any associated state or of any country or territory for whose government, at the date on which the Order is made, Her Majesty's Government in the United Kingdom have no responsibility.

(5) For the purpose of making an Order in Council under this section, any reference in subsection (1) of this section to any enactment or instrument for the time being in force shall be construed as a reference to any enactment or instrument in force immediately before that Order is made, whether the enactment or instrument was passed or made before or after the passing of this Act.

Aden Widows'
and Orphans'
Pension Fund.

4.—(1) For the purpose of giving effect to any arrangements made with a view to, or in consequence of, the winding up of the Aden Widows' and Orphans' Pension Fund, the Minister of

Overseas Development may by regulations make provision for the payment of pensions of such amounts, and payable to or in respect of such persons, as may appear to him to be appropriate for that purpose.

(2) Any such regulations may include provision for the payment, by or in respect of persons to whom the regulations apply, of such contributions as may be prescribed by, or determined in accordance with, the regulations, and may contain such transitional or other incidental and supplementary provisions as may appear to the Minister of Overseas Development to be necessary or expedient.

(3) Any pension payable by virtue of regulations made under this section shall be payable out of moneys provided by Parliament; and any contributions paid in pursuance of the regulations as mentioned in the last preceding subsection shall be paid into the Exchequer.

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

(5) In this section "the Aden Widows' and Orphans' Pension Fund" means the fund established by that name under the law of Aden, and "pension" means any contributory or non-contributory pension, of any kind whatsoever, payable to or in respect of any person, or a lump sum or gratuity so payable, by way of compensation or otherwise, or a return of contributions, with or without interest thereon or any other addition thereto.

5.—(1) This section applies to appeals to Her Majesty in Council—

- (a) from the Court of Appeal for Eastern Africa acting on appeal from any court having jurisdiction under the laws of a territory to which section 1 of this Act applies, or
- (b) from any other court acting in the exercise of any jurisdiction exercisable by that court in relation to such a territory,

Pending appeals to Her Majesty in Council.

being appeals which are pending immediately before the appointed day and in which the records have been registered in the Office of the Privy Council before that day.

(2) In respect of appeals to which this section applies, or in respect of any class of such appeals, Her Majesty may by Order in Council confer on the Judicial Committee of the Privy Council such jurisdiction as appears to Her Majesty to be appropriate in the circumstances for the purpose of enabling them to be continued before and disposed of by that Committee.

(3) An Order in Council under this section may, if Her Majesty thinks fit, direct that any appeal continued before the Judicial Committee of the Privy Council in pursuance of the Order shall abate on a date specified in the Order unless it has been heard by the Committee before that date; and an Order containing such a direction may contain provisions to facilitate the hearing of any such appeal before that date, including provisions as to the sittings of the Committee and provisions for expediting the steps to be taken by the parties preliminary to the hearing of an appeal.

(4) An Order in Council under this section may determine the practice and procedure to be followed on any appeal continued before the said Committee in pursuance of the Order, and, in particular, may include provisions as to the form of any report or recommendation to be made by that Committee in the exercise of the jurisdiction conferred on that Committee by the Order, as to the authority to whom any such report or recommendation is to be transmitted and as to the manner in which it is to be transmitted to that authority.

1833 c. 41.

(5) Except so far as otherwise provided by an Order in Council under this section, and subject to such modifications as may be so provided, the Judicial Committee Act 1833 shall apply in relation to appeals continued before the Judicial Committee of the Privy Council under this section as it applied in relation to those appeals before the appointed day.

Supplementary provisions as to Orders in Council.

6.—(1) Any Order in Council under this Act may contain such transitional or other incidental and supplementary provisions as may appear to Her Majesty to be necessary or expedient.

(2) Any Order in Council made under section 3 of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Any Order in Council made under section 5 of this Act shall be laid before Parliament after being made.

(4) Any power to make an Order in Council under section 3 or section 5 of this Act shall include power to revoke or vary the Order by a subsequent Order in Council made under the same section.

Interpretation.

7.—(1) In this Act any reference to a territory shall be construed as including a reference to its dependencies (if any).

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

8.—(1) In section 3 of this Act references to any enactment of the Parliament of the United Kingdom shall be construed as including references to any enactment of the Parliament of Northern Ireland. Provisions as
to Northern
Ireland.

(2) In relation to any Order in Council made under that section which amends or modifies an enactment of the Parliament of Northern Ireland or an enactment relating to any matter in respect of which that Parliament has power to make laws, section 6 of the Government of Ireland Act 1920 (conflict of laws) shall have effect as if the Order were a provision of an Act (other than that Act) passed by the Parliament of the United Kingdom before the date which is the appointed day for the purposes of the said section 6. 1920 c. 67.

9. This Act may be cited as the Aden, Perim and Kuria Muria Islands Act 1967. Short title.

Section 2.

SCHEDULE

MODIFICATIONS OF BRITISH NATIONALITY ACTS

Change of citizenship

1.—(1) Except as provided by the following provisions of this Schedule, any person who, on such date as may be specified in an order made by the Secretary of State,—

- (a) in consequence of his connection with a territory designated by the order, possesses any such nationality or citizenship as may be specified by the order, whether he acquired that nationality or citizenship before that date or acquires it on that date, and
- (b) immediately before that date is a citizen of the United Kingdom and Colonies,

shall on that date cease to be a citizen of the United Kingdom and Colonies.

(2) Subject to the next following sub-paragraph, the territory designated by an order under this paragraph shall be a territory to which section 1 of this Act applies, and the date specified in the order shall not be earlier than the appointed day.

(3) The territory designated by an order under this paragraph may be so designated as being a territory in which a territory to which section 1 of this Act applies which is specified in the order (in this sub-paragraph referred to as “the specified component territory”) is comprised on or immediately after the day which, in relation to the specified component territory, is the appointed day; and in that case the date specified in the order shall not be earlier than that day.

(4) An order may be made under this paragraph specifying a nationality or citizenship and a date, as mentioned in the preceding provisions of this paragraph, notwithstanding that one or more orders, specifying the same nationality or citizenship but an earlier date or earlier dates, have previously been made thereunder.

1948 c. 56.

2. Section 6(2) of the British Nationality Act 1948 (registration as citizens of the United Kingdom and Colonies of women who have been married to such citizens) shall not apply to a woman by virtue of her marriage to a person who ceases to be a citizen of the United Kingdom and Colonies under paragraph 1 of this Schedule, or who, in consequence of his connection with a territory designated by an order under that paragraph, would have ceased to be such a citizen under that paragraph if he had been living on the date specified in the order.

*Retention of citizenship of the United Kingdom
and Colonies in certain cases*

3.—(1) Subject to sub-paragraph (6) of this paragraph, a person shall not cease to be a citizen of the United Kingdom and Colonies under paragraph 1 of this Schedule if he, his father or his father's father—

- (a) was born in the United Kingdom or in a colony or an associated state; or

- (b) is or was a person naturalised in the United Kingdom and Colonies; or
- (c) was registered as a citizen of the United Kingdom and Colonies; or
- (d) became a British subject by reason of the annexation of any territory included in a colony.
- SCH.

(2) A person shall not cease to be a citizen of the United Kingdom and Colonies under paragraph 1 of this Schedule if either—

- (a) he was born in a protectorate or protected state, or
- (b) his father or his father's father was so born and is or at any time was a British subject.

(3) A person shall not cease to be a citizen of the United Kingdom and Colonies under paragraph 1 of this Schedule in consequence of his connection with a territory designated by an order under that paragraph if on the date specified in the order he is ordinarily resident in the United Kingdom or in a colony or an associated state.

(4) A woman who is the wife of a citizen of the United Kingdom and Colonies shall not cease to be such a citizen under paragraph 1 of this Schedule unless her husband does so.

(5) Subject to sub-paragraph (6) of this paragraph, the reference in sub-paragraph (1)(b) of this paragraph to a person naturalised in the United Kingdom and Colonies shall include a person who would, if living immediately before the commencement of the British Nationality Act 1948, have become a person naturalised in the United Kingdom and Colonies by virtue of section 32(6) of that Act (persons given local naturalisation before the commencement of that Act). 1948 c. 56.

(6) For the purposes of the operation of this paragraph, as read with paragraph 1 of this Schedule, in relation to a territory designated by an order under paragraph 1 of this Schedule—

- (a) any reference in this paragraph to a colony shall be construed as not including any territory to which section 1 of this Act applies or any territory (not being one to which that section applies) which has ceased to be a colony before the date specified in the order, and
- (b) any reference in this paragraph to a protectorate or protected state shall be construed as not including any territory for the time being comprised in the Protectorate of South Arabia or Kamaran, and as not including any territory not so comprised which has ceased to be a protectorate or protected state before the date specified in the order;

and sub-paragraph (1) of this paragraph shall not apply to a person by virtue of any certificate of naturalisation granted or registration effected by the governor or government of a territory which by virtue of this sub-paragraph is excluded from references in this paragraph to a colony, protectorate or protected state.

(7) Part III of the British Nationality Act 1948 (supplementary provisions) shall have effect for the purposes of this paragraph as if this paragraph were included in that Act.

SCH.

Provisions as to orders

4.—(1) Any power to make an order under paragraph 1 of this Schedule shall include power to revoke or vary the order by a subsequent order under that paragraph.

(2) Any power to make an order under that paragraph shall be exercisable by statutory instrument.



Wireless Telegraphy Act 1967

1967 CHAPTER 72

An Act to enable the Postmaster General to obtain information as to the sale and hire of television receiving sets; to enable him to prohibit the manufacture or importation of certain wireless telegraphy apparatus; to make provision for requiring applicants for vehicle excise licences to give information about such apparatus installed in vehicles; to make miscellaneous amendments in the Wireless Telegraphy Act 1949; and for connected purposes. [27th July 1967]

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

PART I

INFORMATION AS TO SALE AND HIRE OF TELEVISION SETS

1.—(1) The provisions of this section shall have effect for the ^{Registration} purpose of enabling the Postmaster General to compile and ^{of dealers.} maintain a register of television dealers.

(2) Subject to subsection (3) of this section, every person who is a television dealer on the appointed day or who subsequently becomes such a dealer shall, within twenty-eight days from the appointed day or, as the case may be, the date on which he becomes such a dealer, give to the Postmaster General a notice in the prescribed form containing the following information—

- (a) that person's name ;
- (b) the place or places where the records which he is required by this Part of this Act to keep will be kept and be available for inspection ; and

PART I

(c) the address to which notices under this Part of this Act are to be sent to him.

(3) No notice need be given under the last foregoing subsection by a television dealer in whose case the following conditions are satisfied, that is to say—

(a) that he is such a dealer by reason only that he sells or lets, or holds himself out as willing to sell or let, television sets in pursuance of arrangements made by another television dealer ; and

(b) that all payments of or towards the price or by way of rent in respect of any television set sold or let by him which are due after the appointed day are received or collected on his behalf by the dealer who arranged for the sale or letting to be made ;

but if those conditions cease to be satisfied in his case that subsection shall apply to him as if he had become a television dealer when the conditions ceased to be so satisfied.

(4) If a person who has given a notice under subsection (2) of this section ceases to be a television dealer, or any change occurs in the matters as respects which he has given information under this section, he shall give notice thereof to the Postmaster General within twenty-eight days from the date on which he so ceases or, as the case may be, the change in question.

(5) Any notice to be given to the Postmaster General under this section shall be given to him at the prescribed address.

Notification
and recording
of transactions.

2.—(1) Subject to subsection (2) of this section, every television dealer required to give a notice under section 1(2) of this Act who after the expiration of the period within which he is required to give that notice—

(a) sells a television set by retail ;

(b) lets a television set on hire or hire-purchase ; or

(c) arranges for a television set to be sold or let as aforesaid to any person by another television dealer,

shall, in relation to that sale or letting, give to the Postmaster General a notification containing the particulars specified in Part I of the Schedule to this Act and make a record of the particulars specified in Part II of that Schedule.

(2) In relation to any sale or letting as respects which the foregoing subsection is required to be complied with by the dealer who arranges for the sale or letting to be made, the other dealer concerned—

(a) shall not be required to comply with that subsection ; but

(b) shall, unless all payments of or towards the price or by way of rent in respect of the sale or letting are to

be received or collected on his behalf by the first-mentioned dealer, make a record of the particulars specified in Part III of the Schedule to this Act.

(3) Any notification to be given to the Postmaster General under this section shall be in the prescribed form and shall be given to him within twenty-eight days from the date of the sale or letting to which it relates; and any such notification to be given by any dealer shall be given to the Postmaster General at such address as he may have directed by a notice in writing given to that dealer or, if no such notice has been given, at the prescribed address.

(4) Any record under this section may be made either in the prescribed form or in any other form which enables the matters recorded to be readily ascertained by any person to whom the record is produced for inspection; and any matter required to be recorded by virtue of Part II or III of the Schedule to this Act shall be recorded within the time specified in relation thereto in that Part of the Schedule.

(5) Any record made under this section by any person shall be kept at a place at which he carries on business and, unless he previously ceases to be a television dealer, shall be preserved by him—

- (a) if it relates to a sale and the price is not payable by instalments, for twelve months from the date of the sale;
- (b) if it relates to a sale and the price is payable by instalments or to a letting, for twelve months from the date when the last instalment or payment of rent is due.

(6) The person having charge of any place where records are kept under this section shall at any time during normal business hours, if so required by a person duly authorised in that behalf by the Postmaster General, produce the records for inspection.

(7) The Postmaster General may by regulations amend or delete any provision of the Schedule to this Act or add any further provision thereto.

3.—(1) The Postmaster General may by notice in writing require a television dealer to furnish to him, at the specified address and within twenty-eight days from the date of the notice, a statement containing the following information—

- (a) whether, in the case of any specified credit-sale contract, hire contract or hire-purchase contract made after the expiration of twenty-eight days from the appointed day, any instalment of the price or payment of rent will fall to be received or collected by him from the buyer or hirer after the date of the notice;

PART I

(b) if so, the present or last-known address of the buyer or hirer.

(2) The Postmaster General may by notice in writing require a television dealer to furnish to him, at the specified address and within the specified period (which shall not be less than twelve months from the date of the notice), a statement containing the following information—

(a) whether, in the case of any, or any specified class or description of, credit-sale contract, hire contract or hire-purchase contract made before the expiration of twenty-eight days from the appointed day (including such a contract made before the passing of this Act), any instalment of the price or payment of rent will fall to be received or collected by him from the buyer or hirer after the date on which the statement is furnished ;

(b) as respects each such contract in the case of which such an instalment or payment will fall to be received or collected as aforesaid, the name and present or last-known address of the buyer or hirer.

(3) In this section “credit-sale contract” means a contract for the sale of a television set by retail on terms providing for the price to be paid by instalments, “hire contract” means a contract for the letting of a television set on hire, “hire-purchase contract” means a contract for the letting of a television set on hire-purchase and “specified” means specified in the notice in question.

Service of notices etc.

1889 c. 63.

4.—(1) Any notice authorised to be given under section 2 or 3 of this Act by the Postmaster General to any person may be given by sending it to him by registered post or the recorded delivery service ; and for the purposes of section 26 of the Interpretation Act 1889 in its application to this subsection, the proper address of a person to whom any such notice is to be given shall be such address as may for the time being have been notified by him for that purpose under section 1 of this Act.

(2) Any notice or notification required to be given under section 1 or 2 of this Act to the Postmaster General may be given by sending it to him by post, and any statement required to be furnished to him under section 3 of this Act may be sent to him by registered post or the recorded delivery service.

Offences and enforcement.

5.—(1) Any person who—

(a) without reasonable excuse, fails to comply with, or with any notice given under, any of the foregoing provisions of this Part of this Act ; or

(b) in purported compliance therewith—

PART I

(i) knowingly or recklessly furnishes any information which is false in a material particular ; or

(ii) makes or causes to be made or knowingly allows to be made any record which he knows to be false in a material particular,

shall be guilty of an offence under the principal Act.

(2) If a person is convicted of failing to comply with a notice under section 3(2) of this Act requiring any information to be furnished to the Postmaster General and the failure to furnish that information as aforesaid continues after the conviction, that person shall be guilty of a further offence of failing to comply with that notice and shall be liable to be proceeded against and punished accordingly.

(3) Summary proceedings in England, Wales or Northern Ireland for an offence under this section may be taken on behalf of the Postmaster General at any time within six months from the date on which evidence sufficient in his opinion to justify the proceedings comes to his knowledge :

Provided that proceedings shall not be so taken more than three years after the commission of the offence.

(4) Summary proceedings in Scotland for an offence under this section shall not be commenced after the expiration of three years from the commission of the offence, but subject to the foregoing limitation, and notwithstanding anything in section 23 of the Summary Jurisdiction (Scotland) Act 1954, such proceedings may be commenced at any time within six months after the date on which evidence sufficient in the opinion of the Lord Advocate to justify the proceedings comes to his knowledge or, where such evidence was reported to him by the Postmaster General, within six months after the date on which it came to the knowledge of the Postmaster General ; and subsection (2) of the said section 23 shall apply for the purposes of this subsection as it applies for the purposes of that section. 1954 c. 48.

(5) For the purpose of subsections (3) and (4) of this section, a certificate of the Postmaster General or the Lord Advocate, as the case may be, as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact.

6.—(1) In this Part of this Act—

“appointed day” means such day as the Postmaster General may by order appoint ;

“prescribed” means prescribed by regulations made by the Postmaster General ;

Interpretation
of Part I.

PART I

“television dealer” means a person who by way of trade or business—

- (a) sells television sets by retail ;
- (b) lets such sets on hire or hire-purchase ;
- (c) arranges for such sets to be sold or let as aforesaid by another television dealer ; or
- (d) holds himself out as willing to engage in any of the foregoing activities ;

“television set” means any wireless telegraphy apparatus designed primarily for the purpose of receiving and exhibiting television programmes broadcast for general reception (whether or not its use for that purpose is dependent on the use of anything else in conjunction therewith) and any assembly comprising such apparatus and other apparatus.

(2) In this Part of this Act references to sale by retail do not include references to such sales by auction unless the auctioneer is selling as principal ; and references to letting on hire or hire-purchase do not include references to letting as aforesaid for the purpose of re-sale or re-letting.

(3) For the purposes of this Part of this Act a television set is sold or let on hire or hire-purchase when the contract of sale or, as the case may be, the contract of hire or hire-purchase is made.

PART II

MISCELLANEOUS

Restriction of manufacture or importation of certain apparatus.

7.—(1) Where it appears to the Postmaster General to be expedient that the provisions of this section should apply to wireless telegraphy apparatus of any class or description for the purpose of preventing or reducing the risk of interference with wireless telegraphy, he may by order specify apparatus of that class or description for the purposes of this section.

(2) Where apparatus of any class or description is for the time being specified by an order under subsection (1) of this section—

- (a) no person shall manufacture, whether or not for sale, any apparatus of that class or description ; and
- (b) the importation of apparatus of that class or description is hereby prohibited,

save with the authority of the Postmaster General and subject to compliance with any terms and conditions attached by the Postmaster General to that authority ; and any such terms and conditions may relate to a period after, as well as to the time of, or a period before, the manufacture or importation.

(3) The Postmaster General's authority aforesaid may be given, and any terms or conditions may be attached by him thereto, either generally by means of a notice in the London Gazette or by an instrument in writing issued to each person authorised to manufacture or import any apparatus to which the authority relates ; and any such notice published in the London Gazette shall also be published in the Edinburgh Gazette and the Belfast Gazette.

(4) The Postmaster General shall not make any order under subsection (1) or give any authority under subsection (2) of this section, or attach any term or condition to such an authority, unless the Board of Trade are satisfied that the order, authority, term or condition in question is compatible with the international obligations of the United Kingdom ; and where any statutory instrument containing such an order or any notice or instrument in writing giving such an authority or attaching any term or condition to such an authority contains a statement that the Board of Trade are so satisfied, that statement shall be evidence, and in Scotland sufficient evidence, of that fact.

(5) A person commissioned by the Commissioners of Customs and Excise may require any person possessing or having control of any apparatus of a class or description for the time being specified by an order under subsection (1) of this section which is being or has been imported to furnish proof that the importation of the apparatus is or was not unlawful by virtue of this section ; and if such proof is not furnished to the satisfaction of the said Commissioners, then, unless the contrary is proved, the apparatus shall be deemed to be prohibited goods and be liable to forfeiture under the Customs and Excise Act 1952 c. 44. 1952.

(6) Any person who—

- (a) manufactures any apparatus in contravention of this section ; or
- (b) contravenes or fails to comply with any terms or conditions attached to any authority given by the Postmaster General under this section to manufacture or import any apparatus,

shall, without prejudice to any liability to a penalty which he may have incurred under the said Act of 1952, be guilty of an offence under the principal Act.

(7) For the avoidance of doubt, it is hereby declared that in this section the expression " manufacture " includes construction by any method and the assembly of component parts.

PART II
Provisions for
securing
enforcement
of s. 1(1) of
principal Act
in relation
to vehicles.
1962 c. 13.

8.—(1) The power to make regulations under the Vehicles (Excise) Act 1962 as to the declaration to be made and particulars to be furnished by a person applying for a licence under that Act in respect of a vehicle shall include power to require the declaration and particulars to extend to any matters relevant for the enforcement of section 1(1) of the principal Act in respect of any apparatus for wireless telegraphy installed in the vehicle; and the appropriate authority shall accordingly not be required to issue a licence under the said Act of 1962 where the applicant fails to comply with provisions included in the regulations by virtue of this subsection.

(2) If any person, in furnishing any information for the purpose of regulations made by virtue of subsection (1) of this section, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence under the principal Act.

(3) Subsection (2) of this section shall have effect to the exclusion of any provision for corresponding purposes contained in the said Act of 1962.

(4) In this section, references to the said Act of 1962 include references to any corresponding enactment for the time being in force in Northern Ireland.

Amendments
as to
territorial
extent of
Part I of
principal Act.

9.—(1) For the avoidance of doubt, it is hereby declared that, as respects any period beginning on or after 30th September 1964, references in section 6 of the principal Act (which relates to the territorial extent of sections 1 to 5 of that Act) to the territorial waters adjacent to the United Kingdom are references to the whole of the sea adjacent to the United Kingdom which is within the seaward limits of the said territorial waters determined by reference to the baseline for the time being established by the Territorial Waters Order in Council 1964 or any subsequent Order of Her Majesty made in Council under Her royal prerogative for establishing the baseline from which the breadth of the territorial sea adjacent to the United Kingdom, the Channel Islands and the Isle of Man is measured.

(2) The references in paragraphs (b) and (c) of subsection (1) of the said section 6 to any British seagoing ship or British aircraft which is registered in the United Kingdom shall be construed as references to any ship or aircraft which is so registered; and accordingly the words "British" and "seagoing", wherever they appear in the said paragraphs (b) and (c), and the word "British" in the first and second places where it occurs in subsection (3) of the said section 6, are hereby repealed.

PART II

(3) In subsection (2) of the said section 6 (which enables the Postmaster General to make regulations for regulating the use, on board any foreign seagoing ship or foreign aircraft within the limits of the United Kingdom and the territorial waters adjacent thereto, of wireless telegraphy apparatus on board the ship or aircraft, and provides that save as aforesaid nothing in Part I of the principal Act shall operate so as to impose any prohibition or restriction on persons using wireless telegraphy apparatus on board any foreign seagoing ship or foreign aircraft)—

(a) for the words “ foreign seagoing ship or foreign aircraft ” there shall be substituted—

(i) in the first place where those words occur, the words “ ship or aircraft which, not being registered in the United Kingdom, is registered in a country other than the United Kingdom, the Isle of Man or any of the Channel Islands while that ship or aircraft is ” ;

(ii) in the second place where those words occur, the words “ such ship or aircraft as aforesaid ” ;

(b) after the words “ save as aforesaid ” there shall be inserted the words “ or by virtue of an Order in Council under subsection (3) of this section ” ;

and accordingly, in section 14(1) of the principal Act, for the words from “ Part ” in the first place where it occurs to “ foreign aircraft ” there shall be substituted the words “ section 6(2) of this Act ”.

(4) Regulations under subsection (2) of the said section 6 may make different provision for different cases or for ships or aircraft registered in different countries.

(5) The provisions of subsections (2) and (3) of this section shall have effect as from the expiration of the period of one month beginning with the day on which this Act is passed.

10.—(1) The provisions of this section shall have effect for the purposes of Part II of the principal Act (which makes provision as to interference with wireless telegraphy). Amendments as to scope and territorial extent of Part II of principal Act.

(2) The apparatus which may be specified in regulations under section 10 of the principal Act shall include wireless telegraphy apparatus; and accordingly in subsection (3) of that section the words “ and not being wireless telegraphy apparatus ” are hereby repealed.

(3) Section 6 of the principal Act shall have effect as if any reference therein to the preceding provisions of Part I of that Act included a reference to the provisions of any regulations made under section 10 and the provisions of sections 11, 12 and 13 of that Act.

PART II
Amendments
 as to
 penalties for
 offences under
 principal Act.

11.—(1) In section 14 of the principal Act, in subsection (1) (which relates to penalties for offences under that Act), immediately before paragraph (a) there shall be inserted the following paragraph:—

“(aa) shall—

(i) if the offence is under Part I of this Act and consists in the installation or use, otherwise than under and in accordance with a wireless telegraphy licence, of any apparatus not designed or adapted for emission (as opposed to reception); or

(ii) if the offence is under section 5 or 8(2) of the Wireless Telegraphy Act 1967,

be liable on summary conviction, in the case of the first such offence under the Part or section in question to a fine not exceeding fifty pounds, and, in the case of any subsequent such offence under the Part or section in question, to a fine not exceeding one hundred pounds;”

and sub-paragraph (i) of the said paragraph (a) is hereby repealed.

(2) In paragraph (c) of the said subsection (1) (which relates to the penalty for offences under the principal Act other than those mentioned in the preceding paragraphs of that subsection) for the words “one hundred pounds” there shall be substituted the words “four hundred pounds”.

(3) Subsection (3) of the said section 14 (which relates to the forfeiture of wireless telegraphy apparatus for certain offences)—

(a) shall cease to apply to wireless telegraphy apparatus not designed or adapted for emission (as opposed to reception); and

(b) shall apply to an offence under section 7(6) of this Act as it applies to the offences specified in the said subsection (3).

(4) Apparatus may be ordered to be forfeited under subsection (3) of the said section 14 notwithstanding that it is not the property of the person by whom the offence giving rise to the forfeiture was committed, and any apparatus ordered to be forfeited under that subsection may be disposed of by the Postmaster General in such manner as he thinks fit; and the provisions of the said subsection (3) and this subsection shall have effect notwithstanding anything in section 115 of the Magistrates' Courts Act 1952 or section 66 of the Magistrates' Courts Act (Northern Ireland) 1964.

(5) The court by whom any apparatus is ordered to be forfeited under subsection (3) of the said section 14 may also order the person by whom the offence giving rise to the forfeiture was committed not to dispose of that apparatus except by delivering

1952 c. 55.
 1964 c. 21
 (N.I.).

PART II

it up to the Postmaster General within forty-eight hours of being so required by him ; and if that person contravenes that order or fails so to deliver up the apparatus to the Postmaster General he shall be guilty of a further offence under the principal Act which, for the purpose of determining the appropriate penalty in accordance with section 14(1) of that Act, shall be deemed to be an offence under the same provision as the offence for which the forfeiture was ordered.

12.—(1) For the purposes of any offence under the principal Act committed within the seaward limits referred to in section 9(1) of this Act but not within the United Kingdom, proceedings for that offence may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom. Enforcement of principal Act.

(2) For the purpose of the enforcement of the principal Act, a member of a police force shall have in any area of the sea within the seaward limits aforesaid all the powers, protection and privileges which he has in the area for which he acts as constable.

(3) In the application of this section to Northern Ireland, the following subsection shall be substituted for subsection (2) :—

“ (2) For the purpose of the enforcement of the principal Act, a member of the Royal Ulster Constabulary shall have in any area of the sea within the seaward limits aforesaid all the powers, protection and privileges which he has in Northern Ireland.”

PART III

GENERAL

13.—(1) Any power to make regulations or orders under this Act shall be exercisable by statutory instrument. Regulations and orders.

(2) A statutory instrument made in the exercise of any such power shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Regulations under this Act may make different provision for different classes of case.

(4) Any Order in Council under this Act may be revoked or varied by a subsequent Order in Council, and any order under section 7 of this Act may be revoked or varied by a subsequent order under that section.

14.—(1) In section 3(2) of the Post Office Act 1961 (which provides for the payment into the Post Office Fund of sums provided by Parliament for paying the Postmaster General for discharging his functions under the principal Act) the reference to the principal Act shall include a reference to this Act. Financial provisions. 1961 c. 15.

PART III

1962 c. 13.

(2) There shall be paid out of moneys provided by Parliament any increase attributable to section 8 of this Act in the expenses to which section 22(1)(b) of the Vehicles (Excise) Act 1962 applies (expenses of government departments other than the Postmaster General in administering that Act).

Short title,
citation,
interpretation
and extent.

15.—(1) This Act may be cited as the Wireless Telegraphy Act 1967.

(2) The Wireless Telegraphy Acts 1949 and 1955 and this Act may be cited together as the Wireless Telegraphy Acts 1949 to 1967.

1949 c. 54.

(3) In this Act “the principal Act” means the Wireless Telegraphy Act 1949, and “wireless telegraphy”, “wireless telegraphy apparatus”, “apparatus for wireless telegraphy” and “interference” have the same meanings respectively as in that Act.

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

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

(6) Her Majesty may by Order in Council direct that all or any of the provisions of this Act shall extend to the Isle of Man or, except for section 7 of this Act, to any of the Channel Islands with such exceptions, adaptations and modifications as may be specified in the Order.

SCHEDULE

Section 2.

NOTIFICATIONS AND RECORDS

PART I

PARTICULARS TO BE NOTIFIED

1. The date of the sale or letting.
2. The name and address of the buyer or hirer.
3. In the case of a sale, whether the price is payable by instalments and, in the case of a letting, whether it is a letting on hire or hire-purchase.
4. If the dealer is not himself the seller or owner and all payments of or towards the price or by way of rent in respect of the sale or letting are not to be received or collected by the dealer on behalf of the seller or owner, the name and address of the seller or owner.
5. If the set has been or is to be installed by the dealer or another person to his order, the address of the premises at which it has been or is to be installed.
6. If the set has not been and is not to be installed as aforesaid but has been or is to be delivered by the dealer or another person to his order to any premises, the address of those premises.
7. Whether the set is designed for reception in colour.

PART II

PARTICULARS TO BE RECORDED BY NOTIFYING DEALER

Within 28 days from the date of the sale or letting

1. The date of the sale or letting.
2. The name and address of the buyer or hirer.
3. If the dealer is not himself the seller or owner and all payments of or towards the price or by way of rent in respect of the sale or letting are not to be received or collected by the dealer on behalf of the seller or owner, the name and address of the seller or owner.
4. If the set has been or is to be installed by the dealer or another person to his order, the address of the premises at which it has been or is to be installed.
5. If the set has not been and is not to be installed as aforesaid but has been or is to be delivered by the dealer or another person to his order to any premises, the address of those premises.
6. Whether the set is designed for reception in colour.
Within 28 days of the information coming to the knowledge of the dealer
7. If the dealer is himself the seller or owner or such payments as are mentioned in paragraph 3 of this Part of this Schedule are to be received or collected by him on behalf of the seller or owner, any change in the address of the buyer or hirer.

2 X 4

- SCH. 8. If after the date of the sale or letting any such payments as aforesaid which would otherwise be received or collected by the dealer are to be received or collected by another person, the name and address of that other person.

PART III

PARTICULARS TO BE RECORDED BY OTHER DEALER

Within 28 days from the date of the sale or letting

1. The date of the sale or letting.
2. The name and address of the buyer or hirer.
3. The name and address of the dealer who arranged the sale or letting.
4. The address (if known) of the premises where the set is first installed or normally kept.
5. Whether the set is designed for reception in colour.
Within 28 days of the information coming to the knowledge of the dealer
6. Any change in the address of the buyer or hirer.
7. If after the date of the sale or letting any payments of or towards the price or by way of rent in respect of the sale or letting which would otherwise be received or collected by the dealer are to be received or collected by another person, the name and address of that other person.



National Insurance Act 1967

1967 CHAPTER 73

An Act to amend the provisions of the National Insurance Act 1965, the National Insurance (Industrial Injuries) Act 1965 and the Industrial Injuries and Diseases (Old Cases) Act 1967 as to contributions, benefit and insurable employments; to provide for the set-off of certain overpayments; to confer temporary power to increase family allowances by order; and for connected purposes. [27th July 1967]

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

1.—(1) In the Insurance Act—

- (a) for the provisions set out in Schedule 1 (rates of flat-rate contributions) there shall be substituted the provisions set out in Schedule 1 to this Act;
- (b) for the provisions set out in Schedule 3 (rates of periodical benefits and of increases for dependants) there shall be substituted the provisions set out in Schedule 2 to this Act;
- (c) for the provisions set out in Schedule 4 (amounts of grants) there shall be substituted the provisions set out in Schedule 3 to this Act (being provisions increasing the amount of death grant);
- (d) in section 10(1)(a)(iii) (which provides for excepting insured persons from liability to pay contributions when their income does not exceed two hundred and sixty pounds a year) for the words "two hundred and sixty pounds" there shall be substituted the words "three hundred and twelve pounds";

Amendments
as to
contributions
and benefit
under
Insurance Act.

(e) subject to paragraph 5 of Schedule 7 to this Act, in sections 31(1), 34(1)(a) and 34(1)(b) (which provide for the weekly rate of a retirement pension of, or of the wife or widow of, a person who has paid flat-rate contributions in respect of a period after his attaining pensionable age to be increased in certain circumstances by a specified amount for every twelve of those contributions) for the word "twelve" there shall in each case be substituted the word "nine".

(2) The provisions specified in Schedule 4 to this Act shall have effect subject to the amendments so specified.

Amendments
of Industrial
Injuries Act
as to
contributions,
benefit and
insurable
employments.

2.—(1) In the Industrial Injuries Act—

- (a) for the Table set out in Part I of Schedule 2 (weekly rates of contribution payable by insured persons and employers) there shall be substituted the Table set out in Schedule 5 to this Act;
- (b) for the provisions of Schedule 3 (rate or amount of benefit etc.) there shall be substituted the provisions set out in Schedule 6 to this Act;
- (c) in subsection (3) of section 19, for the words "one pound" (being the weekly rate of a pension payable under that section to a widow in a case which does not fall within paragraphs (a) to (e) of that subsection) there shall be substituted the words "one pound ten shillings".

(2) The Minister may by regulations make provision with respect to employment under a contract of service on board a ship or vessel in a capacity other than that of master or a member of the crew or on board an aircraft in a capacity other than that of pilot, commander, navigator or member of the crew substituting, in such cases or classes of case as may be specified in the regulations—

- (a) for the circumstances set out in paragraph 2(1)(b) or 8(1)(b) of Part I of Schedule 1 to the Industrial Injuries Act as circumstances in which such employment is an insurable employment, or
- (b) for the corresponding circumstances set out in paragraph 2(b) or 4(b) of Part II of that Schedule as circumstances in which such employment is an excepted employment,

such circumstances as may be specified in the regulations.

3.—(1) In the Old Cases Act—

Amendments
as to benefit
under Old
Cases Act.

- (a) in section 2(6)(c), for the words “two pounds seven shillings and sixpence” (being the maximum weekly rate of a lesser incapacity allowance in supplementation of workmen’s compensation) there shall be substituted the words “two pounds fifteen shillings”;
- (b) in section 7(2)(b), for the words “two pounds ten shillings” (being the weekly rate of an allowance by virtue of section 5(1)(a) of that Act in respect of disablement which is not total) there shall be substituted the words “two pounds fifteen shillings”.

(2) With a view to securing that section 5 of the Old Cases Act (which enables schemes to make provision for industrial diseases benefit in respect of employment before 5th July 1948), in addition to applying to the diseases mentioned in paragraphs (a), (b) and (c) of subsection (2) of that section, applies to any other disease which is a malignant or potentially malignant neoplasm and is for the time being prescribed for the purposes of Part IV of the Industrial Injuries Act as it applies to any disease such as is mentioned in the said paragraph (c) (except in relation to a person who died as a result of any such other disease before the passing of this Act), the said section 5 shall have effect subject to the following amendments, namely—

- (a) in subsection (1)(c), at the end there shall be added the words “so, however, that in relation to such a disease as is mentioned in subsection (2)(d) of this section the foregoing provisions of this paragraph shall have effect as if for the reference to 31st December 1949 there were substituted a reference to the date of the passing of the National Insurance Act 1967”;
- (b) in subsection (2), after paragraph (c) there shall be inserted the following paragraph:—
- “(d) any other disease which is a malignant or potentially malignant neoplasm and is for the time being prescribed for the purposes of Part IV of the Industrial Injuries Act;”
- (c) in subsection (2), after the words “paragraph (c)” there shall be inserted the words “or (d)”.

(3) In section 14(1) of the Old Cases Act, in the definition of “pneumoconiosis”, after the word “treated” there shall be inserted the words “for the purposes of any scheme under section 2 or 5 of this Act”; and in section 14(2) of that Act for the words “an allowance under the said section 2 or 5” there shall be substituted the words “any such scheme”.

Supple-
mentary
schemes—
set-off of
overpayments.

4.—(1) Where a person who has received a payment in respect of any period under a supplementary scheme within the meaning of section 46 of the Insurance Act or section 82 of the Industrial Injuries Act is subsequently found to be entitled in respect of that period to a payment by way of benefit the entitlement to or payment of which disentitles him to the whole or part of the amount of the payment under the scheme, any payment by way of that benefit may, at the discretion of the Minister, be abated by the amount of the overpayment under the scheme or so much thereof as has not been repaid to the fund out of which it was made.

(2) Where a person has received in respect of any period a payment by way of benefit which disentitles him to a payment which would otherwise be payable to him in respect of that period under such a scheme as aforesaid and he is subsequently found not to have been entitled to the whole or part of the amount of that payment of benefit, any payment under the scheme in respect of that period may, at the discretion of the person by whom the payment falls to be made, be abated by the amount of benefit overpaid or so much thereof as has not been—

(a) repaid or otherwise recovered, or

(b) treated as having been paid on account of any other benefit payable in respect of that period or on account of an allowance under the Family Allowances Act 1965 so payable.

1965 c. 53.

(3) The amount by which a payment to any person is abated under subsection (1) or (2) of this section on account of some other payment to that person shall not be otherwise recoverable from that person and shall be made good out of the fund out of which the abated payment fell to be made to the fund out of which that other payment was made.

(4) In this section, the expression “benefit” means benefit under the Insurance Act or under the Industrial Injuries Act.

Temporary
power to
increase
family
allowances
by order.

5.—(1) Subject to subsection (2) of this section, the Minister may with the consent of the Treasury by order provide that, as from such date as may be specified in the order, any allowances under the Family Allowances Act 1965 in respect of such children in a family as may be so specified shall for so long as the order remains in force be increased by such amount or respective amounts as may be so specified.

(2) Any order under this section shall be made by statutory instrument, which shall be subject to annulment in pursuance of

a resolution of either House of Parliament, and may be revoked by a subsequent order under this section, but—

- (a) no such order providing for an increase of allowances shall be made after the expiration of the period of three months beginning with the date of the passing of this Act; and
 - (b) any order in force under this section on 8th April 1968 is hereby revoked as from the end of that day except as respects any period falling before the end of that day.
- (3) An order under this section may—
- (a) make provision for—
 - (i) such alteration in the weekly rate of any allowance or increase of benefit in respect of a child under the Insurance Act or the Industrial Injuries Act or of the contributions in respect of a child referred to in section 3(2) of the said Act of 1965 or in the proviso to paragraph 1(1) of the Schedule to that Act, and
 - (ii) such modifications of the provisions relating to allowances or increases of benefit in respect of children of section 41(4) of the Insurance Act, Schedule 5 to the Industrial Injuries Act or Schedule 7 to this Act or of any regulations made under the said section 41(4), Schedule 5 or Schedule 7 or under section 55 of the Insurance Act or section 34 of the Industrial Injuries Act,
 as may appear to the Minister to be appropriate in consequence of any increase such as is referred to in subsection (1) of this section;
 - (b) make such provision for purposes corresponding to the purposes of the said Schedule 7 as may appear to the Minister to be necessary or expedient in connection with the coming into force or revocation of any such order.

6.—(1) Subject to the provision made by section 85 of the Expenses. Insurance Act for reimbursement out of the National Insurance Fund or by section 61 of the Industrial Injuries Act for reimbursement out of the Industrial Injuries Fund, there shall be paid out of moneys provided by Parliament any increase attributable to this Act in the expenses of the Minister or any other government department which are so payable under either of those sections.

(2) There shall be paid out of moneys provided by Parliament any increase attributable to the provisions of this Act in the sums payable out of such moneys under the Family Allowances 1965 c. 53. Act 1965.

Citation,
commence-
ment, extent,
interpretation,
etc.

7.—(1) This Act may be cited as the National Insurance Act 1967.

(2) This Act, so far as it relates to the subject matter of the following Acts respectively—

(a) may be cited together with the National Insurance Acts 1965 and 1966 as the National Insurance Acts 1965 to 1967 ;

(b) shall be included in the Acts which may be cited together as the National Insurance (Industrial Injuries) Acts 1965 to 1967 ;

(c) may be cited together with the Old Cases Act as the Industrial Injuries and Diseases (Old Cases) Acts 1967.

(3) Schedule 7 to this Act shall have effect with respect to the commencement of this Act and to the transitory and other matters there dealt with.

(4) Without prejudice to paragraph 8 of the said Schedule 7 and to the operation by virtue of that paragraph, in relation to any matters arising out of this Act, of any provisions relating to Northern Ireland of the Acts referred to in that paragraph, this Act shall not extend to Northern Ireland.

(5) In this Act—

1965 c. 51. **(a)** “ the Insurance Act ” means the National Insurance Act 1965 ;

1965 c. 52. **(b)** “ the Industrial Injuries Act ” means the National Insurance (Industrial Injuries) Act 1965 ;

1967 c. 34. **(c)** “ the Old Cases Act ” means the Industrial Injuries and Diseases (Old Cases) Act 1967.

(6) Any reference in this Act to any other enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended or applied by or under any other enactment, including any enactment contained in this Act.

SCHEDULES

Section 1(1)

SCHEDULE 1

PROVISIONS TO BE SUBSTITUTED IN SCHEDULE 1 TO INSURANCE ACT

RATES OF FLAT-RATE CONTRIBUTIONS

PART I

Employed Persons

| Description of employed person 1 | Weekly Rate of Contribution | |
|---|---|---|
| | Unless by virtue of a non-participating employment 2 | If by virtue of a non-participating employment 3 |
| | s. d. | s. d. |
| Men between the ages of 18 and 70 (other than men over the age of 65 who have retired from regular employment)— | | |
| Earning remuneration at a weekly rate exceeding £6 | 12 1½ | 14 6½ |
| Earning remuneration at a weekly rate of £6 or less | 7 0½ | 8 3½ |
| Women between the ages of 18 and 65 (other than women over the age of 60 who have retired from regular employment)— | | |
| Earning remuneration at a weekly rate exceeding £6 | 10 6½ | 12 0½ |
| Earning remuneration at a weekly rate of £6 or less | 6 0½ | 6 9½ |
| Boys under the age of 18 | 8 3½ | |
| Girls under the age of 18 | 6 9½ | |

For the purposes of this Part and Part II of this Schedule a person shall be deemed to be earning remuneration at a weekly rate of £6 or less if, but only if, his remuneration does not include the provision of board and lodging by the employer and the rate of the remuneration neither exceeds, nor is deemed in accordance with regulations made under section 114(5) of this Act to exceed, £6 a week, and to be earning remuneration at a weekly rate exceeding £6 in any other case.

SCH. 1.

PART II
Employers

| Description of employed person 1 | Weekly Rate of Contribution | | |
|---|---|-----|---|
| | Unless by virtue of a non-participating employment 2 | | If by virtue of a non-participating employment 3 |
| Men over the age of 18— | s. | d. | £ s. d. |
| Earning remuneration at a weekly rate exceeding £6 or not being liable to pay a contribution as an employed person... | 13 | 7½ | 16 0½ |
| Earning remuneration at a weekly rate of £6 or less and being liable to pay a contribution as an employed person ... | 18 | 8½ | 1 2 3½ |
| Women over the age of 18— | | | |
| Earning remuneration at a weekly rate exceeding £6 or not being liable to pay a contribution as an employed person... | 11 | 10½ | 13 4½ |
| Earning remuneration at a weekly rate of £6 or less and being liable to pay a contribution as an employed person ... | 16 | 4½ | 18 7½ |
| Boys under the age of 18 | 9 | 2½ | |
| Girls under the age of 18 | 7 | 7½ | |

For the purposes of this Part of this Schedule a person over pensionable age, not being an insured person, shall be treated as an employed person if he would be an insured person were he under pensionable age and would be an employed person were he an insured person.

PART III
Self-Employed Persons

| Description of self-employed person 1 | Weekly Rate of Contribution 2 |
|---|----------------------------------|
| Men between the ages of 18 and 70 (other than men over the age of 65 who have retired from regular employment) | s. d. 18 2 |
| Women between the ages of 18 and 65 (other than women over the age of 60 who have retired from regular employment) | 15 1 |
| Boys under the age of 18 | 10 4 |
| Girls under the age of 18 | 8 7 |

PART IV
Non-Employed Persons

SCH. 1

| Description of non-employed person 1 | Weekly Rate of Contribution 2 |
|--|-------------------------------------|
| Men between the ages of 18 and 65 | s. d. 13 9 |
| Women between the ages of 18 and 60 | 10 9 |
| Boys under the age of 18 | 7 10 |
| Girls under the age of 18 | 6 1 |

SCHEDULE 2

Section 1(1).

PROVISIONS TO BE SUBSTITUTED IN SCHEDULE 3 TO INSURANCE ACT

RATES OF PERIODICAL BENEFITS AND OF INCREASES FOR DEPENDANTS

| 1 Description of Benefit | 2 Weekly rate | 3 Increase for only, elder or eldest quali- fying child | 4 Increase for second quali- fying child | 5 Increase for each additional quali- fying child | 6 Increase for adult dependant (where payable) |
|---|---------------------|--|--|---|--|
| | £ s. d. | £ s. d. | £ s. d. | £ s. d. | £ s. d. |
| i. Unemployment or sick- ness benefit under s. 19(2)— | | | | | |
| (a) in the case of a person over the age of 18, not being a married woman ... | 4 10 0 | 1 5 0 | 17 0 | 17 0 | 2 16 0 |
| (b) in the case of a person under the age of 18, not being a married woman— | | | | | |
| (i) during any period during which that person is entitled to an increase of benefit in respect of a child or adult dependant ... | 4 10 0 | 1 5 0 | 17 0 | 17 0 | 2 16 0 |
| (ii) during any other period ... | 2 10 0 | — | — | — | — |
| (c) in the case of a married woman over the age of 18— | | | | | |
| (i) during any period during which she is en- titled to an in- crease of benefit | | | | | |

SCH. 2

| 1 Description of Benefit | 2 Weekly rate | 3 Increase for only, elder or eldest quali- fying child | 4 Increase for second quali- fying child | 5 Increase for each additional quali- fying child | 6 Increase for adult dependant (where payable) |
|--|---------------------|--|--|---|--|
| | £ s. d. | £ s. d. | £ s. d. | £ s. d. | £ s. d. |
| 1. Unemployment or sick- ness benefit under s. 19(2) —cont. | | | | | |
| in respect of her husband, or dur- ing which she is not residing with her husband nor is he contributing to her mainten- ance at not less than the relevant rate | 4 10 0 | 1 5 0 | 17 0 | 17 0 | 2 16 0 |
| (ii) during any other period | 3 2 0 | 1 5 0 | 17 0 | 17 0 | 2 16 0 |
| (d) in the case of a married woman under the age of 18— | | | | | |
| (i) during any period during which she is en- titled to an in- crease of benefit in respect of her husband, or dur- ing which she is entitled to an in- crease of benefit in respect of a child or an adult dependant other than her husband and she is not residing with her husband nor is he contributing to her maintenance at not less than the relevant rate | 4 10 0 | 1 5 0 | 17 0 | 17 0 | 2 16 0 |
| (ii) during any other period during which she is en- titled to an in- crease of benefit in respect of a child or adult dependant ... | 3 2 0 | 1 5 0 | 17 0 | 17 0 | 2 16 0 |
| (iii) during any other period ... | 2 10 0 | — | — | — | — |
| 2. Unemployment or sickness benefit at a weekly rate determined under s. 19(3) | — | 1 5 0 | 17 0 | 17 0 | 2 16 0 |
| 3. Maternity allowance ... | 4 10 0 | 1 5 0 | 17 0 | 17 0 | 2 16 0 |

SCH. 2

| 1 | 2 | 3 | 4 | 5 | 6 |
|--|-------------|---|--------------------------------------|---|--|
| Description of Benefit | Weekly rate | Increase for only, elder or eldest qualifying child | Increase for second qualifying child | Increase for each additional qualifying child | Increase for adult dependant (where payable) |
| | £ s. d. | £ s. d. | £ s. d. | £ s. d. | £ s. d. |
| 4. Widow's allowance ... | 6 7 0 | 2 2 6 | 1 14 6 | 1 12 6 | — |
| 5. Widowed mother's allowance ... | 4 10 0 | 2 2 6 | 1 14 6 | 1 12 6 | — |
| 6. Widow's pension ... | 4 10 0 | — | — | — | — |
| 7. Guardian's allowance ... | 2 2 6 | — | — | — | — |
| 8. Retirement pension— | | | | | |
| (a) where the pension is payable to a woman by virtue of her husband's insurance and he is alive ... | 2 16 0 | 1 5 0 | 17 0 | 17 0 | — |
| (b) in any other case ... | 4 10 0 | 1 5 0 | 17 0 | 17 0 | 2 16 0 |
| 9. Child's special allowance | 2 2 6 | — | 1 14 6 | 1 12 6 | — |

1. In paragraphs 1(c)(i) and 1(d)(i) of this Schedule "the relevant rate" means a weekly rate equal to the difference under this Schedule between the rates of benefit applying if the husband is, and if he is not, contributing to the wife's maintenance at not less than the relevant rate.

2. In paragraph 2 of this Schedule, column 6 shall have effect subject to section 43(3)(b) of this Act.

SCHEDULE 3

Section 1(1).

PROVISIONS TO BE SUBSTITUTED IN SCHEDULE 4 TO INSURANCE ACT

AMOUNTS OF GRANTS

| Description of Grant | Amount |
|--|---------|
| | £ s. d. |
| 1. Maternity grant ... | 22 0 0 |
| 2. Death grant, where the person in respect of whose death the grant is paid was at his death— | |
| (a) under the age of 3... | 9 0 0 |
| (b) between the ages of 3 and 6 ... | 15 0 0 |
| (c) between the ages of 6 and 18 ... | 22 10 0 |
| (d) over the age of 18— | |
| (i) if on 5th July 1948 that person had attained the age of 55 in the case of a man or 50 in the case of a woman ... | 15 0 0 |
| (ii) in any other case ... | 30 0 0 |

Section 1(2).

SCHEDULE 4

FURTHER AMENDMENTS OF INSURANCE ACT

Sickness benefit—relief from disqualification

1. With a view to removing the power to disqualify a person for the receipt of sickness benefit under section 19 of the Insurance Act by reason of failure to give such a notice of his becoming or again becoming incapable of work as is mentioned in paragraph (b) of section 49(3) of that Act, the following provisions are hereby repealed or revoked, namely—

(a) in section 21(4) of that Act, the words “or give a notice”;

(b) in the said section 49(3)—

(i) the words from “and” to the end of paragraph (b); and

(ii) in the proviso, the words “or notice may be given”;

1966 c. 6.

(c) in section 21(8)(a) of the National Insurance Act 1966, the words “or give a notice”;

S.I. 1967/330.

(d) in paragraphs (1) and (2) of regulation 10 of the National Insurance (Unemployment and Sickness Benefit) Regulations 1967, the words “or give a notice”.

Maternity allowance—calculation of daily rate

2. In section 24 of the Insurance Act (which relates to maternity allowance) at the end there shall be added the following subsection:—

“(9) Where for any purpose it is necessary to calculate the daily rate of a maternity allowance—

(a) Sunday or such other day in each week as may be prescribed shall be disregarded; and

(b) the amount payable by way of that allowance for any other day shall be taken to be one-sixth of the weekly rate of the allowance.”

Retirement pensions of certain widows

3. With a view to ensuring that a widow to whom subsection (3) of section 33 of the Insurance Act applies receives the maximum amount by way of retirement pension without the necessity of making any election, for that subsection there shall be substituted the following:—

“(3) Subject to paragraph 6 of Schedule 11 to this Act, where immediately before attaining pensionable age a woman is a widow, then, in calculating for the purpose of her right under the said section 30 to a retirement pension by virtue of her own insurance the yearly average of the contributions paid by or credited to her, there shall from time to time be treated as so paid or credited either—

(a) for each contribution year falling wholly or partly before the death of her husband (being, if she has been married more than once, her last husband); or

- (b) for each contribution year falling wholly or partly during the period of their marriage,
 a number of contributions either—
- (i) equal to the yearly average (ascertained as at the date of his attaining pensionable age or dying under that age) of the contributions paid by or credited to the husband ;
 or
- (ii) equal to the number of contributions actually paid by or credited to her for that year,
- whichever will for the time being enable her to receive the greatest amount by way of pension.”

SCH. 4.

Child's special allowance—alternative condition of entitlement

4. With a view to providing an alternative condition for the receipt of child's special allowance to that specified in paragraph (c) of section 38 of the Insurance Act, for that paragraph there shall be substituted the following:—

“(c) either—

- (i) that husband had before his death been contributing at not less than the prescribed weekly rate to the cost of providing for that child ; or
- (ii) at the date of that husband's death, she was entitled under an order of a court, trust or agreement which she has taken reasonable steps to enforce to receive whether from that husband or from another person payments in respect of that child at not less than that weekly rate provided or procured by that husband :”.

SCHEDULE 5

Section 2(1).

PROVISIONS TO BE SUBSTITUTED IN PART I OF SCHEDULE 2 TO
 INDUSTRIAL INJURIES ACT

WEEKLY RATES OF CONTRIBUTIONS PAYABLE BY INSURED
 PERSONS AND EMPLOYERS

| Class of insured person to whom rate applies | Weekly rate of contribution | |
|---|-------------------------------|-------------------------|
| | By the insured person 2 | By the employer 3 |
| 1 | | |
| Men over the age of 18 | 10d. | 11d. |
| Women over the age of 18 | 7d. | 8d. |
| Boys under the age of 18 | 5d. | 5d. |
| Girls under the age of 18 | 3d. | 4d. |

Section 2(1).

SCHEDULE 6

PROVISIONS TO BE SUBSTITUTED IN SCHEDULE 3 TO INDUSTRIAL INJURIES ACT

RATE OR AMOUNT OF BENEFIT, ETC.

| Description of benefit, etc. | Amount |
|--|--|
| 1. Injury benefit under s. 11 (weekly rate). | (a) for any period during which the beneficiary is over the age of 18 or is entitled to an increase of benefit in respect of a child or adult dependant ... £7 5s. (b) for any period during which the beneficiary is between the ages of 17 and 18 and not entitled as aforesaid ... £5 1s. 3d. (c) for any period during which the beneficiary is under the age of 17 and not entitled as aforesaid £4 |
| 2. Maximum disablement gratuity under s. 12(3). | £500. |
| 3. Disablement pension under s. 12(5) (weekly rate). | For the several degrees of disablement set out in column 1 of the following Table, for the following periods respectively the respective amounts set out in the following columns respectively of that Table, namely— (a) for any period such as is mentioned in paragraph 1(a) of this Schedule, column 2; (b) for any period such as is mentioned in paragraph 1(b) of this Schedule, column 3; (c) for any period such as is mentioned in paragraph 1(c) of this Schedule, column 4. |

TABLE

| Degree of disablement 1 | Weekly rate | | |
|----------------------------|-------------|---------|---------|
| | 2 | 3 | 4 |
| <i>per cent.</i> | £ s. d. | £ s. d. | £ s. d. |
| 100 | 7 12 0 | 5 5 0 | 4 5 0 |
| 90 | 6 17 0 | 4 14 6 | 3 16 6 |
| 80 | 6 1 6 | 4 4 0 | 3 8 0 |
| 70 | 5 6 6 | 3 13 6 | 2 19 6 |
| 60 | 4 11 0 | 3 3 0 | 2 11 0 |
| 50 | 3 16 0 | 2 12 6 | 2 2 6 |
| 40 | 3 1 0 | 2 2 0 | 1 14 0 |
| 30 | 2 5 6 | 1 11 6 | 1 5 6 |
| 20 | 1 10 6 | 1 1 0 | 17 0 |

SCH. 6.

| Description of benefit, etc. | Amount |
|---|---|
| 4. Unemployability supplement under s. 13 (increase of weekly rate of disablement pension). | (a) for any period such as is mentioned in paragraph 1(a) of this Schedule £4 10s. (b) for any period such as is mentioned in paragraph 1(b) or (c) of this Schedule £2 10s. |
| 5. Maximum increase under s. 14 of weekly rate of disablement pension in cases of special hardship. | £3 1s., or the amount (if any) by which the weekly rate of the pension, apart from any increase under s. 15, 17 or 18 of this Act or under section 6 of the National Insurance Act 1966, falls short of £7 12s., whichever is the less. |
| 6. Maximum increase under s. 15 of weekly rate of disablement pension where constant attendance needed. | (a) except in cases of exceptionally severe disablement £3 (b) in any case £6 |
| 7. Increase under s. 17 of weekly rate of injury benefit or disablement pension in respect of children. | (a) in respect of only, elder or eldest child of beneficiary's family £1 5s. (b) in respect of each additional child of beneficiary's family... .. 17s. |
| 8. Increase under s. 18 of weekly rate of injury benefit or disablement pension in respect of adult dependant. | £2 16s. |
| 9. Widow's pension under s. 19— (a) weekly rate where payable by virtue of s. 19(3) (a)–(e). (b) maximum higher weekly rate for prescribed period after deceased's death. | £5 1s. £6 7s. |
| 10. Widower's pension under s. 20 (weekly rate). | £5 1s. |
| 11. Allowance under s. 21 in respect of children of deceased's family— (a) weekly rate of allowance under s. 21(1). | (i) in respect of only, elder or eldest qualifying child £1 5s. (ii) in respect of each additional qualifying child 17s. |
| (b) increase under s. 21(2) | (i) in respect of only, elder or eldest qualifying child 17s. 6d. (ii) in respect of second qualifying child 17s. 6d. (iii) in respect of each additional qualifying child 15s. 6d. |

SCH. 6.

| Description of benefit, etc. | Amount |
|---|---|
| 12. Maximum under s. 29(1)(a) of aggregate of weekly benefits payable for successive accidents. | <p>(a) for any period such as is mentioned in paragraph 1(a) of this Schedule £7 12s.</p> <p>(b) for any period such as is mentioned in paragraph 1(b) of this Schedule—</p> <p style="padding-left: 2em;">(i) apart from any increase under s. 14 £5 5s.</p> <p style="padding-left: 2em;">(ii) including any such increase £7 12s.</p> <p>(c) for any period such as is mentioned in paragraph 1(c) of this Schedule £4 5s.</p> |

Section 7(3).

SCHEDULE 7

COMMENCEMENT, TRANSITORY PROVISIONS AND CONSTRUCTION

General provisions for appointed days

1.—(1) The provisions of this Act other than section 5 shall not come into force until such day as the Minister may by order appoint, and different days may be appointed for different purposes of this Act or for the same purposes in relation to different cases or classes of case.

(2) Any such order may—

(a) if the day thereby appointed is appointed for some only of the purposes of this Act or in relation only to some cases or classes of case, contain such incidental or supplemental provisions as appear to the Minister to be necessary or expedient as respects the period or any part of the period when this Act is to have a partial operation only, and, in particular, provisions modifying and supplementing, in relation to the period to which the order is to apply, the provisions of this Act or any Act amended by this Act;

(b) be varied or revoked by a subsequent order under this subparagraph.

(3) Section 107(4) of the Insurance Act (which provides for orders under that Act to be subject to annulment in pursuance of a resolution of either House of Parliament) shall not apply to any order under this paragraph, but any such order shall be laid before Parliament after being made.

Effect of awards made before, or in respect of the period beginning before, appointed or prescribed day

2.—(1) Where, in the case of any benefit under the Insurance Act, the Industrial Injuries Act or the Old Cases Act the weekly rate of which is increased under or by virtue of this Act to a fixed higher amount, an award of that benefit has been made, whether

SCH. 7.

before or after the passing of this Act, before the increase date, then, subject to such exceptions or conditions as may be prescribed by regulations made by the Minister, the benefit shall, without any claim being made therefor, become payable (except as respects any period falling before the increase date) at the higher weekly rate, and the award shall have effect accordingly.

(2) Where any such award, or an award of any benefit under any of the Acts aforesaid of which the maximum weekly rate is increased under or by virtue of this Act, is made—

- (a) after the increase date has been appointed or prescribed ; and
- (b) before the increase date,

the award may provide for the benefit to be paid, as from the increase date, at the higher weekly rate or, as the case may be, at any weekly rate within the higher maximum rate.

(3) In the foregoing provisions of this paragraph, “the increase date” means the day appointed under paragraph 1 of this Schedule or prescribed by regulations under the Act in question for the payment of benefit of the description in question at a higher weekly rate or within a higher maximum weekly rate by virtue of this Act or any regulations made in consequence thereof.

Variation of disablement gratuities

3. Any regulations made in consequence of this Act varying the scale of disablement gratuities prescribed under section 12(3) of the Industrial Injuries Act may provide that the scale as varied shall apply only in cases where the period taken into account by the assessment of the extent of the disablement in respect of which the gratuity is awarded begins or began after such day as may be prescribed.

Benefit in respect of children or adult dependants

4. Where, in the case of any payment under the Insurance Act or the Industrial Injuries Act in respect of a child or adult dependant for a period beginning on or after the day appointed under paragraph 1 of this Schedule in relation to the provisions of this Act increasing the amount of that payment, account falls to be taken—

- (a) under section 42(1)(b) of the Insurance Act or section 17(4)(b) of the Industrial Injuries Act of contributions to the cost of providing for that child, or
- (b) under subsection (1)(a)(ii) of section 43 of the Insurance Act or paragraph (a)(ii) of section 18(1) of the Industrial Injuries Act, or under regulations made by virtue of subsection (2)(c) of the said section 43 or paragraph (d) of the said section 18(1), of contributions to the maintenance of that adult dependant,

for a period before that day, the amount with which the weekly rate of those contributions is to be compared under the provision or regulations in question shall be that with which it would have fallen to be compared if this Act had not been passed.

SCH. 7.

Retirement pensions

5. Section 1(1)(e) of this Act shall not affect the operation of section 31(1), 34(1)(a) or 34(1)(b) of the Insurance Act as respects contributions paid for contribution weeks beginning before such day as may be appointed in relation to the said section 1(1)(e) under paragraph 1 of this Schedule ; but regulations may make transitional provision for cases where the relevant contributions so paid do not make up twelve or a multiple of twelve contributions (including provision for making up the contributions so paid to a multiple of twelve with the aid of contributions paid for later weeks, or making up the contributions paid for later weeks to a multiple of nine with the aid of the first-mentioned contributions).

Death grants

6. The provisions of this Act increasing death grants shall not affect the amount of such a grant where the death occurred before the day appointed in relation to those provisions under paragraph 1 of this Schedule.

Transitory provisions as to certain orders, regulations and schemes

7. The following enactments, namely—

- (a) section 107(1) of the Insurance Act and section 4(8)(a) of the Old Cases Act (which provide that certain orders, regulations or schemes shall not be made unless a draft thereof has been laid before Parliament and approved by resolution of each House) and section 1(7) of the Police Pensions Act 1948 (so far as it makes similar provision) ;
- (b) section 108 of the Insurance Act (which requires a preliminary draft of any regulations under that Act to be submitted to the National Insurance Advisory Committee) ;
- (c) section 62(2) of the Industrial Injuries Act (which requires any proposal to make regulations under that Act to be referred to the Industrial Injuries Advisory Council for consideration and advice),

shall not apply to any order, regulations or scheme contained in a statutory instrument made before the expiration of the period of six months beginning with the date of the passing of this Act if that instrument states that it is made in consequence of this Act ; but any such order, regulations or scheme to which the said section 107(1), 4(8)(a) or 1(7) would otherwise apply shall instead be subject to annulment in pursuance of a resolution of either House of Parliament.

Construction

8. This Act—

- (a) in so far as it relates to the subject matter of the National Insurance Acts 1965 and 1966 shall be construed as one with the Insurance Act ;
- (b) in so far as it relates to the subject matter of the National Insurance (Industrial Injuries) Acts 1965 to 1967 shall be construed as one with the Industrial Injuries Act ;

(c) in so far as it relates to the subject matter of the Family Allowances Act 1965 shall be construed as one with that Act ; SCH. 7 1965 c. 53.

(d) in so far as it relates to the subject matter of the Old Cases Act shall be construed as one with that Act ;

but nothing in this paragraph shall cause section 46(6) of the Insurance Act or section 82(3) of the Industrial Injuries Act to prevent section 4 of this Act from applying to or having effect in relation to or for the purposes of any scheme such as is mentioned in the said section 4.



Greenwich Hospital Act 1967

1967 CHAPTER 74

An Act to amend the enactments relating to Greenwich Hospital in respect of the investment of capital money and the annual estimates of income and expenditure.

[27th July 1967]

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

Investment of the hospital capital account.

1.—(1) Money standing to the credit of the Greenwich Hospital capital account may be invested by the Secretary of State, subject to such conditions as the Treasury may from time to time determine with respect to the advice to be obtained for the purpose, on the mortgage or in the purchase of land or in other investments of any description whatsoever.

1865 c. 89.

(2) Section 40 of the Greenwich Hospital Act 1865 is hereby repealed.

Annual estimates.
1885 c. 42.

2. Section 3 of the Greenwich Hospital Act 1885 (annual estimate to be laid before Parliament and submitted for approval by resolution of the House of Commons) is hereby repealed.

Short title and citation.

3.—(1) This Act may be cited as the Greenwich Hospital Act 1967.

(2) The Greenwich Hospital Acts 1865 to 1947 and this Act may be cited together as the Greenwich Hospital Acts 1865 to 1967.



Matrimonial Homes Act 1967

1967 CHAPTER 75

An Act to amend the law of England and Wales as to the rights of a husband or wife to occupy a dwelling house which has been the matrimonial home; and for connected purposes. [27th July 1967]

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

1.—(1) Where one spouse is entitled to occupy a dwelling house by virtue of any estate or interest or contract or by virtue of any enactment giving him or her the right to remain in occupation, and the other spouse is not so entitled, then, subject to the provisions of this Act, the spouse not so entitled shall have the following rights (in this Act referred to as “rights of occupation”):—

(a) if in occupation, a right not to be evicted or excluded from the dwelling house or any part thereof by the other spouse except with the leave of the court given by an order under this section ;

(b) if not in occupation, a right with the leave of the court so given to enter into and occupy the dwelling house.

(2) So long as one spouse has rights of occupation, either of the spouses may apply to the court for an order declaring, enforcing, restricting or terminating those rights or regulating the exercise by either spouse of the right to occupy the dwelling house.

(3) On an application for an order under this section the court may make such order as it thinks just and reasonable having regard to the conduct of the spouses in relation to

each other and otherwise, to their respective needs and financial resources, to the needs of any children and to all the circumstances of the case, and, without prejudice to the generality of the foregoing provision,—

- (a) may except part of the dwelling house from a spouse's rights of occupation (and in particular a part used wholly or mainly for or in connection with the trade, business or profession of the other spouse) ;
- (b) may order a spouse occupying the dwelling house or any part thereof by virtue of this section to make periodical payments to the other in respect of the occupation ;
- (c) may impose on either spouse obligations as to the repair and maintenance of the dwelling house or the discharge of any liabilities in respect of the dwelling house.

(4) Orders under this section may, in so far as they have a continuing effect, be limited so as to have effect for a period specified in the order or until further order.

(5) Where a spouse is entitled under this section to occupy a dwelling house or any part thereof, any payment or tender made or other thing done by that spouse in or towards satisfaction of any liability of the other spouse in respect of rent, rates, mortgage payments or other outgoings affecting the dwelling house shall, whether or not it is made or done in pursuance of an order under this section, be as good as if made or done by the other spouse ; and a spouse's occupation by virtue of this section shall for purposes of the Rent Acts and of the Landlord and Tenant (Rent Control) Act 1949 be treated as possession by the other spouse.

1949 c. 40.

Where a spouse entitled under this section to occupy a dwelling house or any part thereof makes any payment in or towards satisfaction of any liability of the other spouse in respect of mortgage payments affecting the dwelling house, the person to whom the payment is made may treat it as having been made by that other spouse, but the fact that that person has treated any such payment as having been so made shall not affect any claim of the first-mentioned spouse against the other to an interest in the dwelling house by virtue of the payment.

(6) The jurisdiction conferred on the court by this section shall be exercisable by the High Court or by a county court, and shall be exercisable by a county court notwithstanding that by reason of the amount of the net annual value for rating of the dwelling house or otherwise the jurisdiction would not but for this subsection be exercisable by a county court.

(7) In this Act "dwelling house" includes any building or part thereof which is occupied as a dwelling, and any yard, garden, garage or outhouse belonging to the dwelling house and occupied therewith.

(8) This Act shall not apply to a dwelling house which has at no time been a matrimonial home of the spouses in question; and a spouse's rights of occupation shall continue only so long as the marriage subsists and the other spouse is entitled as mentioned in subsection (1) above to occupy the dwelling house, except where provision is made by section 2 of this Act for those rights to be a charge on an estate or interest in the dwelling house.

2.—(1) Where, at any time during the subsistence of a marriage, one spouse is entitled to occupy a dwelling house by virtue of an estate or interest, then the other spouse's rights of occupation shall be a charge on that estate or interest, having the like priority as if it were an equitable interest created at whichever is the latest of the following dates, that is to say,—

- (a) the date when the spouse so entitled acquires the estate or interest;
- (b) the date of the marriage; and
- (c) the commencement of this Act.

(2) Notwithstanding that a spouse's rights of occupation are a charge on an estate or interest in the dwelling house, those rights shall be brought to an end by—

- (a) the death of the other spouse, or
- (b) the termination (otherwise than by death) of the marriage,

unless in the event of a matrimonial dispute or estrangement the court sees fit to direct otherwise by an order made under section 1 above during the subsistence of the marriage.

(3) Where a spouse's rights of occupation are a charge on the estate or interest of the other spouse—

- (a) any order under section 1 above against the other spouse shall, except in so far as the contrary intention appears, have the like effect against persons deriving title under the other spouse and affected by the charge; and
- (b) subsections (2) to (5) of section 1 above shall apply in relation to any person deriving title under the other spouse and affected by the charge as they apply in relation to the other spouse.

(4) Where a spouse's rights of occupation are a charge on an estate or interest in the dwelling house, and that estate or interest

is surrendered so as to merge in some other estate or interest expectant thereon in such circumstances that, but for the merger, the person taking the estate or interest of the other spouse would be bound by the charge, then the surrender shall have effect subject to the charge and the persons thereafter entitled to the other estate or interest shall, for so long as the estate or interest surrendered would have endured if not so surrendered be treated for all purposes of this Act as deriving title to the other estate or interest under the other spouse by virtue of the surrender.

(5) Where a spouse's rights of occupation are a charge on the estate or interest of the other spouse, and the other spouse—

- (a) is adjudged bankrupt or makes a conveyance or assignment of his or her property (including that estate or interest) to trustees for the benefit of his or her creditors generally; or
- (b) dies and his or her estate is insolvent;

then, notwithstanding that it is registered in accordance with the following provisions of this section, the charge shall be void against the trustee in bankruptcy, the trustees under the conveyance or assignment or the personal representatives of the deceased spouse, as the case may be.

1925 c. 22.

(6) At the end of section 10(1) of the Land Charges Act 1925 (which lists the classes of charges on, or obligations affecting, land which may be registered as land charges) there shall be added the following paragraph:—

“Class F: A charge affecting any land by virtue of the *Matrimonial Homes Act 1967*”;

and in the enactments mentioned in the Schedule to this Act there shall be made the consequential amendments provided for by that Schedule.

1925 c. 21.

(7) Where the title to the legal estate by virtue of which a spouse is entitled to occupy a dwelling house is registered under the Land Registration Act 1925 or any enactment replaced by that Act, registration of a land charge affecting the dwelling house by virtue of this Act shall be effected by registering a notice or caution under that Act, and a spouse's rights of occupation shall not be an overriding interest within the meaning of that Act affecting the dwelling house notwithstanding that the spouse is in actual occupation of the dwelling house.

1925 c. 20.

(8) Where a spouse's rights of occupation are a charge on the estate or interest of the other spouse, and that estate or interest is the subject of a mortgage within the meaning of the Law of Property Act 1925, then if, after the date of creation of the mortgage, the charge is registered by virtue of subsection (6) above, the charge shall, for the purposes of section 94 of that Act (which

regulates the rights of mortgagees to make further advances ranking in priority to subsequent mortgages), be deemed to be a mortgage subsequent in date to the first-mentioned mortgage.

3. Where one spouse is entitled by virtue of section 2 above to a charge on the estate or interest of the other spouse in each of two or more dwelling houses, only one of the charges to which that spouse is so entitled shall be registered in accordance with subsection (6) or (7) of that section at any one time, and if any of those charges is registered in accordance with the said subsection (6) or (7), the Chief Land Registrar, on being satisfied that any other of them is so registered, shall cancel the registration of the charge first registered.

Restriction on registration where spouse entitled to more than one charge.

4.—(1) Where one spouse is entitled by virtue of section 2 above to a charge on an estate or interest in a dwelling house and the charge is registered in accordance with subsection (6) or (7) of that section, it shall be a term of any contract for the sale of that estate or interest whereby the vendor agrees to give vacant possession of the dwelling house on completion of the contract that the vendor will before such completion procure the cancellation of the registration of the charge at his expense:

Contract for sale of house affected by registered charge to include term requiring cancellation of registration before completion.

Provided that the foregoing provision shall not apply to any such contract made by a vendor who is entitled to sell the estate or interest in the dwelling house freed from any such charge.

(2) If, on the completion of such a contract as is referred to in subsection (1) above, there is delivered to the purchaser or his solicitor an application by the spouse entitled to the charge for the cancellation of the registration of that charge, the term of the contract for which subsection (1) above provides shall be deemed to have been performed.

(3) This section applies only if and so far as a contrary intention is not expressed in the contract.

(4) This section shall apply to a contract for exchange as it applies to a contract for sale.

(5) This section shall, with the necessary modifications, apply to a contract for the grant of a lease or underlease of a dwelling house as it applies to a contract for the sale of an estate or interest in a dwelling house.

5.—(1) Where a spouse's rights of occupation are a charge on the estate or interest of the other spouse in a dwelling house and the charge is registered in accordance with subsection (6) or (7) of section 2 above, the Chief Land Registrar shall, subject to subsection (2) below, cancel the registration of the charge if he is satisfied—

Cancellation of registration after termination of marriage, etc.

(a) by the production of a certificate or other sufficient evidence, that either spouse is dead, or

- (b) by the production of an official copy of a decree of a court, that the marriage in question has been terminated otherwise than by death, or
- (c) by the production of an order of the court, that the spouse's rights of occupation constituting the charge have been terminated by the order.

(2) Where—

- (a) the marriage in question has been terminated by the death of the spouse entitled to an estate or interest in the dwelling house or otherwise than by death, and
- (b) an order affecting the charge of the spouse not so entitled had been made by virtue of section 2(2) above,

then if, after the making of the order, registration of the charge was renewed or the charge registered in pursuance of subsection (3) below, the Chief Land Registrar shall not cancel the registration of the charge in accordance with subsection (1) above unless he is also satisfied that the order has ceased to have effect.

(3) Where such an order has been made, then, for the purposes of subsection (2) above, the spouse entitled to the charge affected by the order may—

- (a) if before the date of the order the charge was registered in accordance with subsection (6) or (7) of section 2 above, renew the registration of the charge, and
- (b) if before the said date the charge was not so registered, register the charge in accordance with the said subsection (6) or (7).

(4) Renewal of the registration of a charge in pursuance of subsection (3) above shall be effected in such manner as may be prescribed, and an application for such renewal or for registration of a charge in pursuance of that subsection shall contain such particulars of any order affecting the charge made by virtue of section 2(2) above as may be prescribed.

(5) The renewal in pursuance of subsection (3) above of the registration of a charge shall not affect the priority of the charge.

(6) In this section "prescribed" means prescribed by rules made under section 19 of the Land Charges Act 1925 or section 144 of the Land Registration Act 1925, as the circumstances of the case require.

1925 c. 22.

1925 c. 21.

Release of rights of occupation and postponement of priority of charge.

6.—(1) A spouse entitled to rights of occupation may by a release in writing release those rights or release them as respects part only of the dwelling house affected by them.

(2) Where a contract is made for the sale of an estate or interest in a dwelling house, or for the grant of a lease or underlease of a dwelling house, being (in either case) a dwelling house

affected by a charge registered in accordance with subsection (6) or (7) of section 2 above, then, without prejudice to subsection (1) above, the rights of occupation constituting the charge shall be deemed to have been released on the happening of whichever of the following events first occurs, that is to say, the delivery to the purchaser or lessee, as the case may be, or his solicitor on completion of the contract of an application by the spouse entitled to the charge for the cancellation of the registration of the charge or the lodging of such an application at Her Majesty's Land Registry.

(3) A spouse entitled by virtue of section 2 above to a charge on an estate or interest of the other spouse may agree in writing that any other charge on, or interest in, that estate or interest shall rank in priority to the charge to which that spouse is so entitled.

7.—(1) Where one spouse is entitled, either in his or her own right or jointly with the other spouse, to occupy a dwelling house by virtue of a tenancy to which the Rent Acts apply or of a statutory tenancy and the marriage is terminated by the grant of a decree of divorce or nullity of marriage, the court by which the decree is granted may make an order under subsection (2) or (3) below according to the circumstances.

Provision for case where Rent Acts apply and marriage is terminated by divorce, etc.

(2) Where a spouse is entitled as aforesaid to occupy the dwelling house by virtue of a tenancy to which the Rent Acts apply, the court may by order direct that, as from the date on which the decree is made absolute, there shall, by virtue of the order and without further assurance, be transferred to, and vested in, his or her former spouse—

- (a) the estate or interest which the spouse so entitled had in the dwelling house immediately before that date by virtue of the lease or agreement creating the tenancy and any assignment of that lease or agreement, with all rights, privileges and appurtenances attaching to that estate or interest but subject to all covenants, obligations, liabilities and incumbrances to which it is subject; and
- (b) where the said spouse is an assignee of such lease or agreement, the liability of the said spouse under any covenant of indemnity by the assignee expressed or implied in the assignment of the lease or agreement to that spouse;

and where such an order is made, any liability or obligation to which the said spouse is subject under any covenant having reference to the dwelling house in such lease or agreement, being a liability or obligation falling due to be discharged or performed on or after the date on which the decree is made absolute, shall not be enforceable against the said spouse.

1965 c. 75.

(3) Where the spouse is entitled as aforesaid to occupy the dwelling house by virtue of a statutory tenancy, the court may by order direct that, as from the date on which the decree is made absolute, that spouse shall cease to be entitled to occupy the dwelling house and that his or her former spouse shall be deemed to be the tenant or, as the case may be, the sole tenant under that statutory tenancy; and the question whether the provisions of the Rent Acts or of section 13 of the Rent Act 1965 as to the succession by the widow of a deceased tenant or by a member of his family to the right to retain possession are capable of having effect in the event of the death of the person deemed by an order under this subsection to be the tenant or sole tenant under the statutory tenancy shall be determined according as those provisions have or have not already had effect in relation to the statutory tenancy.

(4) Where the court makes an order under this section it may by the order direct that both spouses shall be jointly and severally liable to discharge or perform any or all of the liabilities and obligations in respect of the dwelling house (whether arising under the tenancy or otherwise) which have at the date of the order fallen due to be discharged or performed by one only of the spouses or which, but for the direction, would before the date on which the decree is made absolute fall due to be discharged or performed by one only of them; and where the court gives such a direction it may further direct that either spouse shall be liable to indemnify the other in whole or in part against any payment made or expenses incurred by the other in discharging or performing any such liability or obligation.

(5) An order under this section may be made at any time after a decree nisi has been granted and before the decree is made absolute.

(6) Rules of court shall be made requiring the court before it makes an order under this section to give the landlord of the dwelling house to which the order will relate an opportunity of being heard.

(7) Where a spouse is entitled to occupy a dwelling house by virtue of a tenancy, this section shall not affect the operation of sections 1 and 2 above in relation to the other spouse's rights of occupation, and the court's power to make orders under this section shall be in addition to the powers conferred by those sections.

(8) In this section—

“landlord” and “tenancy” have the same meanings as in the Increase of Rent and Mortgage Interest (Restrictions) Act 1920;

1920 c. 17.

“statutory tenancy” has the same meaning as in the Housing Repairs and Rents Act 1954.

8.—(1) This Act may be cited as the Matrimonial Homes Act 1967, and shall come into operation on such date as the Lord Chancellor may by order made by statutory instrument appoint.

Short title,
commence-
ment,
extent and
construction.

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

(3) In this Act “the Rent Acts” means the Rent and Mortgage Interest Restrictions Acts 1920 to 1939 or any of those Acts, and references in this Act to those Acts or to any other enactment are references to the Acts or enactment as amended, extended or applied by any other enactment, including this Act.

Section 2(6).

SCHEDULE**CONSEQUENTIAL AMENDMENTS AS TO LAND CHARGES**

1925 c. 22.

1. In section 10(6) of the Land Charges Act 1925 (which provides for registration in the appropriate local deeds registry instead of the land registry of certain charges affecting land in Yorkshire) after the words "equitable charge" there shall be inserted the words "land charge of Class F".

2. In section 12(2) of the Land Charges Act 1925 (which relates to the expenses of registering land charges) after the words "Class E" there shall be inserted the words "or Class F".

3. At the end of section 13 of the Land Charges Act 1925 (which protects purchasers against land charges created after certain dates) there shall be added the following subsection:—

"(3) A land charge of Class F shall be void as against a purchaser of the land charged therewith, or of any interest in such land, unless the land charge is registered in the appropriate register before the completion of the purchase."

1959 c. 22.

4. In Schedule 1 to the County Courts Act 1959 (which specifies the cases in which a county court has jurisdiction under certain enactments), at the end of the second column of the entry relating to section 10(8) of the Land Charges Act 1925, there shall be added the following paragraph:—

"In a case where the land charge is within Class F, if the land affected by the charge is the subject of an order made by the court under section 1 of the Matrimonial Homes Act 1967 or an application for an order under the said section 1 relating to such land has been made to the court."



Road Traffic Regulation Act 1967

1967 CHAPTER 76

An Act to consolidate certain enactments relating to road traffic, with corrections and minor improvements made under the Consolidation of Enactments (Procedure) Act 1949. [27th July 1967]

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

Traffic regulation outside Greater London

1.—(1) The authority hereinafter specified may make an order (in this and the four next following sections referred to as a "traffic regulation order") as respects any road outside Greater London where it appears to the authority making the order that it is expedient so to do—

- (a) for avoiding danger to persons or other traffic using the road or any other road, or
- (b) for preventing damage to the road or to any building on or near the road, or
- (c) for facilitating the passage of vehicular traffic on the road or any other road, or
- (d) for preventing the use of the road by vehicular traffic of a kind which, or the use thereof by such traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or

- (e) without prejudice to the generality of paragraph (d) above, for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot.

(2) Subject to section 82 of this Act, the authority having power to make traffic regulation orders—

- (a) as respects roads not being trunk roads, shall be the local authority, that is to say, in England or Wales, the council of a county borough; as respects any non-county borough or urban district having a population of over 20,000 according to the last census for the time being, the council of the borough or urban district; and as respects any other area the council of the county; and in Scotland a county council or a town council;

- (b) as respects trunk roads, shall be the appropriate Minister;

and the appropriate Minister, on application in that behalf being made to him by the governing body of a university in the receipt of a grant from public moneys, and after holding, if he thinks fit, a public inquiry, shall have power to make a traffic regulation order as respects a road not being a trunk road.

The powers conferred by this subsection on the appropriate Minister shall be exercisable by statutory instrument.

(3) Subject to subsection (4) below, the provision which may be made by a traffic regulation order shall be any provision prohibiting, restricting or regulating the use of a road or any part of the width thereof by vehicular traffic or by such traffic of any class specified in the order, either generally or subject to exceptions so specified, and either at all times or at times, on days or during periods so specified, and, without prejudice to the generality of this subsection, any provision—

- (a) requiring such traffic to proceed in a specified direction or prohibiting its so proceeding,
- (b) specifying the part of the carriageway to be used by such traffic proceeding in a specified direction,
- (c) prohibiting or restricting the waiting of vehicles or the loading and unloading of vehicles,
- (d) prohibiting the use of roads by through traffic,
- (e) prohibiting or restricting overtaking;

but no prohibition or restriction on waiting imposed under this section shall apply to a stage carriage or express carriage.

(4) Provision for regulating the speed of vehicles on roads shall not be made under this section.

(5) Subject to subsection (6) below and section 5 of this Act, no order shall be made under this section with respect to any road which would have the effect of preventing such access as may be reasonably required for vehicles of any class to any premises situated on or adjacent to the road, or any other premises accessible for vehicles of that class from, and only from, the road ; but for the purposes of this prohibition a restriction on the loading or unloading of goods shall in no circumstances be treated as preventing such access as may be reasonably required.

(6) Subject to section 5 of this Act, subsection (5) above shall not have effect in so far as the authority making the order is satisfied that, for avoiding danger to persons or other traffic using the road to which the order relates or any other road, or for preventing damage to the road or buildings on or near it, it is requisite that that subsection should not apply, and it is stated in the order that the said authority is satisfied as aforesaid.

(7) This section shall not apply in relation to any part of a special road on or after such date as may be declared by a notice published by the highway authority, in such manner as may be prescribed by regulations made by the appropriate Minister, to be the date on which it is open for use as a special road.

(8) A person who uses a vehicle, or causes or permits a vehicle to be used, in contravention of a traffic regulation order shall be liable on summary conviction to a fine not exceeding, in the case of an offence committed in respect of a motor vehicle by a failure to comply with a requirement to proceed or not to proceed in a specified direction or along a specified part of the carriageway, £50 and, in any other case, £20.

2.—(1) Save as provided by subsection (4) below, a traffic regulation order made by a local authority shall not have effect unless confirmed by the appropriate Minister.

Confirmation,
revocation
and variation
of local
authorities
traffic
regulation
orders.

(2) The appropriate Minister, if he confirms any such order as aforesaid, may confirm it either without modification or subject to such modifications as he thinks fit, but he shall not confirm an order until twenty-eight days at least have elapsed since the making of the order and, before confirming it, shall consider any objections which may have been made to him against the order and, if he thinks fit, may cause a public inquiry to be held.

(3) Any such order as aforesaid may be revoked, varied or amended by order of the local authority (as defined in section 1(2) of this Act), subject to the like confirmation, given

subject to the like provisions, as the first-mentioned order, or may be revoked, varied or amended by order made, by statutory instrument, by the appropriate Minister, after giving notice to the local authority (as so defined) and holding, if he thinks fit, a public inquiry.

(4) An order made by a local authority containing no provision other than provision—

- (a) requiring traffic to proceed in a specified direction or prohibiting its so proceeding,
- (b) specifying the part of the carriageway to be used by traffic proceeding in a specified direction,
- (c) prohibiting or restricting the waiting of vehicles or the loading and unloading of vehicles,
- (d) prohibiting or restricting the use of footpaths or bridleways by bicycles and tricycles, or
- (e) revoking or varying any such requirement, prohibition or restriction,

shall not require confirmation unless its effect is such as is mentioned in section 1(5) of this Act; but where the appropriate Minister revokes, varies or amends any such order as aforesaid, an order imposing or varying, as respects the same length of road, any such requirement, prohibition or restriction as aforesaid, being an order made within twelve months after the revocation, variation or amendment by the appropriate Minister, shall be subject to confirmation by him to the like extent as if this subsection had not been passed.

Provisions as to Ministers' traffic regulation orders.

3.—(1) A traffic regulation order made by the appropriate Minister may be revoked, varied or amended by order made by him by statutory instrument.

(2) Before making, revoking, varying or amending a traffic regulation order as respects a trunk road, the appropriate Minister shall give notice to the local authority (as defined in section 1(2) of this Act) and shall, if he thinks fit, hold a public inquiry; and before revoking, varying or amending a traffic regulation order made upon the application of the governing body of a university, he shall give notice to that body and, if he thinks fit, hold a public inquiry.

Provisions supplementary to ss. 1 to 3.

4.—(1) The appropriate Minister may make regulations for prescribing the procedure to be followed in connection with the making by local authorities of orders under sections 1 and 2 of this Act, the confirmation of orders so made where confirmation is required, and the holding of inquiries for the purposes of any of the three foregoing sections.

(2) Where a traffic regulation order is made by a local authority, or having been so made is revoked, varied or amended (whether by an order made by a local authority or one made by the appropriate Minister), the local authority shall publish, in such manner as may be prescribed by regulations made by the appropriate Minister, notice of the making and effect of the order.

Regulations under this subsection may be made so as to apply either generally or in such circumstances only as may be specified in the regulations.

5.—(1) Sections 1(5) and (6) and 28(2)(a) of this Act shall not apply to any order made under those sections jointly by the council of a borough or urban district, or in Scotland, by a county council or town council, and confirmed by the appropriate Minister, if the order is, and is stated to be, made by virtue of this subsection and for the purpose of a general scheme of traffic control in a stated area, nor to an order made under this Act revoking or varying an order so made and confirmed.

Certain councils may make orders under ss. 1 and 28 for purpose of general scheme of traffic control.

(2) Any such provision of an order made and confirmed as aforesaid as has effect by virtue of section 1 of this Act or of an order revoking or varying an order so made and confirmed in so far as the last-mentioned order subsists by virtue of that section may, notwithstanding anything in that section, be made so as to apply to a trunk road.

(3) The appropriate Minister shall not confirm an order made by virtue of subsection (1) above unless he is satisfied that the general scheme of traffic control—

- (a) is adequate in point of area ; and
- (b) takes adequate account of the need for maintaining the free movement of traffic and of the need for maintaining reasonable access to premises ; and
- (c) makes provision for street parking places, and for regulating their use with the aid of apparatus or devices approved by him, which is suitable, regard being had to the extent to which off-street parking places are available in the neighbourhood or their provision is likely to be encouraged by the scheme.

(4) Where the council of a county district (other than a rural district) not having power to make traffic regulation orders desires to introduce a general scheme of traffic control in the district or part of it, then (without prejudice to any other power of delegation) for the purpose of enabling that council

to introduce such a scheme by means of an order made jointly under sections 1 and 28 of this Act there may—

(a) on the application of that council to the county council, be delegated to them by the county council all or any of the powers exercisable by the county council in relation to the county district under the said section 1, subject to such restrictions (if any) as the county council think fit to impose ;

(b) on the application of the first-mentioned council to the Minister, be delegated to them by him all or any of the powers exercisable by him under the said section 1 as respects trunk roads within the county district, subject to such restrictions (if any) as he thinks fit to impose.

(5) An order made by the council of a county district by virtue of subsection (4) above may be varied or revoked by a subsequent order made by them and confirmed by the Minister, and the provisions which, by virtue of subsection (1) above, do not apply to an order made by virtue of subsection (4) above shall also not apply to an order made under this subsection.

(6) Section 2(2) of this Act shall apply in relation to orders falling to be confirmed under this section by the appropriate Minister, and section 4 of this Act shall apply in relation to orders made by virtue of subsection (4) or (5) above, as (in each case) they apply in relation to traffic regulation orders.

Traffic regulation in Greater London

Traffic
regulation
orders in
Greater
London.

6.—(1) The authority hereinafter specified may by order make provision for controlling or regulating vehicular and other traffic (including foot passengers) on roads in Greater London and in particular, but without prejudice to the generality of the foregoing words, for any of the purposes, or with respect to any of the matters, mentioned in Schedule 1 to this Act ; but no such order shall contain any provision for regulating the speed of vehicles on roads.

(2) The authority having power to make an order under this section—

(a) as respects any road other than a trunk road, shall be the Greater London Council or the Minister ;

(b) as respects a trunk road, shall be the Minister or, with the consent of the Minister, that Council ;

but the Minister shall not make an order under this section as respects a road which is not a trunk road except in pursuance of section 8(2) or (5) of this Act.

(3) Any order under this section may be made so as to apply—

- (a) to Greater London as a whole, or to particular parts thereof, or to particular places or streets, or parts of streets, therein ;
- (b) throughout the day, or during particular periods ;
- (c) on special occasions only, or at special times only ;
- (d) to vehicles and traffic of any class.

(4) Any such order may be so made as to describe any part of any street specified therein, or any time at which or period during which any provision contained therein is to apply, by reference to any traffic sign mentioned in the order and for the time being placed by the Minister or the Greater London Council ; and for the purposes of any order so made, any such traffic sign placed on or near a street shall be deemed to have been placed by the Minister or that Council unless the contrary is proved.

(5) Any such order which imposes any restriction upon the use by vehicles of streets in Greater London, or the waiting of vehicles in such streets, may include provision with respect to the issue and display of certificates or other means of identification of vehicles which are excepted from the restriction, whether generally or in particular circumstances or at particular times.

(6) Any such order may also include provision with respect to the issue, display and operation of devices (to be approved either generally or specially by the Minister) for indicating the time at which a vehicle arrived at, and the time at which it ought to leave, any place in a street in which waiting is restricted by the order, or one or other of those times, and for treating the indications given by any such device as evidence of such facts and for such purposes as may be prescribed by the order.

(7) Any such order may provide for the suspension or modification so long as the order remains in force of any provisions of any Acts (whether public general or local or private, and including provisions contained in this Act), byelaws or regulations, dealing with the same subject matter as the order, or of any Acts conferring power of making byelaws or regulations dealing with the same subject matter, so far as such provisions apply to any place or street to which the order applies.

(8) No appeal shall lie to the Minister from the traffic commissioners—

- (a) under section 135(8) or section 143 of the Road Traffic 1960 c. 16. Act 1960, in the case of a decision of those commissioners with respect to a road service licence for

a route wholly or partly within the Metropolitan Traffic Area, or

- (b) under section 141(4) or (6) of that Act, in the case of a decision with respect to the approval of a route for a road service provided wholly or partly within the London special area by the London Transport Board,

if and so far as it is certified by the commissioners that the decision was necessary to secure conformity with any order in force under this section, being an order prescribing the routes to be followed, or streets which are not to be used, by vehicles affected by the decision, the places in streets where such vehicles may or may not wait, or the stopping places for such vehicles.

(9) If a person acts in contravention of or fails to comply with any order under this section, he shall be liable on summary conviction to a fine not exceeding, in the case of an offence committed in respect of a motor vehicle by a failure to comply with a requirement to proceed or not to proceed in a specified direction or along a specified part of the carriageway, £50 and, in any other case, £20.

(10) The making of any order under this section shall be conclusive evidence that the requirements of this section have been complied with.

(11) This section shall not apply in relation to any part of a special road on or after such date as may be declared by a notice published by the highway authority, in manner prescribed for the publication of notices under section 1(7) of this Act, to be the date on which it is open for use as a special road.

(12) In this section and in Schedule 1 to this Act "street" includes any highway and any bridge carrying a highway, and any lane, mews, footway, square, court, alley or passage whether a thoroughfare or not, and references in this section to the London special area and the Metropolitan Traffic Area shall be construed in like manner as if they were contained in the Road Traffic Act 1960.

1960 c. 16.

Provisions as to Minister's orders under s. 6.

7.—(1) Any order made by the Minister under section 6 of this Act shall be made by statutory instrument, and any such order may be revoked or varied by a subsequent order so made under that section.

(2) Before making any order under the said section 6 which will impose new or additional duties on the police, the Minister shall consult the Secretary of State.

8.—(1) Before making any order under section 6 of this Act otherwise than in pursuance of a direction given by the Minister under subsection (4) below, the Greater London Council (hereafter in this section referred to as “the Council”) shall consult with the appropriate commissioner of police and with any other council, being a London borough council or the Common Council, within whose area any road affected by the proposed order lies or whose area appears to the Council likely to be affected by that order.

Provisions as to Greater London Council's orders under s. 6.

(2) Subject to subsection (3) below, any order made by the Council under the said section 6 may be revoked or varied by a subsequent order of the Council under that section or, subject to section 84(2) of this Act, may be revoked or varied by an order made by the Minister under the said section 6 after giving notice to the Council and, if he thinks fit, after holding a public inquiry.

(3) If the provisions as respects any length of road of any order made by the Council under the said section 6 are revoked or varied by an order of the Minister under that section, then, except with the consent of the Minister, the Council shall not make any further order under that section as respects the same length of road within twelve months after the making of the Minister's order.

(4) Subject to section 84(2) of this Act, the Minister may after consultation with the Council give to the Council—

- (a) a direction to make an order under the said section 6 for a specified purpose and coming into force before the expiration of a specified period, or
- (b) a direction prohibiting, either generally or except with the consent of the Minister or for a specified period, the making or bringing into force of such an order with respect to specified matters or a specified area,

and may also give directions, either generally or with respect to any particular case or class of cases, as to the procedure to be followed in connection with any order under that section.

(5) The powers of the Minister under the said section 6 shall be exercisable for securing the object of any direction with respect to any road other than a trunk road or a special road given by the Minister to the Council under subsection (4) above with which the Council have failed to comply.

Experimental traffic schemes

9.—(1) For the purpose of carrying out an experimental scheme of traffic control the authority hereinafter specified may by order under this section (in this and the next following

Experimental traffic order

section referred to as an "experimental traffic order") make the like provision—

- (a) as respects any road outside Greater London, as may be made by an order under section 1 of this Act (including any provision which may be so made only if the order is made or confirmed by the appropriate Minister);
- (b) as respects traffic on roads in Greater London, as may be made by an order under section 6 of this Act.

(2) Subject to section 82 of this Act, the authority having power to make an experimental traffic order—

- (a) as respects roads outside Greater London, other than trunk roads, shall be the local authority;
- (b) as respects roads in Greater London, other than trunk roads, shall be the Greater London Council or the appropriate Minister;
- (c) as respects any trunk road in Greater London, shall be the appropriate Minister or, with the consent of that Minister, the Greater London Council;
- (d) as respects trunk roads outside Greater London, shall be the appropriate Minister;

but that Minister shall not make an order under this section as respects any road in Greater London which is not a trunk road except in pursuance of subsection (7) below or section 10(6) of this Act.

(3) An experimental traffic order shall not continue in force for longer than the following period, that is to say—

- (a) if it is made by a local authority, a period of three months;
- (b) if it is made by the appropriate Minister or by the Greater London Council, a period of eighteen months;

but the appropriate Minister may on the application of a local authority direct that an experimental traffic order made by the authority shall continue in force for such further period as may be specified in the direction, being a period ending not later than eighteen months after the order came into force.

(4) An experimental traffic order—

- (a) may provide for the modification or suspension, while the order is in force, of any provision previously made by or under any enactment, being a provision that could have been made by the order; and
- (b) shall, to the extent that it is inconsistent with any provision subsequently made by or under any enactment, cease to have effect.

(5) An experimental traffic order made by the Greater London Council may include provision whereby a specified

officer, or some person authorised in that behalf by a specified officer, of that Council may, if it appears to that officer or person essential in the interests of the expeditious, convenient and safe movement of traffic and after consulting with the appropriate commissioner of police and giving such public notice as the Minister may direct, modify or suspend the order or any provision thereof.

(6) Subject to section 84(2) of this Act, the Minister may, after consultation with the Greater London Council, give to that Council—

- (a) a direction to make an order under this section for a specified purpose and coming into force before the expiration of a specified period, or
- (b) a direction prohibiting, either generally or except with the consent of the Minister or for a specified period, the making or bringing into force of such an order with respect to specified matters or a specified area,

and may also give directions, either generally or with respect to any particular case or class of cases, as to the procedure to be followed in connection with any order under this section.

(7) The powers of the Minister under this section shall be exercisable for securing the object of any direction with respect to any road other than a trunk road given by the Minister to the Greater London Council under subsection (6) above with which that Council have failed to comply.

(8) No appeal shall lie to the Minister from the traffic commissioners—

- (a) under section 135(8) or section 143 of the Road Traffic Act 1960, in the case of a decision of those commissioners with respect to a road service licence, or
- (b) under section 141(4) or (6) of that Act, in the case of a decision of those commissioners with respect to the approval of a route for a road service,

if and so far as it is certified by the commissioners that the decision was necessary to secure conformity with an experimental traffic order prescribing the routes to be followed, or roads which are not to be used, by vehicles affected by the decision, the places in roads where such vehicles may or may not wait, or the stopping places for such vehicles.

(9) If a person acts in contravention of, or fails to comply with, an experimental traffic order he shall be liable on summary conviction to a fine not exceeding, in the case of an offence committed in respect of a motor vehicle by a failure to comply with a requirement to proceed or not to proceed in a specified direction or along a specified part of the carriageway, £50 and, in any other case, £20.

(10) Section 6(4) of this Act shall apply in relation to an experimental traffic order made as respects a road in Greater London as it applies in relation to an order under that section.

(11) The Minister may repay to the Greater London Council any expenses incurred by that Council in connection with any order made by them under this section.

(12) In this and the next following section—

- (a) “local authority” has the same meaning as in section 1(2)(a) of this Act; and
- (b) “road”, in relation to Greater London, includes any street as defined in section 6(12) of this Act.

Making,
revocation and
variation of
experimental
traffic orders.

10.—(1) Any power conferred by section 9 of this Act to make an experimental traffic order includes power to revoke or vary such an order by a subsequent order.

(2) A local authority, before making an experimental traffic order, shall consult with the chief officer of police and give such public notice as the appropriate Minister may direct; and where the order would make or vary—

- (a) any provision prohibiting or restricting the loading or unloading of vehicles or preventing such reasonable access to any premises as may reasonably be required for vehicles of any class, or
- (b) any provision prescribing routes to be followed or roads not to be used, or not to be used in a specified direction, by any vehicles, or the stopping places for any vehicles, being a provision applying to vehicles used by any person in providing a service of stage carriages or express carriages,

the length of the notice shall not be less than twenty-one days.

(3) Where a local authority propose to make an experimental traffic order making or varying any such provision as is mentioned in subsection (2)(a) or (b) above and, before the expiry of the notice given under that subsection, an objection to the making or variation of that provision is made to the local authority—

- (a) if the provision is such as is mentioned in subsection (2)(a), by any person,
- (b) if the provision is such as is mentioned in subsection (2)(b), by the person providing the said service,

and the objection is not withdrawn, the local authority shall not make the order except with the consent of the appropriate Minister.

(4) The Greater London Council, before making an experimental traffic order, shall—

- (a) except where the order is made in pursuance of a direction by the Minister under section 9(6) of this Act, consult with the appropriate commissioner of police, and
- (b) give such public notice as the Minister may direct.

(5) The appropriate Minister, before making an experimental traffic order, shall give public notice of his intention to do so.

(6) Subject to section 84(2) of this Act, the appropriate Minister may, after giving the local authority or the Greater London Council notice of his intention to do so, by order under section 9 of this Act revoke or vary any experimental traffic order made by that authority or Council.

(7) If the provisions as respects any length of road of any experimental traffic order made by the Greater London Council are revoked or varied by an order of the Minister, then, except with the consent of the Minister, that Council shall not make any further order under section 9 of this Act as respects the same length of road within twelve months after the making of the Minister's order.

(8) Any power of the appropriate Minister to make an order under the said section 9 shall be exercisable by statutory instrument.

11.—(1) Where it appears to the commissioner of police Experimental traffic schemes in Greater London. experimental so to do for the purpose of carrying out within his area an experimental scheme of traffic control, he may with the consent of the Greater London Council, and after giving such notice as that Council may direct, make regulations for regulating vehicular traffic in any manner specified in Schedule 2 to this Act.

(2) The Greater London Council shall not give their consent to any such scheme as aforesaid affecting a trunk road except with the agreement of the Minister; and, subject to section 84(2) of this Act, in the case of any particular scheme the Minister may, after consultation with the said Council, direct that Council to consent thereto within a specified period or to withhold their consent therefrom.

(3) Any provision contained in regulations under this section may be made so as to apply at all times or on specified days or during specified periods, and either throughout the day or during any specified part of the day and to vehicular traffic generally or to such traffic of any class specified in the

regulations, and regulations under this section may make different provision for different classes of traffic.

(4) If a person contravenes, or fails to comply with, regulations under this section he shall be liable on summary conviction to a fine not exceeding, in the case of an offence committed in respect of a motor vehicle by a failure to comply with a requirement to proceed or not to proceed in a specified direction or along a specified part of the carriageway, £50 and, in any other case, £20.

(5) Regulations under this section may suspend or modify any order for the time being in force under section 6 of this Act.

(6) Regulations under this section shall not continue in force for a period longer than six months after the making thereof, together with such further period or periods (if any) not exceeding twelve months in all as the Greater London Council may at any time before the expiration of the regulations direct; and (without prejudice to the power of the commissioner of police to revoke regulations under this section) such regulations may be revoked by an order under section 6 of this Act.

(7) A document purporting to be a copy, certified by a person authorised by the commissioner of police, of regulations under this section shall be evidence of the contents of such regulations.

(8) This section shall apply within Greater London but not elsewhere; and in this section "the commissioner of police" means, in relation to the metropolitan police district, the commissioner of police of the metropolis, and, in relation to the City of London, the commissioner of police for the City of London.

Traffic regulation in special cases

Temporary prohibition or restriction of traffic on roads.

12.—(1) Subject to the provisions of this section, if a highway authority are satisfied that traffic on a road should, by reason of any works' being executed or proposed to be executed on or near the road, be restricted or prohibited, they may by order restrict or prohibit the use of that road or of any part thereof by vehicles or by vehicles of any class to such extent and subject to such conditions or exceptions as they may consider necessary.

A highway authority, when considering the question of the making of an order under this subsection, shall have regard to the existence of alternative routes suitable for the traffic which will be affected by the order.

(2) A highway authority may at any time by notice restrict or prohibit temporarily the use of a road or any part of a road

by vehicles or by vehicles of any class where, owing to the likelihood of danger to the public or of serious damage to the highway, it appears to them necessary that such restriction or prohibition should come into force without delay.

(3) The provision which may be made by any such order or notice as aforesaid shall be any such provision as is mentioned in section 1(3) of this Act or any provision restricting the speed of vehicles.

(4) Where an order under subsection (1) above or a notice under subsection (2) above is made or issued by a highway authority, any such provision as is specified in section 1(3)(a), (b) or (c) of this Act may be made, as respects any alternative road—

(a) where that authority is the highway authority for the alternative road, by order made by them ;

(b) where that authority is not the highway authority therefor, by order made,—

(i) where the alternative road is other than a trunk road, by that authority, with the consent of the highway authority for the alternative road ;

(ii) where the alternative road is a trunk road, by the appropriate Minister on the application of that authority ;

and subsections (5) and (6) of the said section 1 shall apply to an order under this subsection as they apply to an order under that section.

(5) An order made or notice issued under the foregoing provisions of this section may suspend any statutory provision of a description which could have been contained in the order or notice or, in the case of an order under subsection (4) above, any statutory provision prohibiting the use of roads by through traffic, and any such provision (other than one contained in the order or notice) shall have effect subject to the order or notice.

(6) An order under subsection (1) or (4) above, not being an order made by a Minister, shall not without the approval of the appropriate Minister continue in force for a longer period than six weeks from the making thereof ; and where the appropriate Minister has refused to approve the continuing in force of an order made under subsection (1) above, then, except with the approval of the appropriate Minister, no subsequent order shall be made under that subsection as respects any length of road to which the previous order related unless at least three months have expired from the time when the previous order ceased to have effect.

(7) A notice issued under subsection (2) above shall not continue in force for a longer period than fourteen days from the date thereof.

(8) The functions of a highway authority under this section shall, in the case of a road which includes a length for the maintenance of which no highway authority is responsible, extend to that length as well as to the road for the maintenance of which the highway authority are responsible.

This subsection does not extend to Scotland.

(9) A person who uses or permits the use of a vehicle in contravention of a restriction or prohibition imposed under this section shall be liable on summary conviction to a fine not exceeding £20.

(10) The provisions of Schedule 3 to this Act shall have effect as to the notification of the exercise or proposed exercise of the powers conferred by this section and otherwise in relation thereto; and in that Schedule "the principal section" means this section.

(11) In this section "alternative road", in relation to a road as respects which an order under subsection (1) above or notice under subsection (2) above is made or issued, means a road providing an alternative route for traffic diverted from the first-mentioned road or from any other alternative road, or capable of providing such an alternative route apart from any statutory provision authorised by the foregoing provisions of this section to be suspended by an order under subsection (4) above.

(12) The powers conferred by this section on the appropriate Minister to make orders shall be exercisable by statutory instrument, and any power conferred by this section to make an order shall include power to vary or revoke it.

Traffic
regulation on
special roads.
1949 c. 32.
1959 c. 25.

13.—(1) A special road shall not be used, except as provided by or under regulations made under subsection (2) below, by any traffic other than traffic of a class authorised in that behalf by a scheme under section 1 of the Special Roads Act 1949 or section 11 of the Highways Act 1959 (or, if the road is one to which the last-mentioned Act applies by virtue of section 19 thereof, by any traffic other than traffic of a class for the time being authorised by virtue of that section).

(2) The appropriate Minister may make regulations with respect to the use of special roads, and such regulations may, in particular,—

(a) regulate the manner in which and the conditions subject to which special roads may be used by traffic of the class authorised in that behalf by such a scheme as

is mentioned in subsection (1) above or, as the case may be, by virtue of the said section 19 ;

- (b) authorise, or enable such authority as may be specified in the regulations to authorise, the use of special roads, on occasion or in emergency or for the purpose of crossing, or for the purpose of securing access to premises abutting on or adjacent to the roads, by traffic other than such traffic as aforesaid, or relax, or enable such authority as aforesaid to relax, any prohibition or restriction imposed by the regulations.

(3) Regulations made under subsection (2) above may make provision with respect to special roads generally, or may make different provision with respect to special roads provided for the use of different classes of traffic, or may make provision with respect to any particular special road.

(4) If a person uses a special road in contravention of this section or of regulations under subsection (2) above he shall be liable on summary conviction to a fine not exceeding—

- (a) in the case of an offence committed in respect of a motor vehicle otherwise than by unlawfully stopping or allowing the vehicle to remain at rest on a part of the road on which vehicles are in certain circumstances permitted to remain at rest, £50, and
 (b) in any other case, £20.

(5) The provisions of this section, and of any regulations made under subsection (2) above, shall not apply to any part of a special road until such date as may be declared by a notice published by the highway authority, in manner prescribed for the publication of notices under section 1(7) of this Act, to be the date on which it is open for use as a special road ; but nothing in this subsection shall be construed as preventing the making of regulations under subsection (2) above so as to come into force, in relation to any such road, on the said date.

(6) In this section “ use ”, in relation to a road, includes crossing.

14.—(1) Without prejudice to the powers of the appropriate Minister under section 1 of this Act, where he proposes to make an order under section 1 of the Trunk Roads Act 1946, or section 7 of the Highways Act 1959, directing that a road shall become a trunk road and considers it expedient that that road, when it becomes a trunk road, should be used only for traffic passing in one direction, and that any other road, being a trunk road or a road which is to become a trunk road by virtue of the order, should be used only for traffic passing in the other direction,

One-way traffic on trunk roads. 1946 c. 30. 1959 c. 25.

the order under the said section 1 or the said section 7, as the case may be, may make provision for restricting the use of those roads accordingly as from such date as may be specified in that behalf in the order.

(2) A person who uses a vehicle or causes or permits a vehicle to be used in contravention of any provision made by virtue of subsection (1) above shall be liable on summary conviction to a fine not exceeding £20, or in the case of a second or subsequent conviction to a fine not exceeding £50.

Regulation
of use of
highways
by public
service
vehicles.

15.—(1) Subject to subsection (2) below, a local authority may make orders for determining the highways which may or may not be used by public service vehicles in the area or in any part of the area of the authority and for fixing thereon stands for public service vehicles, and as to the places at which such vehicles may stop for a longer time than is necessary for the taking up and setting down of passengers and as to the manner of using such stands and places.

(2) No order shall be made under this section as respects Greater London.

(3) Where a local authority propose to make an order under subsection (1) above, they shall cause notice of the proposal to be published in at least one newspaper circulating within their area, and every such notice shall specify the nature of the proposal and state that a copy of the draft order is open to inspection at a specified place, and specify the period, which shall not be less than twenty-eight days, within which any persons affected by the proposed order may send to the Minister and the local authority objections in writing.

(4) An order made under subsection (1) above shall be of no effect unless and until it is confirmed by the Minister, and the Minister before confirming any such order shall consider any objections sent as aforesaid and shall consult with the traffic commissioners for any traffic area constituted for the purposes of Part III of the Road Traffic Act 1960, being the traffic area in which the area or any part of the area of the local authority is situate.

(5) The Minister may confirm an order made under subsection (1) above either without modification or subject to such modifications as he thinks fit, or may refuse to confirm the order.

(6) An order made and confirmed under subsection (1) above unless previously revoked shall remain in operation for three years, but may be renewed from time to time for a like period, and may at any time be altered or revoked by an order made

1960 c. 16.

in like manner and subject to the like provisions as the original order.

(7) The confirmation of an order under subsection (1) above shall be evidence that the requirements of this section have been complied with.

(8) In this section "local authority"—

- (a) as respects England and Wales, means as regards a county borough or a non-county borough or urban district having a population according to the last census for the time being of over 20,000 and any other non-county borough or urban district or any rural district the council of which the Minister may by order declare to be a local authority for the purposes of this section, the council of the borough or district, and as regards any other area the council of the county ;
- (b) as respects Scotland, means in a burgh the magistrates thereof and in a county the council thereof.

16.—(1) The appropriate Minister may by order prohibit or restrict, subject to such exceptions and conditions as to occasional user or access to premises or otherwise as may be specified in the order, the driving of vehicles on all roads of any such class as may be specified in the order, if he is satisfied that it is desirable that such an order should be made, and may by order revoke, vary, amend or add to the provisions of such an order ; but no order under this section shall have effect as respects any part of a special road on or after such date as may be declared by a notice published by the highway authority, in manner prescribed for the publication of notices under section 1(7) of this Act, to be the date on which it is open for use as a special road.

Prohibition or restriction of use of vehicles on roads of certain classes.

(2) A prohibition or restriction under this section may be imposed either generally, or in relation to any class of vehicle.

(3) For the purposes of this section the appropriate Minister may classify roads in any manner he thinks fit having regard to their character or situation, or the nature of the traffic to which they are suited, and may determine in what class any particular road shall be included.

(4) The powers conferred by this section to make, revoke, vary, amend and add to orders shall be exercisable by statutory instrument, and a statutory instrument by which those powers are exercised shall not have effect unless and until it has been approved by a resolution of each House of Parliament.

(5) A person who drives a vehicle, or causes or permits a vehicle to be driven, in contravention of an order under this section shall be liable on summary conviction to a fine not exceeding £20.

Restriction of use of heavy vehicles on weak bridges.

17.—(1) Where the bridge authority of a bridge over which a road passes is satisfied that the bridge is insufficient to carry vehicles of which the weights or axle weights, as hereinafter defined, exceed certain limits, the authority may by a conspicuous notice in the prescribed form placed in a proper position at each end of the bridge, prohibit the use of the bridge either—

(a) by any vehicle of which the weight exceeds a maximum weight specified in the notice, not being less than five tons, or

(b) by any vehicle of which—

(i) the weight exceeds a maximum weight so specified, not being less than five tons, or

(ii) any axle weight exceeds a maximum axle weight so specified, not being less than three tons ;

and any such notice may, as regards both weight of vehicle and axle weight, specify different maximum weights in relation to a vehicle travelling at a speed less than a speed specified in the notice, and in relation to a vehicle travelling at that speed or a greater speed.

(2) The highway authority for a road leading to a bridge shall give to the bridge authority reasonable facilities for placing on the road any such notice as aforesaid and, if the highway authority so require, the bridge authority shall erect warning notices in the prescribed form at the principal junctions of roads leading to the bridge.

(3) Before placing a restriction or prohibition under this section on the use of a bridge, other than one carrying a trunk road and repairable by the Minister or a Secretary of State, the bridge authority shall give to the appropriate Minister twenty-eight days' notice of their intention so to do with particulars of the restriction or prohibition, and the appropriate Minister shall cause a list to be kept of all restrictions or prohibitions which have been placed on the use of bridges under this section, and the list shall be open to inspection by any person.

(4) For the purposes of this section—

(a) "weight" means weight laden ;

(b) the weight transmitted by a vehicle to any transverse strip of the road surface five feet in breadth shall be taken as being an "axle weight" of that vehicle and,

for the purposes of this paragraph, a vehicle and any trailer drawn thereby shall be deemed to be a single vehicle ;

- (c) "placed in a proper position" means placed in such a position either on or near the bridge, or on or near the road leading to the bridge, as to be visible at a reasonable distance from the bridge to the drivers of vehicles approaching it ;
- (d) "prescribed" means prescribed by regulations made by the appropriate Minister.

(5) If, without the consent of the bridge authority, a vehicle is driven across a bridge in contravention of a notice so placed as aforesaid, any person who so drives it, or causes or permits it to be so driven, shall, without prejudice to any civil liability incurred by him in the case of damage's being caused to the bridge, be liable on summary conviction to a fine not exceeding £20, or in the case of a second or subsequent conviction to a fine not exceeding £50.

If in any proceedings under this subsection the prosecutor satisfies the court that there are reasonable grounds for believing that the weight of the vehicle exceeded the maximum weight specified in the notice, or that any axle weight of the vehicle exceeded the maximum axle weight so specified, it shall lie on the defendant to prove that the weight of the vehicle, or every axle weight of the vehicle, as the case may be, did not exceed such maximum weight or maximum axle weight.

(6) Any person or body of persons aggrieved by a restriction or prohibition placed on the use of a bridge under this section, and any highway authority in whose area the bridge is situate, may at any time apply to the appropriate Minister for an order modifying or removing the restriction or prohibition.

(7) On receiving any such application as aforesaid or, in the case of a bridge carrying a trunk road, on his own initiative, the appropriate Minister may cause the bridge to be inspected, and may require the bridge authority to give to his inspector such information as to its structure and condition, and such other facilities for his investigation of the circumstances as the bridge authority may be able to give and, after considering the report of his inspector and any representations made to him by the bridge authority, may, if he thinks proper, make by statutory instrument an order modifying or removing the restriction or prohibition, or imposing different restrictions, and the bridge authority shall, within such time as may be specified in the order, cause notices to be erected complying with the order and, if the bridge authority fail to do so, the appropriate Minister may cause the notice complained of to be removed or

varied, or new notices to be erected so as to comply with his order; and the expenses incurred by him in so doing shall be recoverable by him from the bridge authority and, in England or Wales, shall be so recoverable summarily as a civil debt.

(8) Where any such inspection and investigation is held, the appropriate Minister may make such order as to the payment of the costs incurred by him in connection therewith (including such reasonable sum not exceeding five guineas a day as he may determine for the services of any officer engaged thereon) by such party thereto as he thinks fit, and the appropriate Minister may certify the amount of the costs so incurred, and any amount so certified and directed by the appropriate Minister to be paid by any person shall be recoverable from him, and shall be so recoverable, in England or Wales, either as a debt due to the Crown or by the Minister summarily as a civil debt, and in Scotland by the Secretary of State.

For the purposes of this subsection the applicants and the bridge authority shall be treated as parties to the inspection and investigation.

(9) The appropriate Minister may at any time on an application made to him by the bridge authority, or on his own initiative, by order made by statutory instrument vary or revoke any order made by him under subsection (7) above, if he is satisfied that it is proper so to do.

Power of
highway
and bridge
authorities
to authorise
carriage of
excess weights
on roads and
bridges.

1960 c. 16.

18.—(1) A highway authority as regards any road for the maintenance of which they are responsible, and a bridge authority as regards any bridge for the maintenance of which they are responsible, may, subject to such conditions as they think fit, grant a permit in respect of any trailer specified in the permit drawn by a heavy locomotive or a light locomotive on the road or bridge to carry weights specified in the permit notwithstanding that when conveying such weights the trailer does not comply with any regulations made by the Minister under Part I of the Road Traffic Act 1960 as to the weight laden of trailers or as to the maximum weight which may be transmitted to the road or any part thereof by trailers, and where such a permit is given it shall not, so long as the conditions, if any, attached to the permit are complied with, be an offence in the case of any such trailer to carry on that road or bridge weights authorised by the permit by reason only that the trailer when conveying them does not comply with such regulations as aforesaid:

Provided that, where a highway authority are responsible for the maintenance of a road passing over a bridge but not for the maintenance of the bridge itself, the power conferred by

this section shall be exercisable by the bridge authority and not by the highway authority.

(2) In this section "highway authority" includes any person responsible for the maintenance of a road.

19.—(1) A motor vehicle shall not be driven on or over the Menai Bridge except in accordance with and subject to any restrictions contained in regulations made by the Minister. Control of driving over Menai Bridge.

(2) Different regulations may be made under this section as respects different classes of vehicles or as respects the same class of vehicles in different circumstances.

(3) A person who acts in contravention of subsection (1) above shall be liable on summary conviction to a fine not exceeding £20, or in the case of a second or subsequent conviction to a fine not exceeding £50 or to imprisonment for a term not exceeding three months.

20.—(1) The appropriate Minister may by regulations make provision for the removal from roads, and safe custody, or for the moving from one position on a road to another position on that or another road, of, and of the loads carried by, vehicles which have been permitted to remain at rest on a road— Removal of vehicles illegally, obstructively or dangerously parked, abandoned or broken down.

(a) in contravention of any statutory prohibition or restriction, or

(b) in such a position or in such condition or in such circumstances as to cause obstruction to other persons using the road or so as to be likely to cause danger to such other persons, or

(c) in such a position or in such condition or in such circumstances as to appear to have been abandoned,

or which have broken down.

(2) Regulations under this section may provide for repealing byelaws dealing with the same subject matter as the regulations, and for suspending, while the regulations remain in force, any power of making such byelaws.

(3) Regulations under this section may be made so as to apply either generally or in such circumstances only as may be specified in the regulations.

Pedestrian crossings

21.—(1) A local authority may, after consultation with the chief officer of police and after giving public notice that they propose so to do, submit to the appropriate Minister a scheme containing proposals for the establishment on roads in their district (other than trunk roads) of crossings for foot passengers to be indicated in manner prescribed by regulations under section 23 of this Act. Schemes for establishment of pedestrian crossings on roads other than trunk roads.

1960 c. 16.

(2) Where, under the enactments repealed by the Road Traffic Act 1960, a local authority have submitted a statement of reasons why they consider the establishment of crossings for foot passengers in their district to be unnecessary, the appropriate Minister, if it appears to him that crossings ought to be established in that district, and after giving to the local authority an opportunity of making representations, may require the local authority to submit to him such a scheme as aforesaid in relation to the district.

(3) A scheme submitted under this section shall specify either the position 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 appropriate Minister may, if he thinks fit, approve the scheme with or without modification.

(4) 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 statutory instrument by the appropriate Minister after giving to the local authority by whom the scheme was submitted an opportunity of making representations.

(5) It shall be the duty of the authority by whom a scheme is submitted under this section 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 regulations having effect under section 23 of this Act as respects the crossings, or required in consequence of a variation or revocation of the scheme, and if the authority make default in the execution of any such works, the appropriate Minister may execute them; and the expense incurred by him in so doing shall be recoverable by him from the authority and, in England or Wales, shall be so recoverable summarily as a civil debt.

(6) In this section "local authority" means—

- (a) as respects England and Wales other than Greater London, the council of a county, a borough or an urban district,
- (b) as respects Scotland, the council of a county, or the town council of a burgh which is responsible for the maintenance and management of all or any of the highways in the burgh;

and references in this section to the district of a local authority shall be construed in relation to the council of a county in England or Wales as references to the rural districts comprised in the county, and in relation to the council of a county in

Scotland as references to the county together with any burgh therein other than a burgh the council of which is responsible for the maintenance and management of all or any of the highways in the burgh.

(7) Notwithstanding subsection (6) above, a county council in Scotland may, after consultation with the town council of any small burgh within the meaning of the Local Government (Scotland) Act 1929 which is responsible for the maintenance and management of all or any of the highways in the burgh and is situated within the county, include in a scheme submitted under this section proposals for the establishment of crossings on classified roads in such a burgh, and such proposals shall not be included in any scheme submitted by the town council of the burgh. 1929 c. 25.

In this subsection "classified road" means a road which for the time being is classified by the Secretary of State under section 28(2) of the Local Government (Scotland) Act 1966 as a principal road for the purposes of advances under section 8 of the Development and Road Improvement Funds Act 1909 or as a classified road for the purposes of, or for purposes which include the purposes of, this subsection. 1966 c. 51. 1909 c. 47.

(8) In the application of this section to Greater London "local authority" means—

- (a) as respects a metropolitan road, the Greater London Council;
- (b) as respects any other road in a London borough, the council of the borough;
- (c) as respects any other road in the City of London, the Common Council;

but before the Greater London Council submit any scheme under this section with respect to a metropolitan road they shall consult with any other of the councils aforesaid within whose area that road is situated.

(9) This section, in its application to Greater London, 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 the power to make orders conferred by this subsection shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

22. It shall be the duty of the appropriate Minister to establish on trunk roads such crossings for foot passengers as he considers necessary, and to execute any works (including the placing, erection, maintenance, alteration and removal of marks and traffic signs) required in connection with the establishment of those crossings. Duty of appropriate Minister to establish pedestrian crossings on trunk roads.

**Pedestrian
crossing
regulations.**

23.—(1) The appropriate 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 crossings.

(2) Without prejudice to the generality of subsection (1) above, regulations made thereunder may be made prohibiting foot passenger traffic on the carriageway within one hundred yards of a crossing, and with respect to the indication of the limits of a crossing, or of any other matter whatsoever relating to the crossing, by marks or devices on or near the roadway or otherwise, and generally with respect to the erection of traffic signs in connection with a crossing.

(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) Regulations may be made under this section applying only to a particular crossing or particular crossings specified in the regulations.

(5) A person who contravenes any regulations made under this section shall be liable on summary conviction to a fine not exceeding £50.

(6) In this section "crossing" means a crossing for foot passengers established by a local authority in accordance with the provisions for the time being in force of a scheme submitted and approved under section 21 of this Act or by the appropriate Minister in the discharge of the duty imposed on him by section 22 thereof and (in either case) 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.

School crossings

**Arrangements
for patrolling
school
crossings.**

24.—(1) Arrangements may be made by the appropriate authority for the patrolling of places where children cross roads on their way to or from school, during periods between the hours of eight in the morning and half-past five in the afternoon when children are so on their way, by persons appointed by or on behalf of the appropriate authority, other than constables.

(2) For the purposes of subsection (1) above, in its application to England and Wales, the appropriate authority shall be—

- (a) as respects places not in the metropolitan police district, other than places in the City of London, the council of the county or county borough in which the places in question are,
- (b) as respects places in the City of London, the Common Council of the City, and
- (c) as respects places in the metropolitan police district, the commissioner of police of the metropolis ;

and for the purposes of that subsection in its application to Scotland, the appropriate authority shall be—

- (i) as respects places in a county (exclusive of any large burgh, and inclusive of any small burgh, situate therein), the county council, and
- (ii) as respects places in a large burgh, the town council of the burgh.

(3) The functions of the appropriate authority for the purpose of arrangements under subsection (1) above shall include the duty to satisfy themselves of the adequate qualifications of persons appointed to patrol, and to provide requisite training of persons to be appointed.

(4) In taking decisions as to making arrangements in England or Wales under subsection (1) above the council of a county, and the commissioner of police of the metropolis, shall have regard to any representations made to them or him by local authorities for localities in the county, or in the metropolitan police district, as the case may be, and in taking decisions as to making arrangements in Scotland under that subsection a county council shall have regard to any representations made to them by the council of any district or small burgh situated in that county, and the town council of a large burgh, other than a county of a city, shall have regard to any representations made to them by the education authority in whose area the burgh is situated.

(5) Any arrangements made in England or Wales under subsection (1) above by the council of a county or county borough as respects places in that county or borough may include an agreement between that council and the police authority for the police area in which those places are for the performance by the police authority, on such terms as may be specified in the agreement, of such functions for the purposes of the arrangements as may be so specified ; and any arrangements made in

Scotland by a council under that subsection may include an agreement between the council and any other local authority whose area for any purpose comprises the place to which the arrangements relate for the performance by that other local authority, on such terms as may be specified in the agreement, of such functions for the purposes of the arrangements as may be so specified.

(6) For the purposes of any arrangements made under subsection (1) above by the commissioner of police of the metropolis, there shall be paid out of the metropolitan police fund such expenditure as the Secretary of State may direct to be so paid.

(7) In this section, in its application to Scotland,—

- 1947 c. 43. (a) “district”, “large burgh” and “small burgh” have the same meanings respectively as in the Local Government (Scotland) Act 1947 ;
- 1962 c. 47. (b) “education authority” has the same meaning as in the Education (Scotland) Act 1962 ;
- 1956 c. 26. (c) “local authority” has the same meaning as in the Local Government (Scotland) Act 1947, save that it also includes a joint police committee within the meaning of the Police (Scotland) Act 1956.

Stopping of
vehicles at
school
crossings.

25.—(1) When between the hours of eight in the morning and half-past five in the afternoon a vehicle is approaching a place in a road where children on their way to or from school are crossing or seeking to cross the road, a school crossing patrol wearing a uniform approved by the Secretary of State shall have power, by exhibiting a prescribed sign, to require the person driving or propelling the vehicle to stop it.

(2) When a person has been required under subsection (1) above to stop a vehicle—

- (a) he shall cause the vehicle to stop before reaching the place where the children are crossing or seeking to cross and so as not to stop or impede their crossing ; and
- (b) the vehicle shall not be put in motion again so as to reach the place in question so long as the sign continues to be exhibited ;

and a person who fails to comply with paragraph (a) above, or who causes a vehicle to be put in motion in contravention of paragraph (b) above, shall be liable on summary conviction to a fine not exceeding £50.

(3) In this section—

- (a) “prescribed sign” means a sign of a size, colour and type prescribed by regulations made by the appropriate Minister, or, if authorisation is given by the appropriate Minister for the use of signs of a description not so prescribed, a sign of that description; and regulations under this subsection may provide for the attachment of reflectors to signs, or for the illumination of signs; and
- (b) “school crossing patrol” means a person appointed to patrol in accordance with arrangements made under section 24 of this Act.

(4) For the purposes of this section—

- (a) where it is proved that a sign was exhibited by a school crossing patrol, it shall be presumed to be of a size, colour and type prescribed, or of a description authorised, under the foregoing provisions of this section, and if it was exhibited in circumstances in which it was required by the regulations to be illuminated, to have been illuminated in the prescribed manner, unless the contrary is proved;
- (b) where it is proved that a school crossing patrol was wearing uniform, the uniform shall be presumed, unless the contrary is proved, to be a uniform approved by the Secretary of State; and
- (c) where it is proved that a prescribed sign was exhibited by a school crossing patrol at a place in a road where children were crossing or seeking to cross the road, it shall be presumed, unless the contrary is proved, that those children were on their way to or from school.

Street playgrounds

26.—(1) The council of a county, borough or urban district shall have power, for the purpose of enabling roads within their area in respect of which they are the highway authority to be used as playgrounds for children, to make an order prohibiting or restricting, subject to such exceptions and conditions as to occasional user or otherwise as may be specified in the order, the use of any specified road by vehicles, or by vehicles of any specified class, either generally or on particular days or during particular hours.

Power of local authorities to prohibit traffic on roads to be used as playgrounds.

(2) An order made under this section with respect to a road shall make provision for permitting reasonable access to premises situated on or adjacent to it.

(3) No order made under this section shall be of any effect unless and until it is confirmed by the appropriate Minister who, if he confirms it, may confirm it either without modification or subject to such modifications as he thinks fit, but the appropriate Minister shall not confirm an order until twenty-eight days at least have elapsed since the making of the order and, before confirming it, shall consider any objections which may have been made to him against the order and, if he thinks fit, may cause a public inquiry to be held.

(4) An order made under this section may be revoked, varied or amended by an order made in like manner as the original order.

(5) The appropriate Minister may at any time after giving notice in writing to the authority by whom an order under this section was made, and after holding, if he thinks fit, a public inquiry, by statutory instrument revoke, vary or amend the order.

(6) A person who uses a vehicle, or causes or permits a vehicle to be used, in contravention of an order in force under this section shall be liable on summary conviction to a fine not exceeding £50.

(7) The appropriate Minister may make regulations for prescribing the procedure to be followed in connection with the making of orders by a local authority under this section and the confirmation thereof and for prescribing the manner in which the authority shall publish notice of the fact that any such order has been made and confirmed and of its effect.

(8) In its application to Greater London, this section shall have effect as if—

- (a) the City of London were a borough and the Common Council the council of that borough ;
- (b) for any reference to the appropriate Minister there were substituted a reference to the Greater London Council ; and
- (c) the words " by statutory instrument " in subsection (5) were omitted.

(9) The powers conferred by subsection (1) above on the councils therein mentioned shall, in Scotland, be exercisable as regards roads in a county by the county council, and as regards roads in a burgh by the town council.

Power of local authorities to make byelaws with respect to roads used as playgrounds.

27. A local authority by whom an order may be made under section 26 of this Act shall have power, in relation to any road as respects which an order is made by them prohibiting or restricting the use of the road by vehicles, or by vehicles of any specified class, for the purpose of enabling the road to be used

as a playground for children, to make byelaws (subject to confirmation, in the case of byelaws of a local authority in Greater London, by the Greater London Council or, in any other case, by the appropriate Minister) authorising the use of the road for that purpose, and making provision with respect to the admission of children to the road when used as a playground, and with respect to the safety of children so using the road and their protection from injury by vehicles using the road for access to premises situated on or adjacent to it or otherwise, and generally with respect to the proper management of the road when used as a playground as aforesaid.

Parking places (general provisions): off highways or without payment on highways

28.—(1) Where for the purpose of relieving or preventing congestion of traffic it appears to a local authority to be necessary to provide within their district suitable parking places for vehicles, the local authority may in accordance with the provisions of this section and sections 29 to 32 of this Act provide such parking places (whether above or below ground and whether or not consisting of or including buildings) together with means of entrance thereto and egress therefrom, or may by order authorise the use as a parking place of any part of a road within their district, not being a road the whole or part of the width of which is within Greater London.

Power of local authorities to provide parking places.

(2) No order under subsection (1) above shall—

- (a) authorise the use of any part of a road so as unreasonably to prevent access to any premises adjoining the road or the use of the road by any person entitled to the use thereof, or so as to be a nuisance, or
- (b) be made in respect of any part of a road without the consent of the authority or person responsible for the maintenance of the road.

(3) A local authority may adapt for use as, or for providing means of entrance to, or egress from, a parking place any land acquired or appropriated by them for the purposes of this section and may, with the consent of the authority or person responsible for the maintenance of a road, adapt any part of it for the purpose of providing means of entrance to or egress from a parking place.

(4) The exercise by a local authority of their powers under this section with respect to the use as a parking place of any part of a road shall not render them subject to any liability in respect of the loss of or damage to any vehicle or the fittings or contents of any vehicle parked in the parking place.

(5) Any power conferred by this section to provide a parking place includes power to maintain it (if below ground) and to

maintain buildings comprised in it, and to provide and maintain any cloakroom or other convenience for use in connection with it (references to parking places in other provisions of this section and in sections 29(4) and 31(7) of this Act being accordingly construed as including references to such a convenience).

(6) In this section and sections 29 to 32 of this Act—

- (a) "local authority", in relation to England and Wales, means the council of a county borough, London borough or county district, the Common Council of the City of London or, subject to subsection (7) below, the Greater London Council, and, in relation to Scotland, means a county council or town council;
- (b) "parking place" means a place where vehicles, or vehicles of any class, may wait;

and for the purposes of those sections an underground parking place shall not be deemed to be part of a road by reason only of its being situate under a road.

(7) The Greater London Council shall not exercise their powers under this section or section 29, 31(7) or 32(1) of this Act—

- (a) as respects any London borough, without the consent of the council of that borough, or
- (b) as respects the City of London, without the consent of the Common Council,

except with the consent of the Minister.

(8) For the purposes of the Telegraph Acts 1863 to 1962 an underground parking place situate under a road which is provided and maintained under this section shall be deemed to be a subway within the meaning of section 6 of the Telegraph Act 1878.

1878 c. 76.

Additional powers of local authorities in connection with off-street parking places.

29.—(1) The power of a local authority under section 28 of this Act to provide off-street parking places shall include power, exercisable in accordance with proposals in that behalf made to the appropriate Minister and approved by him, to provide them in buildings used also for other purposes, and to erect or adapt, and to maintain, equip and manage, buildings accordingly; and the authority by whom a parking place is so provided may let on such terms as they think fit parts of the building which are not used for the parking place, and may provide services for the benefit of persons occupying or using those parts, and make such reasonable charges for those services as they may determine.

(2) The appropriate Minister shall not approve proposals submitted to him under subsection (1) above for the provision of a parking place in a building used also for other purposes

unless he is satisfied that the extent to which those purposes will be served by the building is no more than reasonable to ensure the economic operation of the parking place.

(3) A local authority may adapt for use as a temporary off-street parking place any land owned by them or under their control, not being, in the case of land so owned, land acquired or appropriated by them for such a parking place.

(4) A local authority may let for use as a parking place any off-street parking place provided by them.

(5) Where under subsection (1) above a local authority provide an off-street parking place in a building, the power conferred on them by subsection (4) above shall extend to letting the parking place separately from the rest of the building and to letting the whole or any part of the building with the parking place.

(6) A local authority may on such terms as they think fit—

(a) let land on which they could erect or adapt a building for the purpose of providing an off-street parking place with a view to some other person's doing so ; or

(b) arrange with any person for him to provide such a parking place on any land of which he is the owner or in which he has an interest.

(7) A local authority may at an off-street parking place provided by them under section 28 of this Act provide and maintain such buildings, facilities and apparatus as they think fit for the storage and sale of fuel and lubricants and supply of air and water for the vehicles, and may let or hire out, on such terms as they think fit, the buildings, facilities or apparatus so provided, but shall not themselves sell or supply fuel or lubricants.

(8) The foregoing provisions of this section shall not affect the provisions of any local Act as to the provision of parking places.

(9) A local authority shall have power, and (notwithstanding anything in section 81 of the Road Traffic Act 1960 as originally enacted or in the corresponding provision of the enactments repealed by that Act) shall be deemed always to have had power, to enter into arrangements with any person under which, in consideration of the payment by him to the authority of a lump sum, or series of lump sums, he is authorised to collect and retain the charges made in respect of the parking of vehicles in an off-street parking place provided by the authority under section 28 of this Act, under the said section 81 or under that section as applied by virtue of section 82 of the said Act of 1960 or under the corresponding provisions of the enactments repealed by that Act. 1960 c. 16.

Acquisition
of land.

1946 c. 49.

1947 c. 42.

30.—(1) A local authority may be authorised by the appropriate Minister to purchase compulsorily land for the purposes of sections 28 and 29(6)(a) of this Act, and the Acquisition of Land (Authorisation Procedure) Act 1946 or, as the case may be, the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to the compulsory purchase of land under this subsection as if it had been in force immediately before the commencement of that Act.

In this subsection "land" includes any interest or right in, over or under land.

(2) Land compulsorily acquired by a local authority otherwise than for the provision of an off-street parking place and not appropriated for a purpose other than that for which it was acquired shall not be used by them for the provision of an off-street parking place thereon for a period exceeding twelve months except with the consent of the Minister of the Crown who, at the time when his consent is sought, is the Minister concerned with the function for the purposes of which the land was acquired.

(3) The power of a local authority to acquire land for the purposes of sections 28 and 29(6)(a) of this Act shall extend to the acquisition of any interest or right in, over or under land.

Provisions
as to use of
parking places
provided
under s. 28.

31.—(1) A local authority may, as respects any parking place—

(a) provided by the authority under section 28 of this Act,
or

(b) provided under any letting or arrangements made by the authority under section 29(6) thereof,

by order make provision as to the use of the parking place, and in particular as to the vehicles or class of vehicles which may be entitled to use it, as to the conditions on which it may be used, as to the charges to be paid in connection with its use (where it is an off-street one) and as to the removal therefrom of a vehicle left there in contravention of the order and the safe custody of the vehicle.

(2) An order under subsection (1) above may provide for a specified apparatus or device to be used as a means to indicate the time at which a vehicle arrived at, and the time at which it ought to leave, a parking place, or one or other of those times, or the charges paid or payable in respect of a vehicle in an off-street parking place, or as a means to collect any such charges, and may make provision regulating the use of any such apparatus

or device; but an order shall not provide for the use of any apparatus or device not generally or specially approved for the purpose by the appropriate Minister and, where an order provides for the use of any apparatus or device for collecting charges at an off-street parking place, the local authority shall comply with any directions of the appropriate Minister as to the testing, maintenance and periodical inspection of the apparatus or device.

(3) In the event of any contravention of, or non-compliance with, a provision of an order under subsection (1) above, the person responsible shall be liable on summary conviction to a fine not exceeding £5 or, in the case of a second or subsequent conviction, to a fine not exceeding £10; and where such an order provides for the use of any apparatus or device for collecting charges at an off-street parking place, any person who, with intent to defraud, interferes with the apparatus or device, or operates or attempts to operate it by the insertion of objects other than current coins of the appropriate denomination, shall be liable on summary conviction to a fine not exceeding £50 or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(4) An order under subsection (1) above may include provision—

- (a) for determining the person responsible for any contravention of, or non-compliance with, the order;
- (b) for treating the indications given by any apparatus or device used in pursuance of the order as evidence, and in Scotland sufficient evidence, of such facts and for such purposes as may be provided by the order;
- (c) for applying with any appropriate adaptations any of the provisions of section 42(5) to (7) of this Act.

(5) While a vehicle is within a parking place, it shall not be lawful for the driver or conductor of the vehicle, or for any person employed in connection therewith, to ply for hire or to accept passengers for hire, and if a person acts in contravention of this provision he shall be liable on summary conviction to a fine not exceeding £2.

(6) In England or Wales, a local authority may institute proceedings for offences in connection with parking places provided by the authority, or provided under any letting or arrangements made by the authority under section 29(6) of this Act, being offences under subsection (3) or (5) above.

(7) A local authority may appoint with or without remuneration such officers and servants as may be necessary for the superintendence of parking places.

S.R. & O.
1936/1088.

(8) Nothing in subsections (1) to (4) above shall affect the Restriction of Ribbon Development (Power to Provide Parking Places) Order 1936, so far as it applies to the City of London or apply to any byelaws having effect as respects the City of London by virtue of that Order; and that Order, so far as it so applies, shall continue to have effect by virtue of this subsection.

Provisions
supplemental
to ss. 28 to 31.

32.—(1) An order made under section 28(1) or 31(1) of this Act may be varied or revoked by a subsequent order made thereunder in like manner.

(2) Section 4 of this Act shall apply in relation to orders under sections 28(1) and 31(1) thereof as it applies in relation to traffic regulation orders of local authorities under section 1 of this Act.

(3) The appropriate Minister may by order made by statutory instrument, after giving notice to the local authority and holding (if he thinks fit) a public inquiry, revoke, vary or amend any order of a local authority made under the said section 28(1) or 31(1); and—

- (a) a local authority on making any such order shall forthwith send a copy to the appropriate Minister; and
- (b) when such an order of a local authority is revoked, varied or amended under this subsection, no such order made within twelve months afterwards with respect to the same parking place, or to the use of the same land as a parking place, shall have effect unless confirmed by the appropriate Minister.

(4) Section 2(2) of this Act shall apply in relation to orders falling to be confirmed under this section by the appropriate Minister.

(5) A local authority may contribute towards the expenses incurred by any other authority in the exercise of their powers under sections 28, 29(1), 30 and 31(7) of this Act.

(6) A local authority in Scotland may borrow such sums as they may require for the purposes of the provisions mentioned in subsection (5) above.

Omnibus and
coach stations.

33.—(1) Where, in pursuance of the powers conferred by section 28 of this Act, a local authority provide a parking place which may be used by public service vehicles, the local authority may, if they think fit,—

- (a) by order appoint that parking place as a station for such vehicles;

(b) in England or Wales by regulation, and in Scotland by order, declare that section 31(5) of this Act shall not apply to public service vehicles, either absolutely or to such extent as may be specified in the regulation or order.

(2) Where a parking place is appointed under this section as a station for public service vehicles, the local authority may—

(a) with the consent of the Minister do all such things as are necessary to adapt the parking place for use as such a station, and in particular provide and maintain waiting rooms, ticket offices and lavatories, and other similar accommodation, in connection therewith ;

(b) make reasonable charges for the use of, or let on hire to any person, any accommodation so provided ; and

(c) make regulations as to the use of any such accommodation.

(3) A local authority shall have power to make such reasonable charges for the use of a parking place, not being part of a street, as a station for public service vehicles 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.

(4) Where a local authority propose to make an order under subsection (1)(a) above, they shall cause notice of the proposal to be published in at least one newspaper circulating within their area, and every such notice shall specify the nature of the proposal and state that a copy of the draft order is open to inspection at a specified place, and specify the period, which shall not be less than twenty-eight days, within which any persons affected by the proposed order may send to the Minister and the local authority objections in writing.

(5) An order under subsection (1)(a) above shall be of no effect unless and until it is confirmed by the Minister, and the Minister before confirming any such order shall consider any objections sent as aforesaid, and shall consult with the commissioners for any traffic area constituted for the purposes of Part III of the Road Traffic Act 1960, being the traffic area in which the area or any part of the area of the local authority is situate. 1960 c. 16.

(6) The Minister may confirm an order made under subsection (1)(a) above either without modification or subject to such modifications as he thinks fit, or may refuse to confirm the order.

(7) The confirmation of an order under subsection (1)(a) above shall be evidence that the requirements of this section have been complied with.

(8) The powers conferred on a local authority by subsections (1) and (2) above shall be in addition to, and not in substitution for, the powers conferred on a local authority by sections 28 and 29(1) of this Act.

(9) The purposes of this section shall be purposes for which a local authority may borrow.

(10) An order under subsection (1) above may be varied or revoked by a subsequent order made in the like manner and subject to the like provisions.

Provisions as to foreshore in Scotland.

34.—(1) Nothing in sections 28, 29(1), 30(1) and 33 of this Act shall authorise the execution of any works on, over or under tidal lands in Scotland below high-water mark of ordinary spring tides except in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works' being commenced have been approved in writing by the Board of Trade.

(2) The functions of the Board of Trade under this section may be exercised by the President of the Board of Trade, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board, or any person authorised in that behalf by the President of the Board.

Parking places (general provisions): on highways for payment

Provision on highways of parking places where charges made.

35.—(1) Subject to section 38 of this Act, the Minister may by order made on the application of the local authority in accordance with the provisions of Part I of Schedule 4 to this Act designate parking places on highways in the metropolitan police district or the City of London for vehicles or vehicles of any class specified in the order, and the local authority may make charges for vehicles left in any parking place so designated of such amount as is hereinafter specified.

(2) In determining what parking places are to be designated under this section the Minister shall consider both the interests of traffic and those of the owners and occupiers of adjoining property, and in particular the matters to which he shall have regard shall include—

- (a) the need for maintaining the free movement of traffic, and
- (b) the need for maintaining reasonable access to premises, and

- (c) the extent to which parking accommodation (whether open or covered) otherwise than on highways is available in the neighbourhood or the provision thereof is likely to be encouraged there by the designation of parking places under this section.

(3) The exercise by a local authority of their functions under this section shall not render the authority subject to any liability in respect of the loss of or damage to any vehicle in a parking place or the contents or fittings of any such vehicle.

(4) In this section and sections 36 to 44 of this Act "local authority" means the council of a county borough or county district, the Common Council of the City of London or the council of a London borough and "the local authority", in relation to a parking place or proposed parking place on any site, means that one of the said councils in whose area the site is.

(5) If it appears to the Minister that it is expedient that parking places should be designated under this section on highways at any sites in Greater London, then, subject to section 38 of this Act, the Minister may by order made in accordance with the provisions of Part II of Schedule 4 to this Act designate those parking places for vehicles or vehicles of any class specified in the order, and may make charges for vehicles left in any parking place so designated of such amount as is hereinafter specified ; and—

- (a) in relation to parking places designated by virtue of this subsection references in subsection (3) above and in sections 36 and 37 of this Act to the local authority shall be construed as references to the Minister ;
- (b) if the Minister, with the consent of the Treasury, enters into an agreement with the local authority or the Greater London Council for the transfer to the authority or Council of the operation of the parking place, the operation thereof, and such apparatus or other things held by, and rights or liabilities of, the Minister in connection with the parking place as may be specified in the agreement, shall be transferred as from such date and on such terms (including terms as to the making of payments to or by the Minister) as may be so specified ;
- (c) from the taking effect of any such transfer of the operation of a parking place the order designating the parking place shall have effect subject to such modifications (if any) as the Minister may direct, being amendments appearing to him requisite in consequence of the transfer, and the provisions of this section and sections 36, 37, 40, 42 and 44 of this Act shall thereafter

apply as if the parking place had been designated by order made on the application of the council to which the transfer is made and, where the transfer is made to the Greater London Council, as if that Council were a local authority within the meaning of this section.

(6) Subject to section 38 of this Act, a designation order made on the application of a local authority may be varied or revoked by order of the Minister without such an application; and Part II of Schedule 4 to this Act shall apply to any such order of the Minister as it applies to an order varying or revoking an order made by him under subsection (5) above.

(7) Subject to section 38 of this Act, in any case where it appears to the Minister to be expedient so to do having regard to any objections duly made in respect of an application made to him, or proposals made by him, for a designation order, he may, if he thinks fit, make an interim order pursuant to the application or proposals in respect of any one or more of the sites affected or in respect of any part of any of those sites and postpone for further consideration the making of any further order in pursuance of the application or proposals.

(8) The appropriate Minister may by order provide that subsection (1) above shall apply to any such area in England or Wales (in addition to the metropolitan police district and the City of London), or in Scotland, as may be specified in the order; and—

- (a) as respects any such area, references to the Minister in this section and Schedule 4 to this Act shall be construed as references to the appropriate Minister;
- (b) as respects any such area in Scotland, the expression "local authority" in this section, sections 36 to 44 of this Act and the said Schedule 4 means a county council or a town council.

(9) Nothing in this section or an order under subsection (8) above shall affect the operation of section 6 or 28 of this Act.

Regulation of
parking in
places
designated
under s. 35.

36.—(1) Subject to section 38 of this Act, the appropriate Minister shall by order prescribe the charges to be paid for vehicles left in a parking place designated under section 35 of this Act, and any such charge may be prescribed either—

- (a) as an amount (hereinafter referred to as an initial charge) payable in respect of an initial period and an amount (hereinafter referred to as an excess charge) payable, in addition to an initial charge, in respect of any excess over an initial period; or

(b) as an amount payable regardless of the period for which a vehicle is left.

(2) Subject to section 38 of this Act, the appropriate Minister may by order make such provision as he considers necessary or expedient for regulating or restricting the use of a parking place designated under section 35 of this Act, or otherwise for or in connection with the operation of such a parking place, and in particular, but without prejudice to the generality of the foregoing provision, provision—

(a) for regulating the time at which and the method by which any charge is to be paid and for requiring the use of apparatus of such type or design as may be approved by the appropriate Minister, either generally or specially (hereinafter referred to as a parking meter) being apparatus designed either—

(i) to indicate whether any charge has been paid and whether the period for which it has been paid or any further period has elapsed, or

(ii) to indicate the time and to issue tickets indicating the payment of a charge and the period in respect of which it has been paid ;

(b) for treating the indications given by a parking meter or any ticket issued by it, or the absence of any such ticket from a vehicle left in a parking place, as evidence, and in Scotland sufficient evidence, of such facts as may be provided by the order ;

(c) for prohibiting the insertion in a parking meter of coins additional to those inserted by way of payment of any charge ;

(d) for enabling the local authority to determine, subject to any restrictions specified in the order, the number and dimensions of the spaces in which vehicles may be left in a parking place ;

(e) for authorising the alteration of the position in a parking place or the removal from a parking place of vehicles in respect of which any order of the appropriate Minister has been contravened or not complied with and for the safe custody of vehicles so removed ;

(f) for exempting from the payment of any charge any vehicle left in a parking place in such circumstances as may be specified in the order and for treating any vehicles so exempted as having been left there, and the charge from which it is exempted as having been paid, at such time as may be so specified ;

- (g) for prohibiting or restricting the carrying on of trade or other activities, or the doing of any other thing, at a parking place ;
- (h) for conferring on the local authority powers of illuminating parking places, and of erecting notices or signs and carrying out work on or in the vicinity of a parking place.

Provisions supplementary to ss. 35 and 36.

37.—(1) Where, under a designation order, vehicles may not be left at all times in the parking place designated by it—

- (a) the parking place shall for the purpose of sections 36 and 42 of this Act be treated, as respects any time during which vehicles may not be left there in pursuance of the order, as if it were not designated by the order ;
- (b) any vehicle left in the parking place which remains there at the beginning of a period during which vehicles may be left there in pursuance of the order shall for the purposes of those sections be treated as if it had been left there at the beginning of that period, but without prejudice to any rights or liabilities in respect of anything done or omitted at any time before the beginning or after the end of that period.

(2) A designation order may revoke the designation of any place as a parking place under section 6 or 28 of this Act, and such an order, or an order under either of those sections containing a designation of a place as a parking place, may provide that the designation shall not have effect as respects any time as respects which provision is made under section 35 of this Act for the leaving of vehicles in that place.

(3) Subject to section 38 of this Act, the appropriate Minister may by order empower the local authority, the chief officer of police or any other person specified by or under the order to provide for the moving, in case of emergency, of vehicles left in a parking place designated under section 35 of this Act, to suspend the use of such a parking place or any part thereof on such occasions or in such circumstances as may be determined by or under the order, and to provide for the temporary removal of any parking meters installed at such a parking place.

(4) Any local authority may acquire, whether by purchase or by hiring, such parking meters and other apparatus as appear to the authority to be required or likely to be required for the purposes of their functions under sections 35 and 36 of this Act and of this section.

(5) Where provision is made for the use of parking meters it shall be the duty of the local authority to take the prescribed steps for the periodical inspection of the meters and for dealing

with any found to be out of order, and for securing the testing of the meters (both before they are brought into use and not less frequently thereafter than may be prescribed or on other prescribed occasions) and for recording in the prescribed manner the date on which and the person by whom a meter has been tested.

38.—(1) The functions as respects Greater London conferred on the Minister by section 35(1), (2) and (5) of this Act and, in respect of any site in Greater London, the supplementary functions of the Minister under sections 35(6) and (7), 36 and 37 thereof shall be exercisable by the Greater London Council (hereafter in this section referred to as “the Council”) as well as by the Minister. Parking places
in Greater
London.

(2) Subject to subsection (5) of this section and section 84(2) of this Act, the Minister may after consultation with the Council direct the Council—

- (a) to make under any provision of sections 35, 36 and 37 of this Act (hereafter in this section referred to as “the relevant provisions”) such order as may be specified in the direction in respect of any site in Greater London so specified to come into force before the expiration of a period so specified, being in the case of an order under the said section 35(1) an order either in the form applied for by the local authority or in that form with specified modifications; or
- (b) not to make under any of the relevant provisions a particular order which has been applied for or proposed.

(3) The Minister shall not himself make an order under any of the relevant provisions except for the purpose of securing the object of any direction given to the Council under subsection (2)(a) above with which the Council have failed to comply.

(4) Subject to section 84(2) of this Act, the Minister may, after giving notice of his intention to the Council and any other person appearing to him to be likely to be concerned, by order revoke or vary any order made by the Council under any of the relevant provisions.

(5) Before giving any direction under subsection (2)(a) above—

- (a) in the case of a direction to make with or without modifications an order applied for under the said section 35(1), or an order under the said section 35(5) or (6) which has already been proposed by the Council, the Minister shall consider any objections made to the order applied for or proposed;
- (b) in the case of a direction to make an order under the said section 35(5) or (6), which has not already been proposed by the Council, the Minister instead of

the Council shall comply with the requirements of Part II of Schedule 4 to this Act in like manner as if the order were to be made by him instead of by the Council ;

- (c) in the case of a direction to make any order in the form of an order applied for by a local authority or proposed by the Council but with modifications which appear to the Minister to affect substantially the character of the order, the Minister shall take such steps as appear to him to be sufficient and reasonably practicable for informing any local authority concerned and any other person likely to be concerned.

(6) Any application by a local authority in Greater London for an order under the said section 35(1) shall be made to the Council and not to the Minister, but a London borough council shall not make such an application in respect of a site on a trunk road except with the consent of the Minister and, for the purposes of subsection (3) above, any such application made to the Council shall be deemed to have been made to the Minister.

(7) In relation to an order of the Council—

- (a) any reference in the relevant provisions to the Minister or the appropriate Minister (other than the reference in section 36(2)(a)) shall be construed as a reference to the Council ;
- (b) section 35(5) of this Act shall have effect as if paragraph (a), and, in paragraph (b), the words “with the consent of the Treasury”, the words “or the Greater London Council” and the words “or Council”, were omitted ;

and in relation to parking places designated by virtue of the said section 35(5) and this section by an order of the Council, references in sections 35(3), 36 and 37 of this Act to the local authority shall be construed as references to the Council.

(8) Where—

- (a) the Council make an order under any of the relevant provisions in pursuance of a direction under subsection (2)(a) above, or
- (b) the Minister makes an order under any of the relevant provisions for the purpose specified in subsection (3) above, or
- (c) the Minister makes an order under subsection (4) above, or
- (d) the Minister enters into an agreement under section 35(5)(b) of this Act for the transfer of a parking place designated by an order of the Minister,

then, subject to subsection (9) below, the powers of the Council to vary or revoke orders made by them under the relevant provisions shall extend to the variation or revocation of any such order as aforesaid notwithstanding that it is made by, or by direction of, the Minister.

(9) Except with the consent of the Minister—

- (a) any order such as is mentioned in subsection (8)(a),(b), (c) or (d) above shall not be varied or revoked by the Council, and
- (b) where an order of the Council under the said section 35 with respect to parking places on any length of highway has been varied or revoked by the Minister by virtue of subsection (4) above, the Council shall not make a further order under the said section 35 as respects that length of highway,

within twelve months of the making of the order referred to in subsection (8)(a),(b) or (c) above or the transfer referred to in subsection (8)(d) above, as the case may be.

(10) The Minister may give directions to the Council either generally, or with respect to any particular case or class of cases, as to the procedure to be followed in connection with—

- (a) any application to the Council for an order under section 35(1) of this Act,
- (b) the making of any order by the Council under any of the relevant provisions,

including directions modifying the provisions of Schedule 4 to this Act in their application to, or applying those provisions with modifications to, any such order of the Council; but, except in the case of an order revoking and re-enacting the provisions of a previous order, whether or not made by the same authority, no direction given by virtue of this subsection shall reduce the opportunities afforded by that Schedule to object to any application or proposal.

39.—(1) A designation order made in respect of highways in any area outside Greater London may include such provisions—

Designation orders outside Greater London.

- (a) for any of the purposes specified in paragraphs (a) to (c) of section 1(3) of this Act, or
- (b) for authorising the use, without charge (but subject to such, if any, conditions as may be specified in the order), of any part of a road as a parking place for vehicles or for vehicles of such classes as may be specified in the order,

as the appropriate Minister considers appropriate in connection with the designation order; and a designation order making provision for any of the purposes referred to in

paragraph (a) above may vary or revoke any subsisting provision made for any of those purposes under section 1 of this Act.

(2) A designation order making such provision as is mentioned in subsection (1)(b) above may include provision for the removal, from any place authorised by virtue of that paragraph to be used as a parking place, of any vehicle left there in contravention of the order, and for the safe custody of the vehicle.

(3) The appropriate Minister may by order make provision, either in respect of any area outside Greater London to which section 35(1) of this Act applies, or generally in respect of all areas in England and Wales outside Greater London, or in Scotland, to which the said section 35(1) applies from time to time, for enabling any designation order under the said section 35(1) (and any order which, under section 36 or 37 of this Act, may be made by the appropriate Minister in relation to parking places designated by a designation order) to be made by the local authority, instead of by the appropriate Minister.

(4) An order of the appropriate Minister under subsection (3) above may be made subject to such exceptions or conditions as he considers appropriate, and may make such modifications of the provisions of this Act specified in subsection (5) below as appear to him to be necessary or expedient for the purposes or in consequence of the order, but shall be so framed as to secure that a local authority thereby empowered to make designation orders shall not make such an order designating parking places on, or otherwise making provision with respect to, a highway for which they are not the highway authority except with the consent in writing of that authority.

(5) The provisions of this Act referred to in subsection (4) above are sections 35 (except subsections (6) and (7)), 36 and 37, subsections (1) and (2) above, sections 40, 42 (except subsection (3)), 43(1) to (3) and 44 and Schedule 4.

Provisions supplementary to ss. 35 to 39.

40.—(1) In section 37 of this Act “prescribed” means prescribed by order of the appropriate Minister.

(2) Anything authorised or required by the provisions of sections 35, 36 and 37 of this Act to be prescribed or to be done by order of the Minister or the appropriate Minister may, save as otherwise expressly required, be prescribed or done either by a designation order or by a general order.

(3) Any power to make an order conferred on the Minister or the appropriate Minister by the said provisions or by section 38 or 39(3) of this Act shall be exercisable by statutory instrument.

(4) An order under section 35(8) or 39(3) of this Act shall not have effect unless approved by resolution of each House of Parliament.

(5) A statutory instrument embodying any order under the provisions of the said sections 35, 36 and 37, other than section 35(8), shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) Any power to make an order conferred by the said section 35, 36, 37, 38 or 39, other than the power conferred by section 35(6), shall include power, exercisable in like manner and subject to the like provisions, to vary or revoke the order.

(7) Any expenses incurred by the Minister by virtue of section 35(5) of this Act shall be defrayed out of moneys provided by Parliament, and any sums received by him by virtue of that subsection shall be paid into the Exchequer.

(8) In relation to any functions exercised by the Greater London Council, any reference in subsection (1) or (2) above to the appropriate Minister or the Minister shall be construed as a reference to that Council.

41.—(1) If any person desires to question the validity of a designation order, or of any provision contained in the order, on the ground that it is not within the powers of sections 35, 36, 37 and 39 of this Act, or on the ground that any requirement of those sections or of Schedule 4 to this Act has not been complied with in relation to the order, he may, within six weeks from the date on which the order is made, make an application for the purpose to the High Court or the Court of Session, as the case may be.

Limitation of right to challenge designation orders in legal proceedings.

(2) On any application under subsection (1) above, the court—

(a) may, by interim order, suspend the operation of the designation order, or of any provision of that order, either generally or so far as may be necessary for the protection of the interests of the applicant, until the final determination of the proceedings; and

(b) if satisfied that the designation order, or any provision of that order, is not within the said powers, or that the interests of the applicant have been substantially prejudiced by failure to comply with any of the said requirements, may quash the designation order, or any provision of that order, either generally or so far as may be necessary as aforesaid.

(3) Except as provided by this section, a designation order shall not, either before or after it has been made, be questioned in any legal proceedings whatever.

(4) In this section references to a designation order do not include references to an order under section 38(4) of this Act varying or revoking such an order.

Offences relating to parking places on highways where charges made.

42.—(1) A person who—

- (a) being the driver of a vehicle, leaves a vehicle in a parking place designated by a designation order otherwise than as authorised by an order relating to the parking place, or leaves the vehicle therein for longer after the excess charge has been incurred than the time so authorised, or fails duly to pay any charge payable under section 35 of this Act, or contravenes or fails to comply with any provision of an order relating to the parking place as to the manner in which vehicles shall stand in, or be driven into or out of, the parking place, or
- (b) whether being the driver of a vehicle or not, otherwise contravenes or fails to comply with any order of the appropriate Minister or the Greater London Council relating to parking places designated by designation orders,

shall, subject to subsection (3) below, be liable on summary conviction to a fine not exceeding £5 or, in the case of a second or subsequent conviction, to a fine not exceeding £10.

(2) In relation to an offence under subsection (1)(a) above of leaving a vehicle for longer after the excess charge has been incurred than the time authorised by an order relating to the parking place, or failing duly to pay any charge payable under section 35 of this Act, the reference in that paragraph to the driver of a vehicle shall be construed as a reference to the person driving the vehicle at the time it was left in the parking place.

(3) Where a parking meter relating to the space in which a vehicle is left in a parking place designated by a designation order indicates that the period for which payment made for the vehicle by an initial charge has expired, but the local authority by whom the parking place is controlled (or the appropriate Minister, if he controls it) are or is satisfied that that charge was not paid, acceptance by that authority or, as the case may be, that Minister of payment of the excess charge shall be a bar to proceedings for an offence under subsection (1)(a) above of failing duly to pay the initial charge.

(4) A person who, with intent to defraud, interferes with a parking meter or operates or attempts to operate a parking meter by the insertion of objects other than current coins of the appropriate denomination shall be liable on summary conviction to a fine not exceeding £50 or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(5) Where, in any proceedings in England and Wales for an offence under this section of failing to pay any charge, it is proved that the amount which has become due, or any part

of that amount, has not been duly paid, the court shall order the payment of the sum not paid, and any sum ordered to be paid by virtue of this subsection shall be recoverable as a penalty.

(6) In any proceedings for an offence under this section it shall be assumed, unless the contrary is shown, that any apparatus provided for the purposes of a parking place, being an apparatus operated by the insertion of coins, is of a type and design approved by the appropriate Minister.

(7) Where in any proceedings for an offence under this section of failing to pay an excess charge it is not proved that the excess charge had become due, but is proved that an initial charge has not been paid, the defendant may be convicted of an offence under this section of failing to pay an initial charge.

(8) In England or Wales a local authority may institute proceedings for an offence under this section in connection with a parking place for which they are the local authority.

(9) In relation to parking places designated, by virtue of sections 35(5) and 38 of this Act, by an order of the Greater London Council, references in this section to the local authority shall be construed as references to that Council.

(10) In this section "excess charge", "initial charge" and "parking meter" have the same meanings as in section 36 of this Act.

43.—(1) Section 42 of this Act shall not apply to contraventions of, or failures to comply with, any provisions of a designation order having effect by virtue of section 39(1) of this Act.

Contravention,
etc., of
provisions
of certain
designation
orders.

(2) A person who uses a vehicle, or causes or permits a vehicle to be used, in contravention of any provision of a designation order having effect by virtue of the said section 39(1)(a) shall be liable on summary conviction, in the case of an offence committed in respect of a motor vehicle by a failure to comply with a requirement to proceed or not to proceed in a specified direction or along a specified part of the carriageway, to a fine not exceeding £50 and, in any other case, to a fine not exceeding £20.

(3) In the event of a contravention of, or non-compliance with, a provision of a designation order having effect by virtue of the said section 39(1)(b), the person responsible (as determined in accordance with the order) shall be liable on summary conviction to a fine not exceeding £5 or, in the case of a second or subsequent conviction, to a fine not exceeding £10.

(4) In England or Wales the council of a county borough or county district may institute proceedings for an offence under subsection (3) above in connection with a parking place in their area.

Financial provisions relating to exercise of powers under s. 35.

44.—(1) A local authority shall keep an account of their income and expenditure in respect of parking places designated by designation orders for which they are the local authority.

(2) At the end of each financial year any deficit in the account shall be made good out of the general rate fund and any surplus shall be applied for all or any of the purposes specified in subsection (3) below, and in so far as not so applied shall be appropriated to the carrying out of some specific project falling within those purposes and carried forward until applied to the carrying out thereof:

Provided that if the local authority so determine any amount not applied in any financial year may instead of being or remaining appropriated as aforesaid be carried forward in the account kept under subsection (1) above to the next financial year, but shall not be carried forward from one quadrennial period to another without the consent of the appropriate Minister.

(3) The said purposes are the following, that is to say:—

- (a) the making good to the general rate fund of any amounts charged to that fund under subsection (2) above in the four years immediately preceding the financial year in question;
- (b) meeting all or any part of the cost of the provision and maintenance by the local authority of parking accommodation for vehicles otherwise than on highways and whether in the open or under cover;
- (c) the making to other local authorities, to any county council, to the Greater London Council or, with the consent of the appropriate Minister, to other persons, of contributions towards the cost of the provision and maintenance by them in the area of the local authority or elsewhere of parking accommodation for vehicles otherwise than on highways and whether in the open or under cover.

(4) In this section “quadrennial period” means, in relation to a local authority, a period beginning with the date when the local authority first kept the account required by subsection (1) above and ending with the fourth complete financial year after that date, or a period of four years beginning immediately after the expiration of a quadrennial period.

(5) In relation to parking places designated, by virtue of sections 35(5) and 38 of this Act, by an order of the Greater London Council, references in this section to the local authority shall be construed as references to that Council.

Grants towards cost of off-street parking places in Greater London

45.—(1) The Minister may make grants out of moneys provided by Parliament towards the cost of the provision and maintenance in Greater London of off-street parking places, whether in the open or under cover, but in exercising his powers under this section shall use his best endeavours to secure that the aggregate of the amounts paid by him by way of grants does not exceed the difference between the aggregate of the sums received by him by way of charges made by him for vehicles left in parking places designated under section 35(5) of this Act, and the aggregate of the expenses incurred by him in the provision, operation and maintenance of the parking places in respect of which those charges are made.

Grants towards cost of provision and maintenance of off-street parking places in Greater London.

(2) Grants may be paid under this section to the Greater London Council, the council of any London borough or the Common Council of the City of London or to any other person by whom off-street parking places, whether in the open or under cover, are provided.

Parish parking places for bicycles and motor cycles

46.—(1) Where for the purpose of relieving or preventing congestion of traffic or preserving local amenities it appears to a parish council in England or Wales to be necessary to provide within the parish suitable parking places for bicycles and motor cycles, the parish council may provide and maintain such parking places in accordance with the provisions of this section, and for that purpose (or for the purpose of providing means of entrance to and egress from any parking place provided under this section) may—

Power of parish councils to provide parking places for bicycles and motor cycles.

- (a) utilize and adapt any land purchased by the council for the purpose or appropriated for the purpose under subsection (2) below, or
- (b) subject to the provisions of section 47 of this Act, adapt and by order authorise the use of any part of a road within the parish ;

and the power under this subsection to provide and maintain parking places shall include power to provide and maintain structures for use as parking places.

(2) Notwithstanding anything in any other enactment, a parish council may, with the consent of the Minister of Housing and Local Government, appropriate for the purpose of providing a parking place under this section—

- (a) any part of a recreation ground provided or maintained by the council under section 8 of the Local Government Act 1894 ;
- (b) any part of an open space controlled or maintained by the council under the Open Spaces Act 1906, other

1894 c. 73. (56 & 57 Vict.)

1906 c. 25

than a part which has been consecrated as a burial ground or in which burials have taken place ;

- (c) any part of any land provided by the council as a playing field or for any other purpose under section 4 of the Physical Training and Recreation Act 1937 :

1937 c. 46.

Provided that any part so appropriated shall not exceed one-eighth of the total area of the recreation ground, open space or land concerned, or eight hundred square feet, whichever is the less.

(3) No order under subsection (1) above shall authorise the use of any part of a road as a parking place under this section so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by any person entitled to use it, or so as to be a nuisance.

(4) A parish council may employ with or without remuneration such persons as may be necessary for the superintendence of parking places provided by the council under this section.

(5) A parish council may make byelaws (subject to confirmation by the Minister) as to the use of parking places provided under this section, and in particular as to the conditions upon which any such parking place may be used and as to the charges to be paid to the council in connection with the use of any parking place not being part of a road ; and a copy of any byelaws made under this subsection shall be exhibited on or near every parking place to which they relate.

(6) A parish council may let for use as a parking place any parking place provided by them (not being part of a road) under this section ; but, without prejudice to any power of a parish council under any other enactment to let a playing field or other land of which a parking place forms part, no single letting under this subsection shall be for a longer period than seven days.

(7) The exercise by a parish council of their powers under this section with respect to the use as a parking place of any part of a road shall not render them subject to any liability in respect of loss of or damage to any vehicle or the fittings or contents of any vehicle parked in such a parking place.

(8) An order made under this section may be varied or revoked by a subsequent order made in like manner.

(9) In the application of this section to Wales and Monmouthshire subsection (2) shall have effect as if for the reference to the Minister of Housing and Local Government there were substituted a reference to the Secretary of State.

Provisions as to consents for purposes of s. 46.

47.—(1) A parish council shall not have power by virtue of section 46 of this Act to provide a parking place—

- (a) in a position obstructing or interfering with any existing access to any land or premises not forming part of

a road, except with the consent of the owner and the occupier of the land or premises ; or

- (b) in a road which is not a highway or in a public path, except with the consent of the owner and the occupier of the land over which the road or path runs ; or
- (c) in any such situation or position as is described in the first column of the following Table, except with the consent of the persons described in relation thereto in the second column of that Table.

TABLE

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| In a trunk road or any other road maintained by the Minister or the Secretary of State for Wales or on land abutting on any such road. | The Minister or the Secretary of State, as the case may be. |
| In a road which is a highway (other than a trunk road or a road maintained as aforesaid or a public path) or on land abutting on any such road. | The county council. |
| In a road which is a highway belonging to and repairable by any railway, dock, harbour, canal, inland navigation or passenger road transport undertakers and forming the approach to any station, dock, wharf or depot of those undertakers. | The undertakers concerned. |
| On a bridge carrying a highway over a railway, dock, harbour, canal or inland navigation, or on the approaches to any such bridge or under a bridge carrying a railway, canal or inland navigation over a highway. | The railway, dock, harbour, canal or inland navigation undertakers concerned. |

(2) Any consent required by subsection (1)(c) above shall not be unreasonably withheld, but may be given subject to any reasonable conditions, including a condition that the parish council shall remove any thing to the provision of which the consent relates either at any time or at or after the expiration of a period if reasonably required so to do by the person giving the consent.

(3) A dispute between a parish council and a person whose consent is required under subsection (1)(c) above whether that consent is unreasonably withheld or is given subject to reasonable conditions, or whether the removal of any thing to the provision of which the consent relates in accordance with any condition of the consent is reasonably required, shall—

- (a) in the case of a dispute between the parish council and the Minister or the Secretary of State, be referred to and determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers ; and

(b) in any other case, be referred to and determined by the Minister, who may cause a public inquiry to be held for the purpose.

1953 c. 26.

(4) Section 6 of the Local Government (Miscellaneous Provisions) Act 1953 (which makes provision as to access to telegraphic lines, sewers, pipe-subways, pipes, wires and other apparatus) shall apply in relation to a parking place (including a structure for use as a parking place) provided by a parish council under section 46 of this Act, and to the council by which the parking place is so provided, as it applies in relation to a shelter or other accommodation provided, and to the local authority by which it is provided, under section 4 of that Act.

(5) In this section and in the said section 6 as they apply in relation to a parking place provided under the said section 46 which forms part of a road, references to removal shall be construed as including references to the suspension or revocation of the order authorising the use of that part of the road as a parking place.

Provisions ancillary to exercise of powers under s. 46.

48.—(1) A parish council may contribute towards—

- (a) the reasonable expenses incurred by any person in doing anything which by virtue of section 46 of this Act that council has power to do ; and
- (b) the expenses incurred by any other parish council in exercising their powers under that section.

(2) Where, before 17th July 1957, a parish council have provided anything which could be provided by them under the said section 46 or where, before 1st September 1960 (whether before or after 17th July 1957) or on or after 1st September 1960, any other person has provided any such thing, the parish council shall have the like power to maintain that thing as if it had been provided by them under the said section 46.

(3) Without prejudice to any other power of combination, a parish council may by agreement combine with any other parish council for the purpose of exercising the powers conferred by the said section 46.

Application of ss. 46 to 48 to boroughs included in rural districts.

49. Sections 46, 47 and 48 of this Act shall apply to the council of a borough included in a rural district as they apply to a parish council, and in their application to the council of a borough so included references therein to the parish shall be construed as references to the borough.

Interpretation of ss. 46 to 49.

50. In sections 46 to 49 of this Act, except so far as the context otherwise requires,—

“ in ” in a context referring to things in a road includes a reference to things under, over, across, along or upon the road ;

- “owner” has the meaning assigned to it by section 343 of the Public Health Act 1936; 1936 c. 49.
- “parish” in relation to a common parish council acting for two or more grouped parishes means those parishes;
- “public path” has the meaning assigned to it by section 27 of the National Parks and Access to the Countryside Act 1949; 1949 c. 97.
- “road” means a highway (including a public path) and any other road, lane, footway, square, court, alley or passage (whether a thoroughfare or not) to which the public has access, but does not include a road provided or to be provided in pursuance of a scheme made or having effect as if made under section 11 of the Highways Act 1959. 1959 c. 25.

Parking of vehicles in Royal Parks

51.—Regulations under section 2 of the Parks Regulation (Amendment) Act 1926 may make provision for imposing and recovering charges for the leaving of vehicles, or vehicles of any class, in any park to which that Act applies; and regulations made by virtue of this section may make, as respects charges and penalties recoverable under the regulations, provision corresponding with the provisions of section 42(5) of this Act. Power to provide for charges for parking in Royal Parks. 1926 c. 36.

Provisions as to vehicles removed from parking places, etc.

52.—(1) Where a vehicle is removed from a road in pursuance of regulations under section 20 of this Act, or is removed from a parking place in pursuance of an order under section 31(1) thereof or of an order relating to a parking place designated under section 35 thereof, or of a provision of a designation order having effect by virtue of section 39(2) thereof, there shall be payable to the appropriate authority by the prescribed person— Charges for removing and storing vehicles.

- (a) in respect of the removal, the fixed charge, and
- (b) in respect of any period during which the vehicle is in the custody of that authority, a charge ascertained by reference to the prescribed scale.

(2) The fixed charge in respect of the removal of a vehicle shall be £2 or such other sum (whether greater or smaller) as may be prescribed.

(3) In England or Wales, a charge under this section not exceeding £20 may be recovered either as a simple contract debt

in any court of competent jurisdiction or summarily as a civil debt and a charge under this section exceeding £20 may be recovered in the former manner.

(4) In this section "appropriate authority"—

- (a) in relation to a vehicle removed by a constable, means the chief officer of the police force to which the constable belongs ;
- (b) in relation to a vehicle removed by a person acting in aid of a police force, means the chief officer of that force ;
- (c) in relation to a vehicle removed by a person other than as aforesaid from a parking place provided or controlled by a local authority, means that authority ;
- (d) in relation to a vehicle removed by a person other than as aforesaid from a parking place in Greater London designated under section 6 of this Act, means the local authority (being the Common Council of the City of London or the council of the London borough) within whose area the parking place is situate ;
- (e) in relation to a vehicle removed by a person other than as aforesaid from a road otherwise than from a parking place, means the local authority (being the council of the county borough or county district, the Common Council of the City of London or the council of the London borough or in Scotland the county council or town council) within whose area is situate the length of road from which the vehicle is removed ;

and "prescribed" means prescribed by order made by the appropriate Minister ; and for the purposes of paragraph (c) above a parking place provided under a letting or arrangements made by a local authority in pursuance of section 29(6) of this Act shall be treated as provided by them.

(5) In relation to parking places designated, by virtue of sections 35(5) and 38 of this Act, by an order of the Greater London Council, references in this section to the local authority shall be construed as references to that Council.

(6) Any sum recovered under this section by the chief officer of a police force shall be paid into the police fund.

(7) An order made under this section by the appropriate Minister may be revoked or varied by a subsequent order made by him.

(8) The powers conferred by this section on the appropriate Minister to make orders shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(9) In the application of this section to Scotland "police fund" has the same meaning as in the Police Pensions Act 1921. 1921 c. 31.

53.—(1) Regulations under section 20 of this Act, an order under section 31(1) thereof, an order relating to a parking place designated under section 35 thereof or an order containing a provision having effect by virtue of section 39(2) thereof may contain provision as respects a vehicle which has been, or could at any time be, removed in pursuance of the regulations or order,—

Disposal of vehicles abandoned on roads or in parking places.

- (a) for authorising the competent authority, if it appears to them that the vehicle has been abandoned, to sell or otherwise dispose of it ;
- (b) for authorising the application of the proceeds of a sale by the competent authority of the vehicle in or towards satisfaction of any costs incurred by them in connection with the disposal thereof or any charge to payment of which they are entitled as regards the vehicle under section 52 of this Act ;
- (c) for recouping the competent authority any such costs as aforesaid so far as not satisfied by virtue of paragraph (b) above ;
- (d) for regulating the disposal of any sums received by the competent authority on a sale of the vehicle, after deducting any sum applied thereout by virtue of paragraph (b) above.

(2) Any such regulations or order as are or is referred to in subsection (1) above shall be so framed as to secure that a power of disposal conferred thereby shall not be exercisable in the case of a vehicle unless there have been taken by the competent authority such steps and there has elapsed such period (not being less than six weeks) beginning with the taking of the first of them as may be prescribed by the regulations or order, being steps and a period whose respective taking and lapse will, in the opinion of the Minister of the Crown or other the authority making the regulations or order, together suffice for securing adequate opportunity for enabling the vehicle to be claimed.

(3) Different provision may be made under this section with respect to vehicles of different classes or with respect to vehicles of the same class in different circumstances.

(4) In this section "competent authority", in relation to a vehicle that has been removed, means the authority who, in relation to it, are (within the meaning of section 52 of this Act) the appropriate authority and, in relation to a vehicle that could

at any time be removed, either of the two authorities who, if it were then removed, could in relation to it respectively be (within the meaning of that section) the appropriate authority.

Traffic signs

Traffic signs.

54.—(1) In this Act “traffic sign” means any object or device (whether fixed or portable) for conveying, to traffic on roads or any specified class of traffic, warnings, information, requirements, restrictions or prohibitions of any description specified by regulations made by the Minister and the Secretary of State acting jointly or authorised by the appropriate Minister, and any line or mark on a road for so conveying such warnings, information, requirements, restrictions or prohibitions.

(2) Traffic signs shall be of the size, colour and type prescribed by regulations made as aforesaid except where the appropriate Minister authorises the erection or retention of a sign of another character; and for the purpose of this subsection illumination, whether by lighting or by the use of reflectors or reflecting material, or the absence of such illumination, shall be part of the type or character of a sign.

(3) Regulations under this section may be made so as to apply either generally or in such circumstances only as may be specified in the regulations.

(4) Except as provided by this Act, no traffic sign shall be placed on or near a road except—

- (a) a notice in respect of the use of a bridge;
- (b) a traffic sign placed, in pursuance of powers conferred by a special Act of Parliament or order having the force of an Act, by the owners or workers of a tramway, light railway, or trolley vehicle undertaking, a dock undertaking or a harbour undertaking;
- (c) a traffic sign placed on any land by a person authorised under the following provisions of this Act to place the sign on a highway, being a sign placed on that land for a purpose for which that person is authorised to place it on a highway.

(5) Regulations under this section, or any authorisation under subsection (2) above, may provide that section 14 of the Road Traffic Act 1960 (drivers to comply with traffic directions) shall apply to signs of a type specified in that behalf by the regulations, or as the case may be to the sign to which the authorisation relates.

(6) References in any enactment (including any enactment contained in this Act) to the erection or placing of traffic signs shall include references to the display thereof in any manner, whether or not involving fixing or placing.

1960 c. 16.

55.—(1) Subject to and in conformity with such general directions as may be given by the Minister and the Secretary of State acting jointly, or such other directions as may be given by the appropriate Minister, a highway authority may cause or permit traffic signs to be placed on or near any road in their area.

Powers and duties of highway authorities as to placing of traffic signs.

(2) The appropriate Minister may give directions to a highway authority—

- (a) for the placing of a traffic sign of any prescribed type or authorised character specified in the directions ;
- (b) for replacing a sign so specified by, or converting it into, a sign of another prescribed type or authorised character so specified.

(3) The power to give general directions under subsection (1) above shall be exercisable by statutory instrument.

56.—(1) The Minister or the Greater London Council (hereafter in this section referred to as “ the Council ”) may, to such extent as the Minister or the Council may consider necessary, in connection with any order under section 6 or 9 of this Act made or proposed to be made by the Minister or, as the case may be, the Council, exercise, as respects any road in Greater London which is not a trunk road, any powers exercisable by the highway authority for that road in connection with the placing of traffic signs on or near that road in pursuance of section 55 of this Act, and affix any such sign to any lamp-post or other structure in the highway, whether or not belonging to the Minister or to the Council.

Powers and duties of Minister and Greater London Council in respect of traffic signs.

(2) The Council or, to such extent as the Minister may consider necessary in connection with any order made or proposed to be made by him under the said section 6 or 9, the Minister may give to the highway authority for any road in Greater London which is not a trunk road such directions with respect to the adjustment, modification or replacement of, or of any part of, the mechanism of traffic signs, being light signals controlled by that authority, as the Council or Minister may consider expedient in the interests of the movement of traffic.

(3) As respects any traffic sign placed by the Minister or the Council in the exercise of the powers conferred by subsection (1) above, it shall be the duty of the Council—

- (a) to take such steps to maintain, and to make such alteration of, that sign as may be necessary or expedient in connection with the order in connection with which it was placed ;

(b) to remove that sign upon that order ceasing to have effect ;

and the Minister may recover from the Council summarily as a civil debt any expense incurred by him by virtue of subsection (1) above.

Traffic signs for giving effect to local traffic regulations.

1839 c. 47.

1847 c. 89.

1892 c. 55.

1960 c. 16.

57. A constable, or a person acting under the instructions (whether general or specific) of the chief officer of police, may place on a highway, or on any structure on a highway, traffic signs of any size, colour and type prescribed or authorised under section 54 of this Act, being signs indicating prohibitions, restrictions or requirements relating to vehicular traffic, as may be requisite for giving effect to regulations, orders or directions made or given under section 52 of the Metropolitan Police Act 1839, under section 22 of the local Act of the second and third year of the reign of Queen Victoria, chapter 94, under section 21 of the Town Police Clauses Act 1847, or under section 385 of the Burgh Police (Scotland) Act 1892, or any corresponding provision contained in a local Act relating to any part of Scotland, or for giving effect to directions given under section 12(3) of the Road Traffic Act 1960.

Emergency traffic signs.

58.—(1) A constable, or a person acting under the instructions (whether general or specific) of the chief officer of police, may place on a highway, or on any structure on a highway, traffic signs of any size, colour and type prescribed or authorised under section 54 of this Act, being signs indicating prohibitions, restrictions or requirements relating to vehicular traffic, as may be necessary or expedient to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic, in consequence of extraordinary circumstances ; and the power to place signs conferred by this subsection shall include power to maintain a sign for a period of seven days or less from the time when it was placed, but no longer.

(2) Section 14 of the Road Traffic Act 1960 (drivers to comply with traffic directions) shall apply to signs placed in the exercise of the powers conferred by this section.

Warning devices for indicating temporary obstructions.

59. Regulations under section 54 of this Act prescribing any type of object or device for warning traffic of a temporary obstruction may include provisions for authorising, subject to such conditions as may be specified in the regulations, persons not otherwise authorised to do so to place an object or device of that type on or near roads or on or near any description of road so specified, in such circumstances and for such periods as may be so specified.

60. For the purpose of giving notice of any prohibition, restriction or requirement imposed by regulations under section 11 of this Act a constable, or a person acting under the instructions (whether general or specific) of the commissioner of police of the metropolis or the commissioner of police for the City of London, may place on a highway, or on any structure on a highway, traffic signs of any size, colour and type prescribed or authorised under section 54 of this Act.

Traffic signs in connection with experimental traffic schemes in London.

61.—(1) The highway authority may by notice in writing require the owner or occupier of any land on which there is an object or device (whether fixed or portable) for the guidance or direction of persons using roads to remove it, and if a person fails to comply with such a notice the highway authority may themselves effect the removal, doing as little damage as may be; and the expense incurred by them in so doing shall be recoverable by them from the person so in default and, in England or Wales, shall be so recoverable summarily as a civil debt.

Removal of traffic signs, etc.

(2) The appropriate Minister may give directions to a highway authority requiring the authority to remove, or cause to be removed, any traffic sign or any such object or device as is mentioned in subsection (1) above.

(3) After the repeal by virtue of the Road Traffic Act 1960 of section 6 of the Locomotive Act 1861, a bridge authority shall, if so directed by the appropriate Minister, remove, or cause to be removed, any notice in respect of the use of a bridge placed under that section.

1960 c. 16.
1861 c. 70.

62.—(1) If a highway authority or bridge authority fail to comply with any direction given under section 55(2) or 61 of this Act, the appropriate Minister may himself carry out the work required by the direction; and the expense incurred by him in so doing shall be recoverable by him from the authority and, in England or Wales, shall be so recoverable summarily as a civil debt.

Traffic signs: default powers.

(2) Any such direction as aforesaid—

(a) if relating to a road or bridge in England or Wales, shall be enforceable on the application of the appropriate Minister by mandamus;

(b) if relating to a road or bridge in Scotland, shall be enforceable by order of the Court of Session on an application by the Lord Advocate under section 91 of the Court of Session Act 1868.

(3) If a highway authority fail to comply with any direction under section 56(2) of this Act the Minister or, as the case may be, the Greater London Council may carry out the work required by the direction, and the expense incurred by the Minister or that Council in so doing shall be recoverable summarily as a civil debt from the authority.

1868 c. 100.

Power to enter
on land.

63. A highway authority or bridge authority or the appropriate Minister may enter any land and exercise such other powers as may be necessary for the purpose of the exercise and performance of their powers and duties of placing, replacing, converting and removing traffic signs or their powers and duties under section 61 of this Act.

Traffic signs:
modifications
as respects
trunk roads.

64. In relation to a trunk road—

- (a) section 55(1) of this Act shall have effect with the omission of references to directions, and
- (b) the provisions of this Act relating to directions for the placing, replacing, conversion and removal of traffic signs, notices, objects or devices shall not apply except in relation to a bridge repairable by a person other than the Minister or a Secretary of State.

Traffic signs:
modifications
as respects
roads where
parking
permitted
without lights.
1957 c. 51.

65.—(1) In relation to a road with respect to which an exemption under section 10(1)(c) of the Road Transport Lighting Act 1957 has effect (whether absolutely or subject to conditions), the power conferred by section 55(1) of this Act of placing traffic signs indicating the existence of the exemption shall, if the local authority for the area in which the road is situated are not the highway authority for the road, be exercisable by the local authority with the consent of the highway authority; and the power conferred by section 55(2) of this Act and by section 61 thereof of giving to the highway authority directions for the replacing of a traffic sign by, or its conversion into, a sign of another type or character or for the removal of a traffic sign or other object or device shall include power to give such directions to the local authority in relation to a traffic sign, object or device placed by them on or near any such road.

(2) In this section “local authority” means, as respects England and Wales, the council of a county borough, county district or London borough or the Common Council of the City of London, and, as respects Scotland, a county council or town council.

Traffic signs:
modifications
as respects
cattle-grids.
1950 c. 24.
1959 c. 25.

66.—(1) As respects traffic signs relating to a cattle-grid provided in England or Wales under the Highways (Provision of Cattle-Grids) Act 1950 or the Highways Act 1959 for a highway not being for the purposes of the said Act of 1959 a highway maintainable at the public expense, or to a by-pass so provided for use in connection with such a cattle-grid, “highway authority” in sections 55, 61, 62(1) and 63 of this Act shall include the council of the county comprising the rural district, the council of the borough, or the council of the urban district, as the case may be, in which the highway is situated.

(2) As respects traffic signs relating to a cattle-grid provided in Scotland under the Highways (Provisions of Cattle-Grids) Act 1950 for a road for the maintenance or management of which no highway authority is responsible, or to a by-pass provided for use in connection with such a cattle-grid, "highway authority" in the said sections 55, 61, 62(1) and 63 shall include the appropriate authority as defined by section 1(8)(b) of that Act.

67. References to a highway authority in sections 55, 56, 61, 62 and 63 of this Act shall be construed as including references to any person who, not being a highway authority, is responsible for the maintenance of a road.

Construction of references to highway authorities for purposes of ss. 55, 56 and 61 to 63.

68.—(1) The appropriate Minister may, out of moneys provided by Parliament, make advances towards any expenses incurred by a council or local authority, on whom any obligation is imposed by or under this Act in relation to the erection, maintenance, alteration or removal of traffic signs, in the discharge of that obligation.

Ministers' powers to make advances for erection, etc., of traffic signs.

(2) An advance under this section may be either by way of grant or by way of loan or partly in the one way and partly in the other, and shall be upon such terms and subject to such conditions as the appropriate Minister thinks fit.

(3) The power of the Minister under this section to make advances towards expenses incurred in relation to traffic signs shall be exercisable with respect to any expenses incurred by the Greater London Council in relation to the erection, maintenance, alteration or removal of such signs.

Bollards and other obstructions

69.—(1) Where the passage, or the passage in any direction, of vehicles or of vehicles of any class is prohibited at any point of a road by an order made under section 1 of this Act, the authority who made the order may, in accordance with the following provisions of this section, place or authorise or require the placing at or near that point of such bollards or other obstructions as they consider appropriate for preventing that passage.

Bollards and other obstructions on roads outside Greater London.

(2) Where the order has been made as respects a trunk road, the appropriate Minister may place the bollards or other obstructions on the trunk road or authorise or require the highway authority for any road leading into or crossing the trunk road at the said point to place them on that other road.

(3) Where the order has been made as respects any other road the authority who made the order may place the bollards or other obstructions on that road, but, where that authority is neither the appropriate Minister nor the highway authority for that road, only with the consent of that highway authority.

(4) The appropriate Minister may authorise or require any authority who have placed bollards or other obstructions on a road in pursuance of this section to remove them.

(5) If an authority fail to comply with any requirement imposed under this section, the appropriate Minister may himself carry out the work required by the requirement, and the expense incurred by him in so doing shall be recoverable by him from the authority and, in England or Wales, shall be so recoverable summarily as a civil debt.

(6) Any requirement imposed under this section—

(a) if relating to a road in England or Wales, shall be enforceable on the application of the appropriate Minister by mandamus ;

(b) if relating to a road in Scotland, shall be enforceable by order of the Court of Session on an application by the Lord Advocate under section 91 of the Court of Session Act 1868.

1868 c. 100.

(7) Any power conferred by this section to place any obstruction or authorise or require any authority to place any obstruction includes power to maintain or light, or, as the case may be, authorise or require the authority to maintain or light, the obstruction.

(8) Any enactment authorising the making of grants or loans in connection with traffic signs shall extend to any such obstructions as are mentioned in the foregoing provisions of this section.

Bollards and other obstructions on roads in Greater London.

70.—(1) The Minister or the Greater London Council (hereafter in this section referred to as “the Council”) may, to such extent as the Minister or Council may consider necessary in connection with any order under section 6 or 9 of this Act made or proposed to be made by the Minister or, as the case may be, the Council—

(a) authorise or require the highway authority for any road in Greater London which is not a trunk road to place in the carriageway such bollards or other obstructions as the Minister or Council may consider appropriate for preventing the passage of vehicles, or vehicles of any class, at any point at which their passage (whether in any direction or in one direction only) is prohibited by any such order as aforesaid and to maintain and light those obstructions ;

(b) authorise or require any highway authority to remove any obstruction placed by that authority in pursuance of an authorisation or requirement under paragraph (a) above.

(2) To such extent as the Minister or, as the case may be, the Council may consider necessary in connection with any order such as is mentioned in subsection (1) above, whether made or proposed to be made by the Minister or by the Council, the Minister may do with respect to any trunk road, or as the case may be the Council may do with respect to any metropolitan road, any thing which the authority making or proposing to make the order might under subsection (1)(a) above require to be done with respect to any other road by the highway authority therefor.

(3) If a highway authority fail to comply with any requirement under subsection (1) above, the Minister or, as the case may be, the Council may carry out the work required by the requirement, and the expense incurred by the Minister or Council in so doing shall be recoverable summarily as a civil debt from the authority.

(4) References in this section to a highway authority include references to any person who, not being a highway authority, is responsible for the maintenance of a road.

(5) Section 68 of this Act shall apply in relation to any such obstruction as is mentioned in subsection (1) above as it applies in relation to traffic signs; and the power of the Minister under that section to make advances towards expenses incurred in relation to traffic signs shall be exercisable with respect to any expenses incurred by the Council by virtue of subsection (2) above.

Speed limits

71.—(1) It shall not be lawful for a person to drive a motor vehicle on a restricted road at a speed exceeding thirty miles per hour.

General speed limit for restricted roads.

(2) The Minister and the Secretary of State, acting jointly, may by order made by statutory instrument and approved by a resolution of each House of Parliament increase or reduce the rate of speed fixed by subsection (1) above, either as originally enacted or as varied under this subsection.

72.—(1) Subject to the provisions of this section, a road is a restricted road for the purpose of section 71 of this Act if there is provided thereon a system of street lighting furnished by means of lamps placed not more than two hundred yards apart.

What roads restricted.

(2) A trunk road or classified road is not a restricted road for the purposes of the said section 71 by reason only of the

provision thereon of such a system of street lighting as aforesaid unless such a system was provided thereon before 1st July 1957.

(3) A direction may be given that a specified road which is a restricted road for the purposes of the said section 71 shall cease to be a restricted road for those purposes or that a specified road which is not a restricted road for those purposes shall become a restricted road for those purposes.

(4) In any proceedings for a contravention of the said section 71—

(a) a certificate of an officer of the highway authority for any road stating whether such a system of street lighting as aforesaid was provided thereon before 1st July 1957, and

(b) a certificate of an officer of the appropriate Minister or (in the case of a road in Wales or Monmouthshire) of the Secretary of State that a road is or is not a trunk road or a classified road,

shall be evidence of the facts certified ; and a document purporting to be such a certificate and to be signed by such an officer as is mentioned in paragraph (a) or (b) above shall be deemed to be such a certificate unless the contrary is shown.

(5) No part of a special road shall be a restricted road for the purposes of the said section 71 on or after such date as may be declared by a notice published by the highway authority, in manner prescribed for the publication of notices under section 1(7) of this Act, to be the date on which it is open for use as a special road.

(6) In this section "classified road"—

1966 c. 42.

1959 c. 25.

(a) in relation to England and Wales, means a highway which for the time being is classified by the Minister under section 27(2) of the Local Government Act 1966 as a principal road for the purposes of advances under section 235 of the Highways Act 1959 or as a classified road for the purposes of, or for purposes which include the purposes of, this section ;

1966 c. 51.

1909 c. 47.

(b) in relation to Scotland, means a road which for the time being is classified by the Secretary of State under section 28(2) of the Local Government (Scotland) Act 1966 as a principal road for the purposes of advances under section 8 of the Development and Road Improvement Funds Act 1909 or as a classified road for the purposes of, or for purposes which include the purposes of, this section ;

and in this subsection "the Minister" means, in relation to England exclusive of Monmouthshire, the Minister and, in relation to Wales and Monmouthshire, the Secretary of State.

73.—(1) Subject to the provisions of this section and of section 82 of this Act, the authority having power to give a direction under section 72(3) of this Act— Provisions as to directions under s. 72.

(a) as respects a trunk road, shall be the appropriate Minister ;

(b) as respects a road, not being a trunk road, shall be the local authority.

(2) A direction given in a case falling within subsection (1)(a) above shall be given by means of an order made, by statutory instrument, by the appropriate Minister after giving public notice of his intention to make an order.

(3) A direction given in a case falling within subsection (1)(b) above shall be given by means of an order made by the local authority after giving public notice of their intention to make an order and after consultation with the chief officer of police and with the consent of the appropriate Minister.

(4) The appropriate Minister may give notice to the local authority, as respects any road falling within subsection (1)(b) above, that he has under consideration the question whether—

(a) a direction should be given that it shall become a restricted road for the purposes of section 71 of this Act, or

(b) a direction should be given that it shall cease to be a restricted road for those purposes, or

(c) a direction for the time being in force that it shall be a restricted road for those purposes should be revoked or varied ;

and where such a notice has been given he may, if he thinks fit, hold a local inquiry, and may in any case by order made by statutory instrument give, or revoke or vary, the direction, as the case may be.

(5) A direction given by order under the foregoing provisions of this section may be revoked or varied by a subsequent order made in the like manner.

74.—(1) The authority specified in subsection (2) below may, after giving public notice of their intention to make an order under this subsection as respects any road specified in the notice, make an order prohibiting, either generally or during periods specified in the order, the driving of motor vehicles on that road at a speed exceeding that specified in the order ; and while such an order is in force as respects any road, that road shall not be a restricted road for the purposes of section 71 of this Act. Speed limits on roads other than restricted roads.

(2) Subject to section 82 of this Act, the authority having power to make an order under subsection (1) above—

(a) as respects a trunk road, shall be the appropriate Minister ; and

(b) as respects a road, not being a trunk road, shall be either the appropriate Minister or the local authority.

(3) No order under subsection (1) above shall be made by a local authority except with the consent of the appropriate Minister, and the appropriate Minister may, after giving the local authority notice of his intention to do so, by order vary or revoke any order made by them under that subsection.

(4) Before making an order under subsection (1) above as respects any road—

(a) a local authority shall consult the chief officer of police ;

(b) unless the road is a trunk road, the appropriate Minister shall give notice of his intention to make the order to the local authority.

(5) Any power to make an order conferred by this section on the appropriate Minister shall be exercisable by statutory instrument.

(6) Any power conferred by this section to make an order includes power to vary or revoke such an order by a subsequent order.

(7) This section does not apply to any part of a special road which is open for use as a special road.

75.—(1) It shall be the duty of the competent 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 appropriate Minister for the purpose of securing that adequate guidance is given to drivers of motor vehicles as to whether any, and if so what, limit of speed is to be observed on any road ; 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 appropriate Minister or otherwise ;

and if the authority make default in executing any works required for the performance of the duty imposed upon them by this subsection, the appropriate Minister may himself execute them ; and the expense incurred by him in so doing shall be recoverable by him from the authority and, in England or Wales, shall be so recoverable summarily as a civil debt.

(2) In its application to a trunk road, subsection (1) above shall have effect with the omission of the words “ in order to

Signs for
indicating
speed
restrictions.

give effect to general or other directions given by the appropriate Minister" in paragraph (a), and the words from the beginning of paragraph (b) to the end of the subsection.

(3) Where no system of street lighting furnished by means of lamps placed not more than two hundred yards apart is provided on a road but a limit of speed is to be observed on the road, a person shall not be convicted of driving a motor vehicle on the road at a speed exceeding the limit unless the limit is indicated by means of such traffic signs as are mentioned in subsection (1) above.

(4) In any proceedings for a contravention of section 71 of this Act, being proceedings relating to driving on a road provided with such a system of street lighting as is specified in subsection (3) above, evidence of the absence of traffic signs displayed in pursuance of this section to indicate that the road is not a restricted road for the purposes of the said section 71 shall be evidence that the road is a restricted road for those purposes.

(5) In this section "the competent authority" means—

- (a) as respects a trunk road, the appropriate Minister ;
- (b) as respects a road, not being a trunk road, the local authority.

(6) The power to give general directions under subsection (1) above shall be exercisable by statutory instrument.

76.—(1) In sections 71 to 75 of this Act "road" means any length of road. Provisions supplementary to ss. 71 to 75.

(2) In sections 73 to 75 of this Act "local authority"—

(a) in relation to a road in England or Wales means—

(i) in the case of a road in Greater London, the Greater London Council ;

(ii) in the case of a road in a county borough or in a non-county borough having a population according to the last published census of over 20,000, the council of the borough ;

(iii) in the case of a road in an urban district having such a population as aforesaid, the council of the district ;

(iv) in the case of a road in a non-county borough not having such a population as aforesaid, in an urban district not having such a population, or in a rural district, the council of the county in which it is situated ;

(b) in relation to a road in Scotland, means the county or town council responsible for the maintenance and

management of the road and, in section 74(4)(b) of this Act, also includes the town council of any burgh in which the road is situate.

(3) A county council in Scotland shall, before arriving at a decision as to the exercise of any power conferred on them by sections 72, 73, 74 and 75 of this Act with regard to a classified road in a burgh, consult with the town council of the burgh.

In this subsection "classified road" has the meaning assigned to it by section 72(6)(b) of this Act except that for the reference therein to that section there shall be substituted a reference to this section.

Temporary
speed limits
and
continuation
thereof.

77.—(1) Where it appears to the appropriate Minister desirable to do so in the interests of safety or for the purpose of facilitating the movement of traffic, he may, after giving public notice of his intention to do so, by order prohibit, for a period not exceeding four months, the driving of motor vehicles—

- (a) on all roads, or on all roads in any area specified in the order, or on all roads of any class so specified, or on all roads other than roads of any class so specified, or on any road so specified, at a speed greater than that so specified,
- (b) on any road specified in the order, at a speed less than that so specified, subject to such exceptions as may be so specified,

either generally, or at times, on days or during periods specified in the order; but the provisions of any such order shall not, except in so far as may be provided by the order, affect the provisions of sections 71 to 74 of this Act.

(2) For the purposes of an order under subsection (1)(a) above roads may be classified by reference to any circumstances appearing to the appropriate Minister to be suitable for the purpose, including their character, the nature of the traffic to which they are suited or the traffic signs provided thereon.

(3) The provisions of any order under subsection (1) above may be continued, either indefinitely or for a specified period, by an order of the appropriate Minister made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Where any such provisions having effect as respects any road cease at any time to have effect as respects that road, no order under subsection (1) above shall make provision which would have effect as respects that road earlier than two months after that time.

(5) Where by virtue of an order under this section a limit of speed is to be observed, then,—

(a) if it is to be observed on all roads, on all roads of any class specified in the order or on all roads other than roads of any class so specified, section 75 of this Act shall not apply in relation to that limit ;

(b) if it is to be observed on all roads in any area and is indicated as respects the area as a whole by means of such traffic signs as are mentioned in the said section 75(1) at all points where roads lead into the area, the limit shall be taken for the purposes of subsection (3) of that section as so indicated with respect to all roads in the area.

(6) The first order to be made under subsection (1)(b) above shall not be made until a draft thereof has been laid before Parliament and approved by a resolution of each House of Parliament.

(7) If a person drives a motor vehicle on a road in contravention of an order under subsection (1)(b) above he shall be liable on summary conviction to a fine not exceeding £50 ; but a person shall not be liable to be convicted of driving as aforesaid solely on the evidence of one witness to the effect that in the opinion of the witness he was driving the vehicle at a speed less than that specified in the order.

(8) Any power conferred by this section to make an order includes power to vary or revoke such an order by a subsequent order.

(9) This section does not apply to any part of a special road which is open for use as a special road.

(10) In this section “ road ” means any length of road.

Speed limits for certain classes of vehicles

78.—(1) It shall not be lawful for a person to drive a motor vehicle of any class on a road at a speed greater than the speed specified in Schedule 5 to this Act as the maximum speed in relation to a vehicle of that class. Speed limits for vehicles of different classes.

(2) The Minister may by regulations vary, subject to such conditions as may be specified in the regulations, the provisions of the said Schedule 5.

(3) Regulations under this section may make different provision as respects the same class of vehicles in different circumstances.

(4) Without prejudice to subsection (3) above, regulations under this section may make particular provision in relation

to vehicles while being driven on special roads, but such provision shall not have effect in relation to any part of a special road until such date as may be declared by a notice published by the highway authority, in manner prescribed for the publication of notices under section 1(7) of this Act, to be the date on which it is open for use as a special road.

(5) The Minister shall not have power under this section to vary the speed limit imposed by section 71 of this Act.

(6) The Minister shall not have power under this section to impose a speed limit, as respects driving on roads not being restricted roads for the purposes of the said section 71, on a vehicle which is constructed solely for the carriage of passengers and their effects, is not adapted to carry more than seven passengers exclusive of the driver, is not a heavy motor car, is not an invalid carriage, is not drawing a trailer, and is fitted with pneumatic tyres on all its wheels.

Speed limits—exemptions

Exemption of
fire engines,
etc. from
speed limits.

79. No statutory provision imposing a speed limit on motor vehicles shall 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.

Enforcement and administration of traffic laws

Punishment
without
prosecution
of offences in
connection
with lights,
reflectors,
obstruction,
etc.

1957 c. 51.

80.—(1) This section shall apply to any offence created by or under an enactment and punishable on summary conviction, being an offence committed in respect of a vehicle—

- (a) by its being left or parked on a road during the hours of darkness (as defined by the Road Transport Lighting Act 1957) without the lights or reflectors required by law; or
- (b) by its obstructing a road, or waiting, or being left or parked, or being loaded or unloaded, in a road; or
- (c) by the non-payment of the charge made at a street parking place:

Provided that this section shall extend only to such areas as the Secretary of State may by order specify, and he may by order exclude the application of this section to any offence.

(2) Where a constable finds a person on any occasion and has reason to believe that on that occasion he is committing or has committed an offence to which this section applies, he may give him the prescribed notice in writing offering the opportunity of the discharge of any liability to conviction of that offence by payment of a fixed penalty under this section; and no person shall then be liable to be convicted of that offence if the fixed

penalty is paid in accordance with this section before the expiration of the twenty-one days following the date of the notice or such longer period (if any) as may be specified therein or before the date on which proceedings are begun, whichever event last occurs.

(3) Where a person is given a notice under this section in respect of an offence, proceedings shall not be taken against any person for that offence by any constable or local authority until the end of the twenty-one days following the date of the notice or such longer period (if any) as may have been specified therein.

(4) In the foregoing subsections "proceedings" means any criminal proceedings in respect of the act or omission constituting the offence specified in the notice under subsection (2), and "convicted" shall be construed in like manner.

(5) Payment of a fixed penalty under this section shall be made to such justices' clerk (within the meaning of section 27 of the Justices of the Peace Act 1949) as may be prescribed, 1949 c. 101. and sums paid by way of fixed penalty for any offence shall be treated for the purposes of that section as if they were fines imposed on summary conviction for that offence; and in any proceedings a certificate that payment of a fixed penalty was or was not made to the prescribed justices' clerk by a date specified in the certificate shall, if the certificate purports to be signed by the justices' clerk, be sufficient evidence of the facts stated, unless the contrary is proved.

(6) A notice under subsection (2) above shall specify the offence alleged, and give such particulars of the offence as are necessary for giving reasonable information of the allegation, and shall state also the period during which, by virtue of subsection (3) above, proceedings will not be taken for the offence, the amount of the fixed penalty, and the justices' clerk to whom and the address at which the fixed penalty may be paid.

(7) Where a constable finds a vehicle on an occasion and has reason to believe that on that occasion there is being or has been committed in respect of it an offence to which this section applies, he may proceed under this section as if he had found a person reasonably believed by him to be committing the offence, and for that purpose a notice affixed to the vehicle shall be deemed to be given to the person liable for that offence.

(8) A notice affixed to a vehicle under subsection (7) above shall not be removed or interfered with except by or under the authority of the driver or person in charge of the vehicle or the person liable for the offence in question; and any person contravening this subsection shall be liable on summary conviction to a fine not exceeding £5.

(9) The fixed penalty for an offence shall be £2 or one-half the maximum amount of the fine to which a person not previously convicted is liable on summary conviction of the offence, whichever is the less:

Provided that the Secretary of State may by order provide for the fixed penalty to be in any case more or less than £2 (but not more than one-half the maximum amount of the fine to which a person not previously convicted is liable on summary conviction).

(10) In any proceedings for an offence to which subsection (1) above applies no reference shall be made after the conviction of the accused to the giving or affixing of any notice under this section or to the payment or non-payment of a fixed penalty thereunder unless in the course of the proceedings or in some document which is before the court in connection with the proceedings reference has been made by or on behalf of the accused to the giving or affixing of such a notice or, as the case may be, to such a payment or non-payment.

(11) The Secretary of State may by regulations make provision as to any matter incidental to the operation of this section, and in particular—

- (a) for prescribing the form of notice under subsection (2), and the justices' clerk to whom a fixed penalty is payable; and
- (b) for prescribing the duties of justices' clerks and the information to be supplied to them.

(12) The power of the Secretary of State to make orders under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(13) An order of the Secretary of State under this section may be varied or revoked by a subsequent order of the Secretary of State.

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

- (a) any reference to a justices' clerk (within the meaning of section 27 of the Justices of the Peace Act 1949) shall be construed as a reference to a clerk of court (within the meaning of the Summary Jurisdiction (Scotland) Act 1954);
- (b) in subsection (2) the words "before the expiration of the twenty-one days following the date of the notice or such longer period (if any) as may be specified therein or" and the words "whichever event last occurs" shall be omitted;

1949 c. 101.

1954 c. 48.

- (c) in subsection (3) the words " by any constable or local authority " shall be omitted, and for the words " have been " there shall be substituted the word " be " ;
- (d) in subsection (5), for the words " that section " there shall be substituted the words " determining their destination " ; and
- (e) paragraph (b) of subsection (11) shall not apply.

81.—(1) Subject to subsection (3) below, a police authority in England or Wales may appoint persons to discharge, in aid of the police, functions normally undertaken by the police in connection with the control and regulation of road traffic or with the enforcement of the law relating to road traffic; and persons so appointed shall act under the direction of the chief officer of police, but shall be deemed to be employed by the police authority. Traffic wardens.

(2) Persons employed under subsection (1) above shall be known as " traffic wardens ", and a police authority employing traffic wardens for the purposes of that subsection may also (subject to subsection (3) below) employ them to act, under the direction of the chief officer of police, for other purposes connected with the control and regulation of road traffic or road vehicles ; and in particular—

- (a) where the police authority provides school crossing patrols under section 24 of this Act, whether as the appropriate authority or by agreement with the appropriate authority, the traffic wardens may be employed to act as school crossing patrols ; and
- (b) the police authority may, under arrangements made with the Minister or a local authority, employ the traffic wardens to act as parking attendants at street parking places provided or controlled by the Minister or local authority.

(3) Traffic wardens shall not be employed to discharge functions other than those prescribed as appropriate for the purpose by order of the Secretary of State, and an order under this subsection may be varied or revoked by a subsequent order of the Secretary of State.

An order under this subsection shall be made by statutory instrument and shall not be made unless a draft thereof has been laid before, and approved by resolution of, each House of Parliament.

(4) In so far as an order under subsection (3) above authorises the employment of traffic wardens for the purposes of section 80 of this Act references in that section to a constable shall include a traffic warden.

(5) A police authority shall not employ as a traffic warden any person who is a constable, but shall take steps to ensure that only persons adequately qualified are appointed traffic wardens, and that traffic wardens are suitably trained before undertaking their duties.

(6) Traffic wardens shall wear such uniform as the Secretary of State may determine, and shall not act as traffic wardens when not in uniform.

(7) Any power to acquire, or authorise the acquisition of, land for the purposes of a police force shall include power to acquire, or authorise the acquisition of, land for the purposes of the functions under this section of the police authority; and any land occupied for the purposes of those functions shall be deemed to be occupied for the purposes of the police force.

(8) Where traffic wardens are employed by a police authority which is a committee of the council of a county or borough, they shall be treated as employed by the committee as constituted from time to time; but the committee's employment of traffic wardens shall not subject members of the committee to any personal liability under contract or otherwise.

(9) Neither the Local Government Superannuation Acts 1937 to 1953 nor any local Act scheme within the meaning of those Acts shall apply to traffic wardens by virtue of the foregoing provisions of this section; but in relation to such traffic wardens employed outside the metropolitan police district as the police authority may determine those Acts (or, if the expenses of the police authority are paid by a local Act authority, the local Act scheme) and any regulations under the Local Government Superannuation Act 1953 shall apply, subject to such adaptations, modifications and exceptions as the Minister of Housing and Local Government may by regulations prescribe.

1953 c. 25.

(10) The expenses incurred for the purpose of or in connection with the functions under this section of a police authority shall be defrayed as if those expenses were expenses incurred for the purposes of the police force maintained by the authority.

(11) In respect of the employment of traffic wardens in the metropolitan police district—

(a) the functions under this section of the police authority shall be discharged by the commissioner of police of the metropolis; and

(b) there shall be paid out of the metropolitan police fund such expenditure incurred for the purposes of this section as the Secretary of State may direct to be so paid; and

(c) the receiver for the metropolitan police district shall be treated as the employer for the purpose of any proceedings in respect of matters arising out of the employment.

(12) As respects Scotland—

- (a) where under section 13 of the Police (Scotland) Act 1956 c. 26. 1956 a police authority employs persons to discharge any such functions as are described in subsection (1) above, those persons shall act under the directions of the chief officer of police and subsections (2) to (6) above shall apply as they apply in relation to traffic wardens employed under subsection (1) (but with the omission of any reference to the Minister); and
- (b) notwithstanding anything contained in the Local Government Superannuation (Scotland) Acts 1937 to 1953, traffic wardens shall for the purposes of those Acts be deemed not to be officers.

Exercise of certain powers as respects boundary roads and parts of roads

82.—(1) For the purposes of sections 6(1) and (2), 9, 72(3) and 74(1) of this Act, where any part of the width of a road is in Greater London, the whole width thereof shall be deemed to be in Greater London. Powers exercisable with respect to boundary roads.

(2) Subject to subsection (1) above, any powers which under the provisions specified in subsection (3) below are exercisable by a local authority as respects a road (including powers exercisable by such an authority as highway authority) shall, in the case of a road part of the width of which is in the area of one local authority and part in the area of another, be exercisable by either authority with the consent of the other.

(3) The said provisions are sections 1(1), 9, 12, 15(1), 21(1), 26(1), 28(1), 46(1), 72(3) and 74 of this Act.

(4) In this section “local authority” means the council of any county or county borough, county district, London borough, borough included in a rural district, or parish or the Common Council of the City of London.

(5) This section does not extend to Scotland.

83.—(1) Any power which is exercisable in relation to any road under the provisions specified in subsection (2) below, otherwise than by virtue of section 82 of this Act, shall be exercisable with respect to the whole or any part of the width of the road. Exercise of certain powers as respects part of road.

(2) The said provisions are sections 9, 59, 69, 72, 73, 74 and 77 of this Act.

*Special provisions with respect to functions of the
Greater London Council*

General
duty of
Greater
London
Council with
respect to
road traffic.

84.—(1) It shall be the duty of the Greater London Council so to exercise the functions conferred on them by this Act as, so far as practicable having due regard to—

- (a) the desirability of securing and maintaining reasonable access to premises,
- (b) the effect on the amenities of any locality affected, and
- (c) any other matters appearing to the Council to be relevant,

to secure the expeditious, convenient and safe movement of vehicular and other traffic (including foot passengers) and the provision of suitable and adequate parking facilities on and off the highway.

(2) The Minister shall not—

- (a) give any direction to the Greater London Council under section 8(4)(a) or (b), section 9(6)(a) or (b), section 11(2) or section 38(2) of this Act ; or
- (b) exercise his power under section 8(2), section 10(6) or section 38(4) thereof to revoke or vary any order made by the Council,

unless he is satisfied, having regard to any matters appearing to him to be relevant that the Council's duty aforesaid is not being satisfactorily discharged by the Council and that it is necessary for him so to do in order to secure compliance with that duty.

1933 c. 51.

(3) Any person appointed by the Greater London Council to hold a local inquiry for the purpose of any of the Council's functions under this Act shall have the like powers as a person appointed to hold an inquiry to which section 290 of the Local Government Act 1933 applies.

1963 c. 33.

(4) Without prejudice to any power of delegation conferred by or by virtue of the provisions of sections 14 to 20 of the London Government Act 1963, section 5(1) of that Act shall not apply to any function conferred on the Greater London Council by or by virtue of this Act.

Furnishing of information

85.—(1) This section applies to any offence under any of the foregoing provisions of this Act except an offence against any of the following provisions, that is to say, sections 9(9), 17(5), 31(5) (in its application to England and Wales), 77(7) and 80(8). Duty to give information as to identity of driver, etc. in certain cases.

(2) Where the driver of a vehicle is alleged to be guilty of an offence to which this section applies—

(a) the owner of the vehicle shall give such information as to the identity of the driver as he may be required to give—

(i) by or on behalf of a chief officer of police, or

(ii) in the case of an offence against section 42 of this Act, by or on behalf of a chief officer of police or, in writing, by or on behalf of the local authority for the parking place in question ; and

(b) any other person shall if required as aforesaid give any information which it is in his power to give and may lead to the identification of the driver.

In this subsection references to the driver of a vehicle include references to the person riding a bicycle or tricycle (not being a motor vehicle), and in relation to parking places designated by virtue of sections 35(5) and 38 of this Act by an order of the Greater London Council, the reference to the local authority shall be construed as a reference to that Council.

(3) A person who fails to comply with the requirement of subsection (2)(a) above shall be guilty of an offence unless he shows to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained who the driver of the vehicle, or, as the case may be, the rider of the bicycle or tricycle, was, and a person who fails to comply with the requirement of subsection (2)(b) above shall be guilty of an offence ; and a person guilty of an offence under this subsection shall be liable on summary conviction to a fine not exceeding £50.

Forgery, etc. of parking meter ticket

86.—(1) A person shall be guilty of an offence, who with intent to deceive— Forgery, etc. of parking meter ticket.

(a) forges or alters, or uses or lends to, or allows to be used by, any other person any ticket issued by a parking meter, or

(b) makes or has in his possession any document so closely resembling any such ticket as to be calculated to deceive.

1913 c. 27. In the application of this subsection to England and Wales, "forges" means forges within the meaning of the Forgery Act 1913.

(2) A person guilty of an offence under subsection (1) above shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years;
- (b) on summary conviction, to a fine not exceeding £100 or to imprisonment for a term not exceeding four months or to both such fine and such imprisonment.

Penalty for breach of regulations and for aiding, abetting, etc., commission of offences in Scotland

Penalty for breach of regulations.

1960 c. 16.

87. If a person acts in contravention of, or fails to comply with, any regulations made by the Minister or a Secretary of State under this Act (other than regulations made under section 25, 26, or 80) and contravention thereof, or failure to comply therewith, is not made an offence under any other provision of this Act or under any provision of the Road Traffic Act 1960 he shall for each offence be liable on summary conviction to a fine not exceeding £20.

Penalty for aiding, abetting, etc. commission of offences in Scotland.

88. As respects Scotland, a person who aids, abets, counsels, procures or incites any other person to commit an offence against the provisions of this Act or any regulations made thereunder, except an offence against section 31(3), 43(2) or (3) or 80(8), shall be guilty of an offence and shall be liable on conviction to the same punishment as might be imposed on conviction of the first-mentioned offence.

Legal proceedings and destination of fines

Evidence by certificate.

89.—(1) In any proceedings in England or Wales for an offence to which section 85 of this Act applies a certificate in the prescribed form, purporting to be signed by a constable and certifying that a person specified in the certificate stated to the constable—

- (a) that a particular motor vehicle was being driven or used by, or belonged to, that person on a particular occasion, or
- (b) that a particular motor vehicle on a particular occasion was used by, or belonged to, a firm in which that person also stated that he was at the time of the statement a partner, or
- (c) that a particular motor vehicle on a particular occasion was used by, or belonged to, a corporation of which that person also stated that he was at the time of the statement a director, officer or employee,

shall be admissible as evidence for the purpose of determining by whom the vehicle was being driven or used, or to whom it belonged, as the case may be, on that occasion.

(2) Nothing in subsection (1) above shall be deemed to make a certificate admissible as evidence in proceedings for an offence except in a case where and to the like extent to which oral evidence to the like effect would have been admissible in those proceedings.

(3) Nothing in subsection (1) above shall be deemed to make a certificate admissible as evidence in proceedings for an offence—

(a) unless a copy thereof has, not less than seven days before the hearing or trial, been served in the prescribed manner on the person charged with the offence, or

(b) if that person, not later than three days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice in the prescribed form and manner on the prosecutor requiring attendance at the trial of the person who signed the certificate.

(4) In this section “prescribed” means prescribed by rules made by the Secretary of State under section 242 of the Road Traffic Act 1960 c. 16.

90. Where on the summary trial in England or Wales of an information for an offence to which section 85 of this Act applies—

Proof, in summary proceedings, of identity of driver of vehicle.

(a) it is proved to the satisfaction of the court, on oath or in manner prescribed by rules made under section 15 of the Justices of the Peace Act 1949, that a requirement under the said section 85(2) to give information as to the identity of the driver of a particular vehicle on the particular occasion to which the information relates has been served on the accused by post, and

1949 c. 101.

(b) a statement in writing is produced to the court purporting to be signed by the accused that the accused was the driver of that vehicle on that occasion,

the court may accept that statement as evidence that the accused was the driver of that vehicle on that occasion.

91. Summary proceedings for an offence under section 86 of this Act may be brought—

Time for commencing summary proceedings for offences under s. 86.

(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.

Jurisdiction of courts of summary jurisdiction in Scotland for certain offences.
1954 c. 48.

92. An offence under this Act, or any regulations made under this Act, for which the maximum penalty does not exceed £50, other than an offence under section 13(4), 23(5), 25(2) or 26(6), may be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act 1954 having jurisdiction in the place where the offence was committed.

Inclusion in indictment in Scotland of certain summary offences.

1960 c. 16.

93.—(1) A contravention occurring in Scotland of any of the provisions of this Act or of any regulations made thereunder, which is directed to be prosecuted summarily and which, if it had been triable on indictment, could competently have been libelled as an additional or 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 1, section 2 or section 6 of the Road Traffic Act 1960, may, notwithstanding the direction aforesaid, be so libelled and may be tried accordingly.

In this subsection any reference to a contravention of regulations includes a reference to a failure to comply with regulations.

(2) This section shall not apply to a contravention of any of the following provisions of this Act, that is to say, sections 31(3), 43(2) and (3) and 80(8).

Destination of fines.
1949 c. 101.

94.—(1) All sums paid to the Secretary of State under section 27 of the Justices of the Peace Act 1949 in respect of fines imposed in respect of offences under the foregoing provisions of this Act or the regulations made thereunder (except offences under section 25(2), 26(6) or 31(5)) shall be deemed to be Exchequer moneys within the meaning of the said section 27.

1962 c. 13.

(2) All fines imposed in respect of offences under section 86 of this Act of which the offenders have been convicted on indictment shall be paid into the Exchequer in the manner and in accordance with the directions applicable by virtue of section 21(2) of the Vehicles (Excise) Act 1962 to the fines therein mentioned, and so shall all fines imposed in respect of offences committed in Scotland under the foregoing provisions of this Act, or the regulations made thereunder, being offences of which the offenders have been convicted otherwise than on indictment, except offences under section 25(2), 26(6) or 42 of this Act.

Inquiries

General power to hold inquiries.

95. Without prejudice to any other provision of this Act, the Minister or the Secretary of State may hold inquiries for the purposes of this Act except sections 80 and 81 thereof.

96.—(1) Where under any of the provisions of this Act an inquiry is held by the Minister or the Secretary of State,— General provisions as to inquiries.

- (a) notice of the inquiry may be given and published in accordance with such general or special directions as the appropriate Minister may give ;
- (b) the appropriate Minister and, if authorised by him, the person appointed to hold the inquiry, may by order require any person, subject to the payment or tender of the reasonable expenses of his attendance, to attend as a witness and give evidence or to produce any documents in his possession or power which relate to any matter in question at the inquiry, and are such as would be subject to production in a court of law ;
- (c) the person holding the inquiry shall have power to take evidence on oath and for that purpose to administer oaths ;
- (d) the appropriate Minister may make such order as to the payment of the costs incurred by him in connection with the inquiry (including such reasonable sum not exceeding five guineas a day as he may determine for the services of any officer engaged in the inquiry) by such party to the inquiry as he thinks fit, and may certify the amount of the costs so incurred, and any amount so certified and directed by the appropriate Minister to be paid by any person shall be recoverable from that person, and shall be so recoverable, in England or Wales, either as a debt due to the Crown or by the Minister summarily as a civil debt, and in Scotland by the Secretary of State.

(2) If a person fails without reasonable excuse to comply with any of the provisions of an order under paragraph (b) of subsection (1) above, he shall be liable on summary conviction to a fine not exceeding £5.

Application to Crown

97.—(1) Subject to the provisions of this section, the provisions of this Act specified in subsection (2) below shall apply to vehicles and persons in the public service of the Crown. Application to Crown.

(2) The said provisions are sections 1 to 4, 9 to 12, 18 to 24, 33 to 37, 40, 42 (except subsections (3) and (9) and except in so far as that section relates to offences committed in or in connection with a parking place designated by virtue of section 38 or 39(3)), 44, 47 to 51, 54, 55, 57 to 69, 71 to 79, 82 and 83.

(3) The Minister may by regulations vary in relation to vehicles used for naval, military or air force purposes while being driven by persons for the time being subject to the

orders of a member of the armed forces of the Crown the provisions of any statutory provision imposing a speed limit on motor vehicles; but regulations under this subsection may provide that any variation made by the regulations shall have effect subject to such conditions as may be specified in the regulations.

(4) For the purpose of proceedings for an offence under this Act in connection with a vehicle in the public service of the Crown, being proceedings against a person other than the driver or rider of the vehicle, the person nominated in that behalf by the department in whose service the vehicle is used shall be deemed to be the person actually responsible unless it is shown to the satisfaction of the court that the driver or rider only was responsible.

Vehicles used
for marine
salvage.
1894 c. 60.

98. Section 97(3) of this Act shall have effect in relation to motor vehicles used for salvage purposes pursuant to Part IX of the Merchant Shipping Act 1894 as it has effect in relation to vehicles used for naval, military or air force purposes while being driven as therein mentioned.

Interpretation

Interpretation
of expressions
relating
to motor
vehicles and
classes
thereof.

99.—(1) In this Act “motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads, and “trailer” means a vehicle drawn by a motor vehicle:

Provided that a sidecar attached to a motor cycle shall, if it complies with such conditions as may be specified in regulations made by the Minister, be regarded as forming part of the vehicle to which it is attached and not as being a trailer.

(2) In this Act “motor car” means a mechanically propelled vehicle, not being a motor cycle or an invalid carriage, which is constructed itself to carry a load or passengers and the weight of which unladen—

- (a) if it is constructed solely for the carriage of passengers and their effects, is adapted to carry not more than seven passengers exclusive of the driver, and is fitted with tyres of such type as may be specified in regulations made by the Minister, does not exceed three tons;
- (b) if it is constructed or adapted for use for the conveyance of goods or burden of any description, does not exceed three tons, or three tons and a half if the vehicle carries a container or containers for holding for the purpose of its propulsion any fuel which is wholly gaseous at sixty degrees Fahrenheit under a pressure of thirty inches of mercury or plant and materials for producing such fuel;

(c) does not exceed two tons and a half in a case falling within neither of the foregoing paragraphs.

(3) In this Act "heavy motor car" means a mechanically propelled vehicle, not being a motor car, which is constructed itself to carry a load or passengers and the weight of which unladen exceeds two tons and a half.

(4) In this Act (except for the purposes of the provisions thereof relating to the provision by parish councils of parking places for bicycles and motor cycles) "motor cycle" means a mechanically propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which unladen does not exceed eight hundredweight.

(5) In this Act "invalid carriage" means a mechanically propelled vehicle the weight of which unladen does not exceed five hundredweight and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such a person.

(6) In this Act "motor tractor" means a mechanically propelled vehicle which is not constructed itself to carry a load, other than the following articles, that is to say, water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment, and the weight of which unladen does not exceed seven tons and a quarter.

(7) In this Act "light locomotive" means a mechanically propelled vehicle which is not constructed itself to carry a load, other than any of the articles aforesaid, and the weight of which unladen does not exceed eleven tons and a half but does exceed seven tons and a quarter.

(8) In this Act "heavy locomotive" means a mechanically propelled vehicle which is not constructed itself to carry a load, other than any of the articles aforesaid, and the weight of which unladen exceeds eleven tons and a half.

(9) For the purposes of this section, in a case where a motor vehicle is so constructed that a trailer may by partial superimposition be attached to the vehicle in such a manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, that vehicle shall be deemed to be a vehicle itself constructed to carry a load.

(10) For the purposes of this section, in the case of a motor vehicle fitted with a crane, dynamo, welding plant or other special appliance or apparatus which is a permanent or essentially permanent fixture, the appliance or apparatus shall not be deemed to constitute a load or goods or burden of any description, but shall be deemed to form part of the vehicle.

(11) The Minister may by regulations vary any of the maximum or minimum weights specified in the foregoing provisions of this section, and such regulations may have effect either generally or in the case of vehicles of any class specified in the regulations and either for the purposes of this Act and of all regulations thereunder or for such of those purposes as may be so specified; and nothing in section 78 of this Act shall be construed as limiting the powers conferred by this subsection.

Articulated vehicles.

100. A vehicle so constructed that it can be divided into two parts both of which are vehicles and one of which is a motor vehicle shall (when not so divided) be treated for the purposes of this Act as that motor vehicle with the other part attached as a trailer.

Hover vehicles.

101.—(1) For the purposes of this Act a vehicle designed to be supported on a cushion of air (in this section referred to as a hover vehicle)—

- (a) shall be a motor vehicle, whether or not it is adapted or intended for use on roads; but
- (b) shall be treated, subject to subsection (2) below, as not being a vehicle of any of the classes defined in subsections (2) to (8) of section 99 of this Act.

(2) The Minister may by regulations provide—

- (a) that any provision of this Act which would otherwise apply to hover vehicles shall not apply to them or shall apply to them subject to such modifications as may be specified in the regulations; or
- (b) that any such provision which would not otherwise apply to hover vehicles shall apply to them, subject to such modifications (if any) as may be specified in the regulations.

Pedal cycles.

102. This Act shall apply in relation to cycles having four or more wheels and not being motor vehicles as it applies in relation to tricycles not being motor vehicles.

Certain vehicles not to be treated as motor vehicles.

103.—(1) For the purposes of this Act—

- (a) a mechanically propelled vehicle, being an implement for cutting grass which is controlled by a pedestrian and is not capable of being used or adapted for any other purpose, and
- (b) any other mechanically propelled vehicle controlled by a pedestrian which may be specified by regulations made by the Minister for the purposes of this section

and of section 10(5) of the Road Transport Lighting 1957 c. 51. Act 1957 and of section 254 of the Road Traffic Act 1960 c. 16. 1960,

shall be treated as not being a motor vehicle.

(2) In subsection (1) above “controlled by a pedestrian” means that the vehicle either—

- (a) is constructed or adapted for use only under such control, or
- (b) is constructed or adapted for use either under such control or under the control of a person carried on it but is not for the time being in use under, or proceeding under, the control of a person carried on it.

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

subject to section 108 of this Act, “the appropriate Minister” means, in relation to England or Wales, the Minister of Transport and, in relation to Scotland, the Secretary of State ;

“bridge authority” means the authority or person responsible for the maintenance of a bridge ;

“bridleway” means a way over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the way ;

“chief officer of police”, as respects a police area in Scotland, has the same meaning as in the Police Pensions Act 1921 ;

“designation order” means an order designating parking places under section 35 of this Act, and includes an order under that section or section 38 or 40 of this Act varying or revoking such an order ;

except for the purposes of section 42, “driver”, where a separate person acts as steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle, and “drive” shall be construed accordingly ;

“footpath” means a way over which the public have a right of way on foot only ;

“highway authority”, for the purposes of the application of this Act to England or Wales, means, in relation to a road other than a trunk road, the authority (being either the council of a county, the council of a county

borough, the council of a non-county borough or an urban district, the Common Council of the City of London, the council of a London borough or the Greater London Council) which is responsible for the maintenance of the road, and, in relation to a trunk road, the Minister or the Secretary of State, as the case may be, and for the purposes of the application of this Act to Scotland means, in relation to a road other than a trunk road, a county council or the town council of a burgh charged with the maintenance and management of any of the highways therein, and, in relation to a trunk road, the Secretary of State ;

1952 c. 55. "magistrates' court" and "petty sessions area" have the same meanings as in the Magistrates' Courts Act 1952 ;

1963 c. 33. "metropolitan road" means a road for the time being designated by or under section 17 of the London Government Act 1963 as a metropolitan road ;

"the Minister" means the Minister of Transport ;

"owner", in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement ;

"road" means any highway and any other road to which the public has access, and includes bridges over which a road passes ;

"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 ;

1949 c. 32.
1959 c. 25. "special road" means a road provided or to be provided in pursuance of a scheme under section 1 of the Special Roads Act 1949, or section 11 of the Highways Act 1959, or to which, by virtue of section 19 of the last-mentioned Act, that Act applies as if it were a road provided in pursuance of a scheme under section 11 thereof, and includes any part of a special road ;

"statutory", in relation to any prohibition, restriction, requirement or provision, means contained in, or having effect under, any enactment (including any enactment contained in this Act) ;

"street parking place" and "off-street parking place" refer respectively to parking places on land which does, and on land which does not, form part of a road ;

"traffic sign" has the meaning assigned to it by section 54(1) of this Act ;

“tramcar” includes any carriage used on any road by virtue of an order made under the Light Railways Act 1896 c. 48. 1896;

“trolley vehicle” means a mechanically propelled vehicle adapted for use upon roads without rails and moved by power transmitted thereto from some external source;

and the expressions “public service vehicle”, “stage carriage”, and “express carriage” shall be construed in accordance with sections 117 and 118 of the Road Traffic Act 1960. 1960 c. 16.

(2) References in this Act to a class of vehicles or traffic (except the references in section 13) shall be construed as references to a class defined by reference to any characteristics of the vehicles or traffic or to any other circumstances whatsoever.

(3) References in this Act to any enactment shall be construed, except where the context otherwise requires, as references to that enactment as amended by or under any subsequent enactment.

105. Where any powers and duties are by this Act conferred or imposed, in relation to Scotland, on county councils and on town councils of certain burghs only, all other burghs shall, for the purposes of those powers and duties, be deemed to be within the county. Effect of certain references to Scottish local authorities.

Exclusion of application of certain provisions to tramcars and trolley vehicles

106.—(1) None of the following provisions of this Act, and no orders or regulations made under those provisions, shall apply to tramcars or trolley vehicles operated under statutory powers, that is to say, sections 1 to 4, 12, 14, 19 and 71 to 79. Exclusion of application of certain provisions to tramcars and trolley vehicles.

(2) In this section “operated under statutory powers” means, in relation to tramcars or trolley vehicles, that their use is authorised or regulated by special Act of Parliament or by an order having the force of an Act.

(3) Subsection (1) above shall have effect subject to any such Act or order as is mentioned in subsection (2) above, and any such Act or order may apply to the tramcars or trolley vehicles to which it relates any of the provisions excluded by subsection (1) above except sections 1 to 4, 12 and 14.

Exercise of regulation-making powers and parliamentary control thereover

107.—(1) Any power conferred by this Act on the Minister, the Minister of Housing and Local Government or a Secretary of State, or on the Minister and the Secretary of State acting jointly, to make regulations shall be exercisable by statutory instrument. Exercise of regulation-making powers and parliamentary control thereover.

(2) Before making any regulations under this Act the Minister or, as the case may be, the Secretary of State, or the Minister and the Secretary of State acting jointly, shall consult with such representative organisations as he or they think fit.

This subsection does not apply to regulations under section 80.

(3) A statutory instrument whereby any such power as aforesaid is exercised (other than the power conferred by section 78, 81 or 103) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Regulations under section 78 or 103 of this Act shall not have effect unless approved by resolution of each House of Parliament.

(5) No regulations shall be made under section 81 of this Act unless a draft has been laid before Parliament and has been approved by a resolution of each House of Parliament.

Application to Wales

Application
to Wales.

108.—(1) In so far as the provisions of this Act apply to Wales the functions of the Minister under those provisions other than—

- (a) his functions under sections 15, 33, 71, 78, 81, 97, 99, 101 and 103,
- (b) his power (acting jointly with the Secretary of State) to make regulations under section 54, and
- (c) his power (acting jointly as aforesaid) to give general directions under section 55(1),

shall, subject to the following provisions of this section, be exercisable by the Secretary of State instead of by the Minister and references in this Act to the Minister or the appropriate Minister shall be construed accordingly.

(2) The functions of the Minister under sections 95 and 96 of this Act shall be exercisable by the Secretary of State only for the purposes of the other functions which by virtue of subsection (1) above are exercisable by the Secretary of State.

(3) The Secretary of State shall not by virtue of this section exercise any functions in relation to that part of the road constructed, or in the course of being constructed, by the Minister along the line described in Schedule 1 to the North of Almondsbury—South of Haysgate Trunk Road Order 1947 and referred to in that Order as “the new road” which lies to the east of the most easterly point before reaching the River Wye at which eastbound traffic of Classes I and II (as specified in Schedule 4 to the Highways Act 1959) can leave that road by another special road.

S.R. & O.
1947/1562.

1959 c. 25.

(4) In this section “Wales” includes Monmouthshire.

Supplementary

109. The enactments specified in Schedule 6 to this Act shall have effect subject to the amendments respectively specified in relation thereto in that Schedule. Consequential amendments.

110.—(1) The enactments specified in Part I of Schedule 7 to this Act are hereby repealed to the extent specified in the third column of that Schedule, and the regulations and order specified in Part II of that Schedule are hereby revoked to the extent specified in the third column of that Part of that Schedule. Repeals, revocations, savings and transitional provisions.

(2) The savings and transitional provisions contained in Schedule 8 to this Act shall have effect.

111. The inclusion in this Act of any express saving or amendment shall not be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals). Saving for s. 38 of Interpretation Act 1889. 1889 c. 63.

112. Nothing in this Act shall authorise a person to use on a road a vehicle so constructed or used as to cause a public or private nuisance, or in Scotland a nuisance, or affect the liability, whether under statute or common law, of the driver or owner so using such a vehicle. Saving for law of nuisance.

113.—(1) This Act may be cited as the Road Traffic Regulation Act 1967. Short title, commencement and extent.

(2) This Act (except section 17 thereof) shall come into operation at the expiration of a period of three months beginning with the date on which it is passed, and the said section 17 shall come into operation on such day as the Minister may by order made by statutory instrument appoint.

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

SCHEDULES

Section 6.

SCHEDULE 1

SCOPE OF TRAFFIC REGULATION ORDERS THAT MAY BE MADE BY THE MINISTER AND THE GREATER LONDON COUNCIL FOR GREATER LONDON.

1. For prescribing the routes to be followed by all classes of traffic, or by any class or classes of traffic or vehicles, from one specified point to another, either generally or between any specified times.

2. For prescribing streets which are not to be used for traffic by vehicles or by vehicles of any specified class or classes, either generally or at specified times.

3. For regulating the relative position in the roadway of traffic of differing speeds or types.

4. For prescribing the places where vehicles or vehicles of any class may not turn so as to face in the opposite direction to that in which they were proceeding, or where they may only so turn under conditions prescribed by the order.

5. For prescribing the conditions subject to which, and the times at which, articles of exceptionally heavy weight or exceptionally large dimensions may be carried by road.

6. For prescribing the number and maximum size and weight of trailers which may be drawn on streets by vehicles or vehicles of any class either generally or on streets of any class or description, and for prescribing that a man should be carried on the trailer or, where more than one trailer is drawn, on the rear trailer for signalling to the driver.

7. For prescribing the conditions subject to which, and the times at which, articles may be loaded on to or unloaded from vehicles, or vehicles of any class, on streets.

8. For prescribing the conditions subject to which, and the times at which, vehicles, or vehicles of any class, delivering or collecting goods or merchandise, or delivering goods or merchandise of any particular class or classes, may stand in streets, or in streets of any class or description, or in specified streets.

9. For prescribing the conditions subject to which, and the times at which, vehicles, or vehicles of any class, may be used on streets for collecting refuse.

10. For prescribing rules as to precedence to be observed as between vehicles proceeding in the same direction, in opposite directions, or when crossing.

11. For prescribing the conditions subject to which, and the times at which, horses, cattle, sheep and other animals may be led or driven on streets within Greater London.

12. For requiring the erection, exhibition, and removal of traffic notices, and as to the form, plan, and character of such notices.

SCH. 1

13. Broken down vehicles.

14. Vehicles, or vehicles of any class, when unattended.

15. Places in streets where vehicles, or vehicles of any class, may, or may not, wait either generally or at particular times.

16. Cabs and hackney carriages not hired and being in a street elsewhere than on a cab rank.

17. For restricting the use of vehicles and animals, and of sandwichmen and other persons, in streets for the purposes of advertisement of such a nature or in such a manner as to be likely to be a source of danger or to cause obstruction to traffic.

18. The lighting and guarding of street works.

19. The erection or placing or the removal of any works or objects likely to hinder the free circulation of traffic in any street, or likely to occasion danger to passengers or vehicles.

20. Queues of persons waiting in streets.

21. Priority of entry to public vehicles.

22. For enabling any police, local or other public authority, in the event of any person failing to do anything which under the order he ought to have done, to do such act, and to recover the expenses thereof from the person so in default summarily as a civil debt.

SCHEDULE 2

Section 11

SCOPE OF TRAFFIC REGULATIONS THAT MAY BE MADE BY THE COMMISSIONERS OF POLICE OF METROPOLIS AND FOR CITY OF LONDON

1. Prescribing the routes to be followed by traffic from one specified point to another.

2. Prescribing streets which are not to be used for traffic.

3. Regulating the relative position in the roadway of traffic of differing speeds or types.

4. Prescribing the places where vehicles may not turn so as to face in the opposite direction to that in which they were proceeding, or where they may only so turn under prescribed conditions.

5. Prescribing the conditions subject to which and the times at which articles may be loaded on to or unloaded from vehicles on streets.

6. Prescribing the conditions subject to which and the times at which vehicles delivering or collecting goods or merchandise, or goods or merchandise of any particular class or classes, may stand in streets.

SCH. 2

7. Prescribing rules as to precedence to be observed as between vehicles proceeding in the same direction, in opposite directions or when crossing.

8. Making provision as to vehicles when unattended.

9. Making provision as to places in streets where vehicles may, or may not, wait.

10. Making provision as to cab ranks and ranks and stopping places of omnibuses and other public conveyances.

Section 12.

SCHEDULE 3

NOTIFICATION OF TEMPORARY TRAFFIC RESTRICTIONS

1.—(1) Subject to the provision of this Schedule, not less than seven days before making an order under subsection (1) or subsection (4) of the principal section the highway authority shall cause notice of their intention to make the order to be published in one or more newspapers circulating in the district in which the road or part of a road affected by the order is situate, and shall also within a period of seven days after making any such order cause a notice of the making of the order to be published in the like manner.

(2) Every such notice shall contain a statement of the effect of the order and, in so far as it relates to an order under subsection (1) of the principal section, shall also contain a description of the alternative route or routes available for traffic.

(3) Where the appropriate Minister gives his approval to an order under subsection (1) or subsection (4) of the principal section continuing in force for longer than the period limited by the principal section, the highway authority shall give such notice of the appropriate Minister's approval as may be directed by him.

2. So long as any order made under subsection (1) of the principal section is in force, a notice stating the effect of the order, and describing the alternative route or routes available for traffic, shall be kept posted in a conspicuous manner at each end of the part of the road to which the order relates, and at the points at which it will be necessary for vehicles to diverge from the road.

3.—(1) A notice issued under subsection (2) of the principal section shall describe the alternative route or routes available for traffic, and shall be kept posted in accordance with the provisions of paragraph 2 above.

(2) Where such a notice has been posted, the highway authority may, before the expiration of the period for which the notice can continue in force, proceed to make an order under subsection (1) of the principal section with respect to the same road or part of a road without causing notice of their intention to make the order to be published in any newspaper.

SCHEDULE 4

Section 35.

PROCEDURE FOR ORDERS DESIGNATING PARKING PLACES ON
HIGHWAYS WHERE CHARGES MADE

PART I

ORDERS MADE ON LOCAL AUTHORITY APPLICATION

1. Before applying for a designation order a local authority shall consult with the chief officer of police.

2.—(1) On applying for a designation order a local authority shall publish in the London Gazette and in at least one newspaper circulating in the locality an advertisement—

- (a) stating the general effect of the proposed order, the highways in which parking places are to be designated thereby, the classes of vehicles for which they are to be designated, the charges to be made for use of the parking places and the provisions of the proposed order as to the times when the parking places may be used ;
- (b) specifying a place or places where a copy of the proposed order, and a plan showing what parts of the carriageway of any highway are comprised in the parking places to be designated, may be inspected at reasonable times specified in the advertisement during a period so specified of not less than twenty-eight days from the publication or first publication of the advertisement ;
- (c) stating that any person wishing to object to the making of the order may do so by sending to the Minister, within the said period, notice in writing of his objection stating the grounds thereof.

(2) Sub-paragraph (1) above shall, in relation to a designation order containing such provisions as are authorised by section 39(1) of this Act, have effect as if—

- (a) particulars of the roads affected by those provisions were included among the matters mentioned in head (a) of that sub-paragraph, and
- (b) the reference in head (b) thereof to the parts of the carriageway of any highway comprised in the parking places to be designated included a reference to the said roads.

(3) On applying for a designation order a local authority shall post such notices in highways in the neighbourhood as appear to the authority to be sufficient for the purpose of bringing specifically to the knowledge of persons likely to be specially affected, as the occupiers of land adjacent to the parking places, information as to the matters specified in sub-paragraph (1) above and may take such other steps for that purpose as they think fit; and for the purposes of this sub-paragraph a local authority may post notices on any traffic sign, lamp-post or other structure in a highway, whether or not belonging to that authority.

SCH. 4

(4) Where on the expiration of the period specified in the advertisement under sub-paragraph (1) above it appears to the Minister that, before the application is further dealt with, the local authority should take further steps for the purpose mentioned in sub-paragraph (3) above, he may direct the authority to take such further steps for that purpose as he may specify, and if he does so the period within which a copy of the order and plan may be inspected, and objections may be made, shall be deemed to be extended by such time as the Minister may direct.

3. The Minister shall take into consideration any objections duly made to the making of the order.

4.—(1) After compliance with paragraph 3 above the Minister may make an order, either as applied for or with such modifications as he thinks fit :

Provided that where the local authority applying for the order is not the highway authority, he shall not make the order except with the consent of the highway authority.

(2) The power of the Minister under this paragraph to make a designation order with modifications includes power to make an order with additions, exceptions or other modifications of any description ; but where the Minister proposes to make the order with modifications which appear to him substantially to affect the character of the order as applied for, he shall, before doing so, take such steps as appear to him to be sufficient and reasonably practicable for informing the local authority and other persons likely to be concerned.

5.—(1) In relation to an order of the Greater London Council, any reference in the foregoing provisions of this Schedule to the Minister shall be construed as a reference to that Council.

(2) In relation to an application made, by virtue of an order under section 35(8) of this Act, for an order under that section designating a parking place outside Greater London, the foregoing provisions of this Schedule shall have effect subject to the following modifications.

(3) Paragraph 3 shall not apply, and—

(a) the Minister shall, after the period for objecting to the making of the order has expired, consider the application and any objections duly made thereto and may hold a public inquiry ;

(b) paragraph 4 shall apply with the substitution of a reference to head (a) above for the reference to paragraph 3 above.

(4) In relation to an application relating to a parking place in Scotland, paragraph 2 above shall have effect with the substitution for the reference to the London Gazette of a reference to the Edinburgh Gazette.

PART II

SCH. 4

ORDERS MADE WITHOUT LOCAL AUTHORITY APPLICATION

6. Before making an order by virtue of section 35(5) of this Act the Minister shall publish in the London Gazette and in at least one newspaper circulating in the locality an advertisement stating and specifying the matters set out in paragraph 2(1)(a) to (c) above, and shall post such notices in highways in the neighbourhood as appear to the Minister to be sufficient for the purpose of bringing specifically to the knowledge of persons likely to be specially affected, as the occupiers of land adjacent to the parking places, information as to those matters and may take such other steps for that purpose as he thinks fit; and for the purposes of this paragraph the Minister may post notices on any traffic sign, lamp-post or other structure in a highway, whether or not belonging to him.

7. After advertising in pursuance of paragraph 6 above any proposal to make an order, the Minister shall take into consideration any objections duly made to the proposal.

8.—(1) After compliance with paragraph 7 above the Minister may make an order, either as proposed or with such modifications as he thinks fit.

(2) The power of the Minister under this paragraph to make an order with modifications includes power to make an order with additions, exceptions or other modifications of any description; but where the Minister proposes to make the order with modifications which appear to him substantially to affect the character of the order as proposed, he shall, before doing so, take such steps as appear to him to be sufficient and reasonably practicable for informing the local authority and other persons likely to be concerned.

9. In relation to an order of the Greater London Council, any reference in the foregoing provisions of this Part of this Schedule to the Minister shall be construed as a reference to that Council.

SCHEDULE 5

Section 78

LIMITS OF SPEED FOR VEHICLES OF CERTAIN CLASSES

| <i>Class of vehicle</i> (See also paragraph 13) | <i>Maximum speed, miles per hour</i> |
|--|--|
|--|--|

VEHICLES OTHER THAN TRACK-LAYING VEHICLES

1. Passenger vehicles, that is to say, vehicles constructed solely for the carriage of passengers and their effects, and dual-purpose vehicles:—

(1) a passenger vehicle having an unladen weight exceeding 3 tons, or adapted to carry more than 7 passengers exclusive of the driver, in respect of which a public service vehicle licence granted under section 127 of the Road Traffic Act 1960 is in force

50 1960 c. 16.

3 B 4

SCH. 5

Maximum speed miles per hour

- (2) a vehicle having an unladen weight exceeding 3 tons, or adapted to carry more than 7 passengers exclusive of the driver, not being a vehicle which falls within sub-paragraph (1) above 40
- (3) a vehicle drawing one trailer—
 - (a) in the case of a motor car adapted to carry not more than 7 passengers exclusive of the driver, if the trailer is—
 - (i) a living van, or
 - (ii) a load-carrying trailer having an unladen weight not exceeding 5 hundredweight, or
 - (iii) a glider trailer being used either unladen or to carry a glider or ancillary equipment, or
 - (iv) not within any of the foregoing classes of trailers, and has an unladen weight not exceeding 15 hundredweight 40
 - (b) in the case of a passenger vehicle having an unladen weight exceeding 3 tons, or adapted to carry more than 7 passengers exclusive of the driver in respect of which a public service vehicle licence granted under section 127 of the Road Traffic Act 1960 is in force 40
 - (c) in the case of a vehicle not falling within sub-paragraph (a) or (b) above 30
- (4) a vehicle drawing more than one trailer 20
- (5) a vehicle not fitted with pneumatic tyres and a vehicle drawing a trailer not so fitted 20
- (6) an invalid carriage 20

1960 c. 16.

2. Goods vehicles, that is to say, vehicles constructed or adapted for use for the conveyance of goods or burden of any description, but not including dual-purpose vehicles:—

- (1) generally 40
- (2) vehicles drawing a trailer, not being articulated vehicles—
 - (a) in the case of a trailer drawn by a heavy motor car, and
 - (b) in the case of a trailer drawn by a motor car if the trailer—
 - (i) being a load-carrying trailer, has an unladen weight exceeding 5 hundredweight, or
 - (ii) being neither a living van nor a load-carrying trailer, has an unladen weight exceeding 15 hundredweight 30
- (3) vehicles drawing more than one trailer 20

| | <i>Maximum speed miles per hour</i> |
|---|---|
| (4) vehicles not fitted with pneumatic tyres, if drawing trailers or having an unladen weight exceeding 1 ton, and vehicles drawing trailers not fitted with pneumatic tyres | 20 |
| (5) vehicles not fitted with resilient tyres and vehicles drawing trailers not so fitted | 5 |
| 3. Motor tractors:— | |
| (1) generally, except for vehicles falling within the following sub-paragraph | 20 |
| (2) vehicles fitted with pneumatic tyres, equipped with springs and wings and which satisfy the conditions as to brakes specified in paragraph 20(a) below or such vehicles drawing a trailer so fitted and equipped and which satisfies the conditions as to brakes specified in paragraph 20(b) below | 30 |
| (3) if drawing two or more trailers | 12 |
| (4) if not fitted with resilient tyres or drawing trailers not so fitted | 5 |
| 4. Heavy locomotives and light locomotives:— | |
| (1) generally, except for vehicles falling within the following sub-paragraph | 12 |
| (2) vehicles fitted with pneumatic tyres, equipped with springs and wings and which satisfy the conditions as to brakes and weight specified in paragraph 20(a), (c) and (d) below or such vehicles drawing a trailer so fitted and equipped and which satisfies the conditions as to brakes specified in paragraph 20(b) below if the further conditions as to the weight of a vehicle and trailer specified in paragraph 20(e) below are complied with | 20 |
| (3) if drawing two or more trailers | 12 |
| (4) if not fitted with resilient tyres or drawing trailers not so fitted | 5 |

TRACK-LAYING VEHICLES

| | |
|--|----|
| 5. Motor cars and heavy motor cars | 20 |
| 6. Motor tractors:— | |
| (1) generally | 20 |
| (2) if drawing two or more trailers | 5 |
| 7. Light locomotives:— | |
| (1) generally | 12 |
| (2) if drawing more than two trailers | 5 |
| 8. Heavy locomotives | 5 |

SCH. 5

Maximum
speed miles
per hour

| | |
|---|----|
| 9. Track-laying vehicles which do not satisfy both of the following conditions — | |
| (a) that the vehicle is fitted with springs between its frame and the weight-carrying rollers, and | |
| (b) that the vehicle is fitted with resilient material between the rims of the weight-carrying rollers and the road surface, | |
| and vehicles drawing track-laying trailers which do not satisfy both of those conditions | 12 |
| 10. Track-laying vehicles satisfying neither of the said conditions, and vehicles drawing track-laying trailers satisfying neither of those conditions | 5 |
| 11. Combined track-and-wheel vehicles not fitted with resilient tyres, and vehicles drawing trailers which are combined track-and-wheel vehicles not fitted with resilient tyres | 5 |
| 12. Vehicles drawing trailers, where the drawing or any of the drawn vehicles, not being a track-laying vehicle, is not fitted with resilient tyres | 5 |

INTERPRETATION AND APPLICATION

13. A vehicle falling within two or more classes specified in this Schedule shall be treated as falling within that class for which the lowest limit of speed is specified.

14.—(1) In this Schedule “dual-purpose vehicle” means a vehicle constructed or adapted for the carriage both of passengers and of goods or burden of any description being a vehicle of which the unladen weight does not exceed 2 tons and which either—

- (a) satisfies the conditions as to construction specified in the following sub-paragraph ; or
- (b) is so constructed or adapted that the driving power of the engine is, or by the appropriate use of the controls of the vehicle can be, transmitted to all the wheels of the vehicle.

(2) The conditions as to construction referred to in sub-paragraph (1) above are the following :—

- (a) the vehicle must be permanently fitted with a rigid roof, with or without a sliding panel ;
- (b) the area of the vehicle to the rear of the driver’s seat must—
 - (i) be permanently fitted with at least one row of transverse seats (fixed or folding) for two or more passengers and those seats must be properly sprung or cushioned and provided with upholstered backrests, attached either to the seats or to a side or the floor of the vehicle, and

(ii) be lit on each side and at the rear by a window or windows of glass or other transparent material having an area or aggregate area of not less than 2 square feet on each side and not less than 120 square inches at the rear ;

- (c) the distance between the rearmost part of the steering wheel and the backrests of the row of transverse seats satisfying the requirements specified in head (b)(i) of this sub-paragraph (or, if there is more than one such row of seats, the distance between the rearmost part of the steering wheel and the backrests of the rearmost such row) must, when the seats are ready for use, be not less than one-third of the distance between the rearmost part of the steering wheel and the rearmost part of the floor of the vehicle.

15. In this Schedule "load-carrying trailer" means a trailer, not being a living van or a glider trailer, which is constructed or adapted for use for the conveyance of goods or burden of any description.

16. In this Schedule "glider trailer" means a trailer—

- (a) which is designed and constructed for carrying a glider or ancillary equipment,
(b) the unladen weight of which does not exceed 10 hundred-weight, and
(c) the overall length of which, excluding any towbar, does not exceed 33 feet.

17. In this Schedule "articulated vehicle" means a vehicle which consists of a motor vehicle drawing a trailer where the trailer is so attached to the drawing vehicle that part of the trailer is superimposed upon the drawing vehicle, and when the trailer is uniformly loaded not less than 20 per cent. of the weight of its load is borne by the drawing vehicle.

18. In this Schedule, in relation to a vehicle (including a trailer)—

- (a) "fitted with pneumatic tyres" means that every wheel of the vehicle is fitted with pneumatic tyres ;
(b) "fitted with resilient tyres" means that every wheel of the vehicle is fitted either with pneumatic tyres or with other soft or elastic tyres ; and
(c) "equipped with springs and wings" means that the vehicle—
(i) is equipped with suitable and sufficient springs between each wheel and the frame of the vehicle, and
(ii) unless adequate protection is afforded by the body of the vehicle, is provided with wings or other similar fittings to catch, so far as practicable, mud or water thrown up by the rotation of the wheels.

19. In this Schedule "track-laying" means so designed and constructed that the weight is transmitted to the road surface either by means of continuous tracks or by a combination of wheels

SCH. 5 and continuous tracks, and "combined track-and-wheel vehicle" means a vehicle so designed and constructed that its weight is transmitted to the road surface by a combination of wheels and continuous tracks.

20. The conditions referred to in paragraphs 3(2) and 4(2) above are as follows:—

- (a) the motor tractor, or, as the case may be, the locomotive, shall be equipped with an efficient braking system having two means of operation or with two efficient braking systems each having a separate means of operation, the system or systems being so designed and constructed that, notwithstanding the failure of any part (other than a fixed member or a brake shoe anchor pin) through or by means of which the force necessary to apply the brakes is transmitted, there is still available for application by the driver to not less than half the number of the wheels of the vehicle brakes sufficient under the most adverse conditions to bring it to rest within a reasonable distance;
- (b) the trailer shall be equipped with an efficient braking system so constructed—
 - (i) that when the trailer is being drawn the brakes are capable of being applied by the driver of the drawing vehicle to at least two of the wheels of a trailer having not more than four wheels and to at least four, but not less than half, of the wheels of a trailer having more than four wheels, and
 - (ii) that it is not rendered ineffective by the non-rotation of the engine of the drawing vehicle;
- (c) the weight transmitted to the road surface by any one wheel of the locomotive, where no other wheel is in the same line transversely, shall not exceed $4\frac{1}{2}$ tons, the total weight so transmitted by any two wheels in line transversely shall not exceed 9 tons and the sum of the weights so transmitted by all the wheels shall not exceed—
 - (i) in the case of a vehicle having not more than four wheels, 14 tons,
 - (ii) in the case of a vehicle having more than four but not more than six wheels, 20 tons, and
 - (iii) in the case of a vehicle having more than six wheels, 24 tons;
- (d) the weight transmitted by the locomotive (whether laden or unladen) to any strip of the surface of a road on which it rests contained between any two parallel lines drawn 2 feet apart on that surface at right angles to the longitudinal axis of the vehicle shall not exceed 11 tons; and
- (e) the maximum laden weight of the locomotive and trailer shall not exceed 22 tons or, if the trailer is fitted with power-assisted brakes which can be operated by the driver of the drawing vehicle and are not rendered ineffective by the non-rotation of its engine, and if that vehicle is equipped

with a warning device so placed as to be readily visible to the driver when in the driving seat of the vehicle in order to indicate an impending failure or deficiency in the vacuum or pressure system, 32 tons. SCH. 5

21. For the purposes of this Schedule measuring or testing apparatus, and any ballast necessary in connection therewith, drawn upon one wheel by a vehicle, when used solely for or in connection with testing or measurement purposes, shall not, if the wheel is fitted with a pneumatic tyre and does not transmit to the road surface a weight exceeding 2 hundredweight, be treated as a trailer.

22. For the purposes of paragraphs 20 and 21 above, two wheels of a vehicle shall be regarded as one wheel if the distance between the centres of their respective areas of contact with the road is less than 18 inches.

23. A heavy motor car or motor car drawing a trailer and being used as a public service vehicle or as a goods vehicle shall be treated as not drawing a trailer if the trailer is used solely for the carriage of a container or containers for holding, or plant and materials for producing, for the purpose of the propulsion of the drawing vehicle, any fuel that is wholly gaseous at 60 degrees Fahrenheit under pressure of 30 inches of mercury.

24.—(1) Paragraphs 1 to 4 above do not apply to, and paragraphs 5 to 12 above apply only to, track-laying vehicles and vehicles drawing track-laying trailers or trailers some of which are track-laying.

(2) Paragraphs 1 to 12 above do not apply to vehicles for the time being used in the conduct of experiments or trials under section 6 of the Roads Improvement Act 1925 or section 249 of the Highways Act 1959. 1925 c. 68.
1959 c. 25.

SCHEDULE 6

Section 109.

CONSEQUENTIAL AMENDMENTS

THE CIVIL DEFENCE ACT 1939

1939 c. 31.

In section 8(1) for the words "section eighty-one or eighty-two of the Road Traffic Act 1960" there shall be substituted the words "section 28 of the Road Traffic Regulation Act 1967".

THE LOCAL GOVERNMENT (SCOTLAND) ACT 1947

1947 c. 43.

The following entry shall be added to Schedule 6:—

| | |
|---|--|
| <p>"Sections 32(6) and 33(9) of the Road Traffic Regulation Act 1967.</p> | <p>Such period as the Secretary of State may fix."</p> |
|---|--|

SCH. 6

1957 c. 51.

THE ROAD TRANSPORT LIGHTING ACT 1957

In section 10(5)(b) for the words "section fifty of the Road Traffic Act 1956" there shall be substituted the words "section 254 of the Road Traffic Act 1960 and section 103 of the Road Traffic Regulation Act 1967".

1960 c. 16.

THE ROAD TRAFFIC ACT 1960

In section 14(1) for the words "this Act" there shall be substituted the words "the Road Traffic Regulation Act 1967", and in section 14(2) after the word "Act" there shall be inserted the words "or of the Road Traffic Regulation Act 1967".

In section 74(5) after the word "Act" there shall be inserted the words "or the Road Traffic Regulation Act 1967".

In section 98(4) for the words "section twenty-four of this Act" there shall be substituted the words "section 78 of the Road Traffic Regulation Act 1967".

In section 135(2) for the words "section twenty-four of this Act" there shall be substituted the words "section 78 of the Road Traffic Regulation Act 1967".

In section 153(4) after the word "made" there shall be inserted the words "or having effect as if made", for the words "section thirty-nine of this Act" there shall be substituted the words "section 15 of the Road Traffic Regulation Act 1967" and for the words "section eighty-three" there shall be substituted the words "section 33".

In section 192(3) for the words "section twenty-four of this Act" there shall be substituted the words "section 78 of the Road Traffic Regulation Act 1967".

In section 237(1), after the word "sections", where first occurring, there shall be inserted the words "or under section 86 of the Road Traffic Regulation Act 1967".

In section 248 for the words from "or sections" to the end there shall be substituted the words "or sections 9, 14, 15 or 20(2) of the London Government Act 1963".

1963 c. 33.

In section 253(11) for the words "section twenty-four of this Act" there shall be substituted the words "section 78 of the Road Traffic Regulation Act 1967".

In section 254(1)(b) there shall be inserted at the end the words "and of section 103 of the Road Traffic Regulation Act 1967".

In section 255 after the word "Act" there shall be inserted the words "and of the Road Traffic Regulation Act 1967".

In section 257(1), in the definition of "driver" for the word "sections" there shall be substituted the word "section" and the words "and eighty-eight" shall be omitted, and in the definition of "traffic sign" for the words "subsection (1) of section fifty-one of

this Act" there shall be substituted the words "section 54(1) of the Road Traffic Regulation Act 1967".

SCH. 6

In section 259(4) for the words "two hundred and twenty-two to" there shall be substituted the words "223" and the words "(both inclusive)", where next occurring, shall be omitted.

In section 259(6) for the word "sections" there shall be substituted the word "section" and the words from "twenty-six" to "and" shall be omitted.

In Schedule 20, in paragraph 5, for the words "Sections forty-one and" there shall be substituted the word "Section" and the word "each" shall be omitted.

THE ROAD TRAFFIC ACT 1962

1962 c. 59.

In section 34(2) for the words from the beginning to "highway authority" there shall be substituted the words "Any powers which under section 220(2) of the principal Act are exercisable by a local authority as respects a road", and section 34(3) shall be omitted.

In Schedule 1, in paragraph 15, after the words "principal Act" there shall be inserted the words "or section 13(4) of the Road Traffic Regulation Act 1967".

In Schedule 1, in paragraph 16, after the word "Act" there shall be inserted the words "or section 23(5) of the Road Traffic Regulation Act 1967".

In Schedule 1, in paragraph 17, after the word "Act" there shall be inserted the words "or section 25(2) of the Road Traffic Regulation Act 1967".

In Schedule 1, in paragraph 18, after the word "Act" there shall be inserted the words "or section 26(6) of the Road Traffic Regulation Act 1967".

In Schedule 4, in the entry relating to section 241 of the Road Traffic Act 1960, after the words "this Act" there shall be inserted the words "or section 77(7) of the Road Traffic Regulation Act 1967".

THE LONDON GOVERNMENT ACT 1963

1963 c. 33.

In section 9(2) for the word "10" there shall be substituted the word "14".

In section 9(4) for the words "10 to" there shall be substituted the words "14 and".

In section 9(5) for the word "10" there shall be substituted the word "14".

In section 14(2) the words "or proposed to be made" shall be omitted and at the end thereof there shall be inserted the words "or in connection with any order made or proposed to be made by him under section 6 or 9 of the Road Traffic Regulation Act 1967 by virtue of section 8(2) or (5) of that Act or, as the case may be, section 9(7) or 10(6) thereof".

SCH. 6 In section 15(2) for the words "sections 10 to" there shall be substituted the word "section".

1967 c. 30.

THE ROAD SAFETY ACT 1967

In section 33(2) for the words "the Road Traffic Act 1964" there shall be substituted the words "the Road Traffic Regulation Act 1967".

1967 c. 69.

THE CIVIC AMENITIES ACT 1967

In section 25 for the words from "sections" to "1960", where last occurring, there shall be substituted the words "sections 20, 52 and 53 of the Road Traffic Regulation Act 1967".

Section 110.

SCHEDULE 7

REPEALS AND REVOCATIONS

PART I

ENACTMENTS REPEALED

| Chapter | Short Title | Extent of Repeal |
|--------------------------|-------------------------------|---|
| 8 & 9 Eliz. 2. c. 16. | The Road Traffic Act 1960. | Sections 19 to 29. Sections 34 to 63. Sections 81 to 96. Section 222. In section 232(1)(a), the words "subsection (5) of section forty-one" and the words from "or" to the end of the paragraph, and in section 232(2)(a) the words from "or", where secondly occurring, to "question". Section 233(1)(h). In section 239, the words "thirty-four, forty-eight, forty-nine". In section 247(1), the words from "subsection (5)" to "eighty-one" and from "or offences" to "thirty-four", and in section 247(2), the words "subsection (2) of section forty-eight, subsection (6) of section forty-nine" and "section eighty-eight". In section 249(1), the words "or section 10 of the London Government Act 1963". |

SCH. 7

| Chapter | Short Title | Extent of Repeal |
|-------------------------------|--|--|
| 8 & 9 Eliz. 2. c. 16—cont. | The Road Traffic Act 1960—cont. | <p>In section 250(1)(a), the words from “except” to “ninety-one”, and section 250(4). Section 251. In section 257(1), the definition of “classified road” and, in the definition of “driver”, the words “and eighty-eight”. In section 259(1), the words from “to twenty-nine” to “thirty-eight” and, in section 259(6), the words from “twenty-six” to “and”. In section 260(3) and (4), the words “twenty-four or”. Schedules 1, 4, 5, 6, 7 and 10. In Schedule 17, the entry relating to the Civil Defence Act 1939 and, in the entry relating to the Local Government (Scotland) Act 1947, the words “81(13), 83(9) and”. In Schedule 19, paragraphs 12, 13 and 14. In Schedule 20, in paragraph 5, the words “forty-one and” and the word “each”.</p> |
| 8 & 9 Eliz. 2. c. 63. | The Road Traffic and Roads Improvement Act 1960. | <p>Sections 1 to 8. Sections 11 to 16. Section 23(1) except the definition of “the Minister” and “road” and section 23(2). Section 25(2). The Schedule except so far as it amends section 158 of the Road Traffic Act 1960.</p> |
| 10 & 11 Eliz. 2. c. 59. | The Road Traffic Act 1962. | <p>Sections 10 to 13. Section 26. Sections 28 to 33. Section 34 except subsections (2) and (6). In section 35, the words from “under section” to “Act or” and the words from “otherwise” to “Act”. In section 38 the words “the Road Traffic and Roads Improvement Act 1960”. In section 50(1) the words from “and any” to the end. In Part II of Schedule 1, in paragraphs 15, 16, 17 and 18, the entry in the second column. In Part III of Schedule 1, paragraphs 28 to 32 and paragraph 54. Schedule 2.</p> |

SCH. 7

| Chapter | Short Title | Extent of Repeal |
|---|--|--|
| 10 & 11 Eliz. 2. c. 59— <i>cont.</i> | The Road Traffic Act 1962— <i>cont.</i> | In Part I of Schedule 4, the entries relating to sections 22, 27, 36, 48, 52, 81 and 88 of the Road Traffic Act 1960, in the entry relating to section 233 of that Act, the words from “(h)” to the end and in the entry relating to section 259 of that Act, the words from “and the” to the end. |
| 1963 c. 33. | The London Govern- ment Act 1963. | Part II of Schedule 4, so far as it amends the Road Traffic and Roads Improvement Act 1960. In section 9(2), the words from “and the Minister” to the end, section 9(3) and, in section 9(6), the words “85(1) and (8)”. Sections 10 to 13. Section 14(1)(b) and (c), section 14(5) and section 14(6)(b). |
| 1964 c. 45. | The Road Traffic Act 1964. | In Part I of Schedule 5, paragraphs 2 to 12, 17 to 23, 30, 31, 33 and 35. In Part II of Schedule 5, paragraphs 1 to 5. Part III of Schedule 5. The whole Act. |
| 1967 c. 21 | The Road Traffic Act 1967. | The whole Act. |

PART II
REGULATIONS AND ORDER REVOKED

| Reference | Title | Extent of Revocation |
|----------------|---|--|
| S.I. 1963/204. | The Motor Vehicles (Variation of Speed Limit) Regulations 1962. | The whole of the regulations. |
| S.I. 1965/319. | The Secretary of State for Wales and Minister of Land and Natural Re- sources Order 1965. | In Schedule 1, in Part I, the entry relating to section 91(2) of the Road Traffic Act 1960 and in Schedule 2, in Part I, the entries relating to sections 20 to 22, 26 to 29, 36 to 38, 40, 41, 43, 44 to 46, 48 to 52, 56 to 59, 63, 81, 85 to 92 and 222 of, and Schedules 6 and 10 to, the Road Traffic Act 1960, all the entries relating to the Road Traffic and Roads Improvement Act 1960, the entries relating to sections 11, 13, 28 and 32 of the Road Traffic Act 1962 and the entry relating to the Road Traffic Act 1964. |

SCH. 7

| Reference | Title | Extent of Revocation |
|----------------|---|-------------------------------|
| S.I. 1966/981. | The Motor Vehicles (Variation of Speed Limit) (Amendment) Regulations 1966. | The whole of the regulations. |

SCHEDULE 8

Section 110.

SAVINGS AND TRANSITIONAL PROVISIONS

1. In so far as any order, regulation, rule, scheme, byelaw, advance, agreement, application, arrangement, determination, objection or specification, made or having effect as if made, authorisation or permit granted or having effect as if granted, approval, consent, designation, direction or notice issued, given or delivered or having effect as if issued, given or delivered, condition, prohibition or requirement imposed or attached or having effect as if imposed or attached, or other thing done or having effect as if done, under an enactment repealed by this Act could have been made, granted, issued, given, delivered, imposed, attached or done under a corresponding provision of this Act, it shall not be invalidated by the repeal effected by section 110 of this Act, but shall have effect as if made, granted, issued, given, delivered, imposed, attached or done under that corresponding provision.

2. Where any enactment or document refers, whether specifically or by means of a general description, to an enactment repealed by or reproduced in this Act or is to be construed as so referring, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to the corresponding provision of this Act.

3. Without prejudice to paragraph 1 above, any reference in this Act (whether express or implied) to a thing done or made or falling to be done or made, or to a thing suffered, or to an event which has occurred, under or for the purposes of or by reference to a provision of this Act shall, in so far as the context permits, be construed as including a reference to the corresponding thing done or made or falling to be done or made, to the corresponding thing suffered or, as the case may be, to the corresponding event which occurred under, or for the purposes of, or by reference to, the corresponding provision of the enactments repealed by this Act.

4. For the purpose of determining the punishment (by fine, imprisonment or both) which may be imposed on a person in respect of the commission by him of an offence under any provision of this Act, an offence committed by that person under the corresponding enactment repealed by this Act or by the Road Traffic Act 1960 shall be deemed to have been committed under that provision.

SCH. 8

S.I. 1965/319.

5. Without prejudice to the generality of the foregoing provisions of this Schedule, anything done by the Minister as respects Wales and Monmouthshire before the coming into operation of the Secretary of State for Wales and Minister of Land and Natural Resources Order 1965, being a thing done in the exercise of a function to which the entries pertaining to that Order in the third column of Part II of Schedule 7 to this Act relate, shall continue to have effect as if done by the Secretary of State.

1878 c. 51.

6. Any byelaw made under section 104 of the Roads and Bridges (Scotland) Act 1878 or paragraph (1) or (3) of section 385 of the Burgh Police (Scotland) Act 1892 which is in force at the commencement of this Act shall continue in force and have effect as if it were an order made under section 1 of this Act.

1892 c. 55.

7. The provisions of section 2 of this Act shall apply to—

1920 c. 72.

(a) orders made by the Minister under section 7(4) of the Roads Act 1920, and

1930 c. 43.

(b) orders made by him under section 46 of the Road Traffic Act 1930 before the coming into operation of section 29 of the Road and Rail Traffic Act 1933, being orders which under the said section 29 would have fallen to be made by a council to which the said section 46 applied,

1933 c. 53.

as if they were orders made by such a council; and references in any such order as is mentioned in sub-paragraph (a) above to heavy motor cars or to locomotives shall be construed respectively as references to heavy motor cars as defined by this Act and to heavy locomotives and light locomotives as so defined.

1960 c. 16.

8. Any byelaws or regulations in force at the commencement of this Act, being byelaws or regulations which were in force by virtue of section 81 of the Road Traffic Act 1960 on 20th March 1961 or were afterwards made or confirmed by virtue of section 11(16) of the Road Traffic and Roads Improvement Act 1960 as byelaws or regulations under the said section 81, shall have effect as if their provisions had been contained in an order under section 31(1) of this Act.

1960 c. 63.

1962 c. 59.

9. The repeal by this Act of any provision of the Road Traffic and Roads Improvement Act 1960 and section 29 of the Road Traffic Act 1962 shall not affect any order made by virtue of section 86 or 87 of the Road Traffic Act 1960 before 1st January 1963, or the operation of the said sections 86 and 87 or of the Road Traffic and Roads Improvement Act 1960 in relation to any order made under section 85 of the Road Traffic Act 1960 before that date, so, however, that an order made before that date under the said section 85, 86 or 87 may be varied or revoked by an order under section 36 or 37 of this Act.

1934 c. 50.

10. A direction in an order made under section 1 of the Road Traffic Act 1934 and in force at the commencement of this Act that a length of road is to be deemed to be, or not to be, a road in a built-up area shall have effect as if it were a direction that that length of road is to become, or (as the case may be) to cease to be,

a restricted road for the purposes of section 71 of this Act, and any reference in any Act or in an instrument (other than such an order as aforesaid) made under an enactment repealed by the Road Traffic Act 1960 and in force as aforesaid to a road in a built-up area shall be construed as referring to such a restricted road as aforesaid.

SCH. 8

11.—(1) Any road which immediately before the relevant date was classified under section 17 of the Ministry of Transport Act 1919 c. 50. 1919 in Class I, II or III shall, until the appropriate Minister otherwise directs, be treated as classified under section 27(2) of the Local Government Act 1966 or section 28(2) of the Local Government (Scotland) Act 1966, as the case may be, as a classified road for the purposes of sections 21(7), 72 and 76 of this Act. 1966 c. 42. 1966 c. 51.

(2) In this paragraph—

“the appropriate Minister” means, in relation to England exclusive of Monmouthshire, the Minister, in relation to Wales and Monmouthshire, the Secretary of State for Wales and, in relation to Scotland, the Secretary of State ;

“the relevant date” means, in relation to a road in England or Wales, 1st April 1967 and, in relation to a road in Scotland, 16th May 1967.

12. Any limit of speed which was in force on 1st November 1962 by virtue of any direction, order or regulation under section 19(2), 26 or 34 of the Road Traffic Act 1960 and which, by virtue of section 11(6) of the Road Traffic Act 1962, was deemed to have been imposed by an order under section 11(1) of the last-mentioned Act made by the authority who gave the direction or made the order or regulation, shall, if that limit is in force at the commencement of this Act, be deemed to have been imposed by an order under section 74(1) of this Act made by that authority, and may be revoked or varied accordingly. 1960 c. 16. 1962 c. 59.

13. Section 249 of the Road Traffic Act 1960 (general provisions as to inquiries) shall apply in relation to any inquiry proceeding at the commencement of this Act, being an inquiry ordered under any provision of an enactment repealed by this Act, as it would have applied if this Act had not passed.

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Police (Scotland) Act 1967

1967 CHAPTER 77

An Act to consolidate certain enactments relating to police forces in Scotland and to the execution of warrants in the border counties of England and Scotland and to repeal certain provisions relating to the police in Scotland which have ceased to have any effect.
[27th July 1967]

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

PART I

ORGANISATION OF POLICE FORCES

Police areas, police authorities and police forces

1.—(1) Subject to the provisions of any amalgamation scheme, a police force shall be maintained for every county in Scotland and for every burgh mentioned in Schedule 1 to this Act, and the provisions of this Act shall have effect in relation to any police force so maintained and to the constables thereof. Police areas.

(2) Subject to the provisions of this Act relating to amalgamation schemes, any reference in this Act to a police area shall be construed as a reference to an area for which a police force falls to be maintained in pursuance of this section, or would apart from the said provisions fall to be so maintained, and shall include a reference to the territorial waters, if any, adjacent to such area.

2.—(1) For every police area which is a burgh, the town council, and for every police area which is a county, the county council, shall be the police authority and, subject to the provisions of any amalgamation scheme, shall have in relation to Police authorities and their functions.

PART I

that area, and to the police force maintained for that area or for any combined area comprising that area, the functions conferred or imposed upon police authorities by this Act.

(2) The police authority shall pay to the constables of a police force pay and allowances in accordance with regulations made under Part II of this Act, and shall reimburse to such constables any expenses reasonably incurred by them in the performance of their duty, being expenses of a kind approved either generally or in particular cases by the Secretary of State.

(3) The police authority may, subject to any regulations made under Part II of this Act, provide and maintain such vehicles, apparatus, accoutrements, clothing and other equipment as may be required for the purposes of a police force.

(4) The police authority may, subject to the consent of the Secretary of State, provide and maintain such land and buildings and other structures, and make such alterations in any buildings and other structures already provided, as may be required for the purposes of a police force (including cells for the temporary confinement of persons taken into police custody and dwelling-houses or other housing accommodation for constables).

Establishments
of police
forces.

3.—(1) A police force shall consist of a chief constable and—

- (a) permanent and probationary whole-time constables (hereafter in this Act referred to as “regular constables”), and
- (b) part-time constables (hereafter in this Act referred to as “special constables”),

not exceeding such number in each case as may from time to time be authorised by the police authority with the consent of the Secretary of State, and may in addition include temporary whole-time constables (hereafter in this Act referred to as “temporary constables”) not exceeding such number as may be so authorised.

(2) In determining the number of regular constables to be authorised under subsection (1) of this section for a police force the police authority shall take no account of the number of special or temporary constables authorised or to be authorised for that force.

(3) The chief constable of a police force may maintain lists of persons who undertake to hold themselves available for appointment, in such circumstances as may be specified in the undertaking, as temporary constables of the force, and may arrange for such persons, with their consent, to receive from time to time training in the functions of constables in accordance with such conditions as may be prescribed.

4.—(1) Subject to the provisions of section 19(2)(a) of this Act and of any regulations made under Part II of this Act, the police authority shall, after consultation with, and subject to the approval of, the Secretary of State, appoint the chief constable of the police force maintained for their area. PART I
Chief
constables.

(2) A person appointed to the office of chief constable of a police force shall hold the rank of chief constable.

(3) The same person may, with the consent of the police authorities concerned, be appointed chief constable of more than one police force.

(4) Subject to the following provisions of this section, a person appointed to the office of chief constable of a police force—

- (a) may resign his appointment in accordance with regulations made under Part II of this Act ; or
- (b) may in accordance with regulations made as aforesaid be required by the police authority to resign his appointment ; or
- (c) may in accordance with regulations made as aforesaid be dismissed by the police authority ; or
- (d) may, without prejudice to those regulations, be called on to retire by the police authority, acting with the approval of the Secretary of State, where they consider that his retirement is in the interests of efficiency ;

but otherwise shall remain in office until the termination of his appointment by death or the expiration of any period of tenure specified in the terms thereof, whichever event shall first occur.

(5) Before seeking the approval of the Secretary of State under paragraph (d) of subsection (4) of this section the police authority shall give the chief constable an opportunity to make representations and shall consider any representations so made.

(6) A chief constable who is called on to retire as aforesaid shall retire on such date as the police authority may specify when calling on him to retire or on such earlier date as may be agreed upon between him and the police authority.

(7) Nothing in subsection (4) of this section shall prejudice the operation of section 23(2) of this Act, or of any enactment providing for retirement by virtue of section 1 of the Police Pensions Act 1948 (police pension regulations).

PART I
Deputy and
assistant chief
constables.

5.—(1) In every police force there shall be a deputy chief constable who shall have all the powers and duties of the chief constable—

(a) during any absence, incapacity or suspension from duty of the chief constable ;

(b) during any vacancy in the office of chief constable ;

but shall not have power to act by virtue of this subsection for any continuous period exceeding three months except with the consent of the Secretary of State.

(2) The provisions of subsection (1) of this section shall be in addition to, and not in substitution for, any other enactment which makes provision for the exercise by any other person of the powers conferred by that enactment on a chief constable.

(3) A deputy chief constable of a police force shall, on his appointment as such, be deemed also to be appointed to the office of constable of the force, unless he then holds that office.

(4) The establishment of a police force may include one or more persons holding the rank of assistant chief constable.

(5) Appointments to the office of deputy chief constable, and appointments or promotions to the rank of assistant chief constable, shall be made, in accordance with regulations made under Part II of this Act, by the police authority after consultation with the chief constable and subject to the approval of the Secretary of State.

(6) Subsections (4) to (7) of section 4 of this Act shall apply to a deputy chief constable and to an assistant chief constable as they apply to a chief constable.

Constables
below rank of
assistant chief
constable.

6.—(1) Appointments and promotions to any rank below that of assistant chief constable in any police force shall be made, subject to the provisions of section 19(2)(a) of this Act and of any regulations made under Part II of this Act, by the chief constable.

(2) Subsections (4) and (7) of section 4 of this Act (except paragraph (d) of the said subsection (4)) shall apply to a constable (not being a chief constable, an assistant chief constable or a constable holding the office of deputy chief constable) as they apply to a chief constable, with the substitution for any reference to the police authority of a reference to the person who is, in relation to the constable, the appropriate disciplinary authority as defined by section 26(7) of this Act.

Ranks.

7.—(1) The ranks which may be held in a police force shall be such as may be prescribed, and the ranks so prescribed shall include the ranks of chief constable, assistant chief constable, chief superintendent and superintendent.

PART I

(2) The number of constables of each rank in any police force shall not exceed such number as may from time to time be authorised by the police authority with the consent of the Secretary of State.

(3) There shall not be assigned to any constable at any time a rank lower than that which he then holds, except with his consent or in accordance with regulations as to discipline made under Part II of this Act.

8.—(1) The chief constable of any police force may, in accordance with regulations made under Part II of this Act and subject to the approval of the police authority and the Secretary of State as to numbers, appoint persons as police cadets to undergo training with a view to becoming constables of that police force. Police cadets.

(2) Subject to such regulations as aforesaid, all police cadets shall be under the control of, and subject to dismissal by, the chief constable.

(3) Subject to subsection (2) of this section, the police authority for a police area shall be treated for the purposes of any legal proceedings, and for the purposes of any enactment relating to the functions of employers, as the employer of any police cadets appointed to undergo training with the police force maintained for that area.

9. The police authority may employ for the assistance of the constables of a police force such number of officers (not being constables) as may from time to time be fixed by the authority with the consent of the Secretary of State. Employees other than constables.

10.—(1) A police authority may be authorised by the Secretary of State to acquire compulsorily land required for the purposes of their functions under this Act, and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply as if this section had been in force immediately before the commencement of that Act. Land: compulsory acquisition, etc.
1947 c. 42.

(2) For the purposes of subsection (1) of this section and of Part VIII of the Local Government (Scotland) Act 1947 (acquisition of and dealings in land by local authorities) any land required, acquired, appropriated or held for the purposes of a police force shall be deemed to be required, acquired, appropriated or held, as the case may be, for the purposes of the functions of the police authority under this Act. 1947 c. 43.

PART I

Aid of one
police force
by another.

General provisions

11.—(1) If it appears to the chief constable of a police force that the resources of the force are insufficient to meet any particular circumstances he may apply for assistance to the chief constable of any other police force, who may thereupon arrange for such assistance to be given from the resources of that other force as in his opinion the circumstances of that other force permit.

(2) If it appears to the Secretary of State to be expedient in the interests of public safety or order that any police force should be reinforced or should receive other assistance for the purpose of enabling it to meet any special demand on its resources, and that satisfactory arrangements under subsection (1) of this section cannot be made, or cannot be made in time, he may direct the chief constable of any police force to provide such constables or other assistance for that purpose as may be specified in the directions.

(3) A copy of any directions given to the chief constable of any police force under subsection (2) of this section shall be sent to the police authority for the area for which that force is maintained and shall be binding on them so far as it affects their functions in relation to that force.

(4) The cost of any assistance given under any of the foregoing provisions of this section from the resources of a police force shall be divided between the police authorities concerned in such manner as may be agreed between them, or, in default of such agreement, as may be provided by any agreement subsisting at the time between all police authorities generally, or, in default of any agreement, as may be directed by the Secretary of State.

Collaboration
agreements.

12.—(1) If it appears to the chief constables of two or more police forces that any police functions can more efficiently be discharged by constables of those forces acting jointly, they may, with the approval of the police authorities for the areas for which those forces are maintained, make an agreement for that purpose.

(2) If it appears to the police authorities for any two or more police areas that any premises, equipment or other material or facilities can with advantage be provided jointly for the police forces maintained for those areas, they may make an agreement for that purpose.

(3) Any expenditure incurred under an agreement made under this section shall be borne by the police authorities in such proportions as they may agree or as may, in default of agreement, be determined by the Secretary of State.

(4) An agreement under subsection (1) or subsection (2) of this section may be varied or determined by a subsequent agreement.

(5) If it appears to the Secretary of State that an agreement should be made under subsection (1) or subsection (2) or subsection (4) of this section, he may, after considering any representations made by the parties concerned, direct those parties to enter into such agreement for that purpose as may be specified in the directions.

13.—(1) The police authority for any police area may enter into an agreement with the occupier of any premises or land in the area, on such terms as may be specified in the agreement, for the guarding, patrolling and watching of the premises or land by constables of the police force maintained for the area. Watching of premises or land under agreement with occupier.

(2) The power conferred upon a police authority by subsection (1) of this section may be delegated by them, subject to such limitations and conditions as may be specified in the delegation, to the chief constable of the police force.

14.—(1) Where—

- (a) by reason of the construction of works on or over land in any part of a police area the number of people resident in that part of the area is temporarily increased to an abnormal extent, and Extra policing of locality where works are being constructed.
- (b) the police authority for the area consider it expedient because of the circumstances aforesaid that the number of constables available for duty in that part of the area should be increased during the continuance of the said circumstances,

the police authority may direct the chief constable of the police force maintained for the area to make such arrangements as he considers necessary (whether by the appointment of temporary constables or otherwise) for increasing the number of constables so available accordingly.

(2) Where such arrangements as are mentioned in subsection (1) of this section have been made, the police authority may recover from the occupier of the land (or, if the occupier proves that some other person is responsible for the construction of the works, from that other person) such sums representing the cost necessarily incurred in each year in pursuance of the arrangements as may be agreed, or as may be fixed by a single arbiter appointed (in default of agreement as to the appointment) by the sheriff.

(3) The provisions of this section shall be without prejudice to the provisions of section 17(3) of this Act.

PART I (4) In this section "sheriff" does not include a sheriff-substitute.

Annual and other reports by chief constable.

15.—(1) The chief constable of a police force shall before 31st May in each year submit to the police authority a general report in writing on the policing, during the year ended on 31st December last preceding, of the area for which the force is maintained, and shall send a copy of the report to each of the other authorities specified in subsection (3) of this section.

(2) Subject to the following provisions of this section, the chief constable of a police force shall, whenever required by any of the authorities specified in subsection (3) of this section, submit to that authority a report on such matters as may be so required, being matters connected with the policing of the area for which the force is maintained.

(3) The authorities referred to in subsections (1) and (2) of this section are—

- the Secretary of State,
- the sheriff having jurisdiction in any part of the area,
- the magistrates of any burgh comprising any part of the area,
- the police authority.

(4) If it appears to the chief constable that a report in compliance with a requirement made by the police authority in pursuance of subsection (2) of this section would contain information which in the public interest ought not to be disclosed, or is not needed for the discharge of the functions of the police authority, he may, after consultation with the police authority, refer the requirement to the Secretary of State; and in any such case the requirement shall be of no effect unless it is confirmed by the Secretary of State.

(5) Nothing in the foregoing provisions of this section shall require a chief constable to submit to the magistrates of any burgh or to any sheriff a report on matters which are not connected with the policing, respectively, of the burgh or of places in which the sheriff has jurisdiction.

(6) In this section "sheriff" does not include a sheriff-substitute.

Declaration to be made by constables on appointment.

16. A person appointed to the office of constable of a police force shall on appointment make, before a sheriff, justice of the peace or magistrate of a burgh, a declaration in such terms as may be prescribed concerning the proper discharge of the duties of the office.

General functions and jurisdiction of constables

PART I

17.—(1) Subject to the provisions of this Act, it shall be the duty of the constables of a police force—

General functions and jurisdiction of constables.

- (a) to guard, patrol and watch so as—
 - (i) to prevent the commission of offences,
 - (ii) to preserve order, and
 - (iii) to protect life and property ;
- (b) where an offence has been committed (whether within or outwith the police area for which the police force is maintained) to take all such lawful measures, and make such reports to the appropriate prosecutor, as may be necessary for the purpose of bringing the offender with all due speed to justice ;
- (c) to serve and execute when required any warrant, citation or deliverance issued, or process duly endorsed, by a Lord Commissioner of Justiciary, sheriff, justice of the peace or magistrate of a burgh, being a warrant, citation, deliverance or process relating to any criminal proceeding ;
- (d) to attend any court of law for the purpose of giving evidence ;

and without prejudice to the operation of section 20(3) of the Summary Jurisdiction (Scotland) Act 1954 (bringing of apprehended person before court on first lawful day after arrest) it shall be the duty of any constable in carrying out his duties under paragraph (b) of this subsection to take every precaution to ensure that any person charged with an offence is not unreasonably and unnecessarily detained in custody. 1954 c. 48

(2) The performance by a constable of his functions under this or any other enactment or under any rule of law shall be subject to the direction of the appropriate chief constable.

(3) In directing the constables of a police force in the performance of their functions the appropriate chief constable shall comply with all lawful instructions (whether general or special) which he may receive—

- (a) as respects any place in a burgh, from the magistrates of the burgh, and
- (b) as respects any place not in a burgh, from the sheriff having jurisdiction in the place :

Provided that in relation to the investigation of offences the chief constable shall comply with such lawful instructions as he may receive from the appropriate prosecutor.

In this subsection “sheriff” does not include a sheriff-substitute.

PART I

(4) Any constable of a police force shall have all the powers and privileges of a constable throughout Scotland.

(5) The foregoing provisions of this section shall not apply to any constable of a police force who is for the time being suspended from duty in accordance with any regulations made under Part II of this Act.

(6) A special constable shall neither be required nor be entitled to exercise any function of a constable except—

- (a) in an emergency,
- (b) for the purpose of preventing or suppressing riot or tumult, or
- (c) when with his own consent he is assigned by the chief constable for duty for the purpose of enabling him to gain practical experience of police work.

(7) In this section “appropriate chief constable”, in relation to any constable, means—

- (a) if the constable is for the time being serving, in pursuance of the provisions of this Act relating to the mutual aid of police forces or to collaboration agreements, with a police force other than that in which he holds his appointment, the chief constable of the first-mentioned force, and
- (b) in any other case, the chief constable of the police force in which the constable holds his appointment.

(8) This section shall be without prejudice to section 18 of this Act, and to any other enactment conferring powers on a constable for particular purposes.

Jurisdiction of constables as respects execution of warrants in border counties of England and Scotland.

18.—(1) It shall be lawful for any constable appointed for any one of the border counties of England or Scotland respectively, that is to say the counties of Northumberland, Cumberland, Berwick, Roxburgh or Dumfries, to execute within any of those counties the lawful warrant of any sheriff, justice of the peace or other magistrate for the apprehension of any person accused or convicted of a criminal offence committed, or for the recovering of any goods alleged to have been stolen, within the county for which the constable is appointed, in like manner as the warrant might be executed by that constable within the last-mentioned county.

(2) In subsection (1) of this section—

- (a) references to the counties of Northumberland and Cumberland shall be construed as including references respectively to a combined area within the meaning of

- the Police Act 1964 comprising Northumberland and to such a combined area comprising Cumberland, and PART I
1964 c. 48.
- (b) references to the counties of Berwick, Roxburgh and Dumfries shall be construed as including references to a combined area within the meaning of this Act comprising any one of those counties.

Amalgamations

19.—(1) If it appears to the police authorities for any two or more police areas that it is expedient that those areas should be combined for police purposes, they may for that purpose submit to the Secretary of State a scheme (in this Act referred to as an “amalgamation scheme”) and the Secretary of State may by order approve any scheme so submitted to him. Schemes for
amalgamation
of police
forces.

(2) Subject to the provisions of this Act, an amalgamation scheme shall make provision with regard to the following matters—

- (a) the dis-establishment of the police forces maintained for the several police areas, the establishment and maintenance of a police force for the combined area, the appointment of the first chief constable of that force, and the transfer to that force of constables of the forces previously maintained for the several police areas comprised in the combined area ;
- (b) the constitution for the purposes of paragraph (c) of this subsection in relation to that force of a joint police committee consisting of such number of persons, being members of the constituent authorities, as may be specified in the scheme ;
- (c) the delegation to the joint police committee of the whole functions relating to police of the constituent authorities (except their power to levy a rate, their functions under this section, and such other functions as may be specified in the scheme) ;
- (d) the payment by the constituent authorities in such proportions as may be specified in the scheme of the expenditure incurred by the joint police committee in the performance of the functions delegated to them ;
- (e) the audit of the accounts of the joint police committee by an auditor appointed by the Secretary of State and the application to such audit of the provisions of Part X of the Local Government (Scotland) Act 1947 1947 c. 43.
(audit of accounts of local authorities).

(3) The reference in subsection (2)(d) of this section to the expenditure incurred by the joint police committee is a reference

PART I to so much of the net expenditure of the committee as is not reimbursed to the committee under section 32 of this Act by sums paid out of moneys provided by Parliament.

(4) Subject to the provisions of this Act, an amalgamation scheme may make provision with regard to all or any of the following matters—

- (a) the transfer of property, rights and liabilities ;
- (b) the adjustment of liabilities between the constituent authorities ;
- (c) the settlement of differences between the constituent authorities ;
- (d) the transfer to the joint police committee of officers of any of the constituent authorities ;
- (e) the furnishing, on such terms and conditions as may be specified in the scheme, by one of the constituent authorities of any service connected with the administration of the police force maintained for the combined area ;
- (f) any other matters incidental to or consequential on the provisions contained in the scheme.

(5) The Secretary of State may, after consultation with the constituent authorities concerned, by order provide for the incorporation of any joint police committee, with perpetual succession and a common seal, and for conferring on such a committee power to hold land or to borrow money.

(6) The expenses incurred by a constituent authority for the purpose of the payment to the joint police committee of the expenditure referred to in subsection (2)(d) of this section shall be defrayed in like manner as expenses of that authority for the purposes of their functions relating to police would have required to be defrayed if the amalgamation scheme had not been made.

1937 c. 69.

(7) For the purposes of the Local Government Superannuation (Scotland) Act 1937 the appropriate superannuation fund in relation to the contributory employees of a joint police committee shall be the superannuation fund of such one of the constituent authorities as may be determined by or under the amalgamation scheme.

(8) Where an amalgamation scheme is to come into operation on a date subsequent to that on which it is approved, any appointment to be made, direction to be given or other thing to be done for the purposes of the scheme may be made, given or done at any time after the approval of the scheme so far as may be necessary for the purpose of bringing the scheme into operation on the first-mentioned date.

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

PART I

- (a) any reference to a police area shall be construed as including a reference to a combined area ; and
- (b) in relation to a police force maintained for a combined area, any reference to the police authority shall be construed as a reference to the police authorities for the several police areas comprised in the combined area, without prejudice however to any delegation of functions to the joint police committee by or under the amalgamation scheme.

20.—(1) Subject to the provisions of this section, if it appears to the Secretary of State that the expediency in the interests of efficiency of making an amalgamation scheme for any police areas should be considered, and no scheme satisfactory to him has been submitted to him under section 19 of this Act by the police authorities for those areas before such date as he may fix, the Secretary of State may in accordance with the following provisions of this section by order make such scheme as he considers expedient ; and the provisions of the said section 19 shall apply in relation to any such scheme as they apply in relation to schemes made under that section, with the substitution in subsection (8) thereof for any reference to the approval of a scheme of a reference to the making of a scheme.

Power of Secretary of State to make amalgamation schemes.

(2) Before making a scheme under this section the Secretary of State shall send a copy of the proposed scheme to the police authorities concerned and shall specify in an accompanying notice the period within which objection may be made to the proposed scheme.

(3) If, within the period specified in the notice, a police authority to whom notice has been given gives notice to the Secretary of State of an objection to the proposed scheme or any feature of that scheme, the Secretary of State shall, before making the scheme, cause a local inquiry to be held in respect of that objection by a person appointed by him (who shall not be a constable or an officer of any Government department).

(4) Where such an inquiry has been held, the Secretary of State shall consider the report of the person holding that inquiry before determining whether the scheme should be made and if so subject to what modifications, if any.

(5) Any local inquiry held under subsection (3) of this section shall be held in public, and the provisions of subsections (3) to (9) of section 355 of the Local Government (Scotland) Act 1947 1947 c. 43. (provisions as to local inquiries) shall apply to any such inquiry as they apply to an inquiry held under that section.

PART I

(6) A draft of any statutory instrument embodying an order under this section, together with a copy of the proposed scheme to which the order applies, shall be laid before Parliament; and where a local inquiry has been held under this section with respect to the proposed scheme a copy of the report of the person by whom the inquiry was held shall also be laid before Parliament with the said draft.

Amendment
and
revocation of
amalgamation
scheme.

21.—(1) An amalgamation scheme may be amended or revoked by a subsequent scheme made under section 19 or section 20 of this Act, and the foregoing provisions of this Act and the provisions of section 25 thereof and of Schedule 2 thereto shall, so far as applicable, have effect in relation to any such amending or revoking scheme subject to any necessary modifications and to the following provisions of this section.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, provision may be made by any such subsequent scheme—

- (a) for the division of the combined area into any two or more areas, being either police areas comprised in the combined area or new combined areas constituted by the subsequent scheme, or for the inclusion in the combined area of any additional police area;
- (b) for the establishment or re-establishment and maintenance of police forces for any areas into which the combined area is divided as aforesaid;
- (c) for the dissolution and winding up of any joint police committee constituted under the original scheme, or for the reconstitution of any such committee;
- (d) for the transfer or retransfer to such police forces as may be determined by the subsequent scheme of constables of the force maintained for the combined area;
- (e) for the transfer or retransfer to such authorities as may be determined by the subsequent scheme of any officers, property, rights or liabilities of the joint police committee;
- (f) for any other matters incidental to or consequential on the provisions of the subsequent scheme.

Compensation
of officers
prejudicially
affected by
amalgamation
scheme.

22.—(1) If in consequence of an amalgamation scheme or of anything done thereunder any person who, immediately before the date when the scheme came into operation, was an officer employed by a constituent authority or by a joint police committee, suffers direct pecuniary loss by reason of the determination of his employment or the diminution of his emoluments he shall,

unless provision for his compensation for that loss is made by or under any other enactment for the time being in operation, be entitled to receive compensation under this section from such constituent authority or joint police committee as may be determined by or under that scheme.

(2) Any person who, immediately before the date on which an amalgamation scheme came into operation, was an officer employed by a constituent authority or by a joint police committee and who, at any time within five years after the said date—

- (a) has his services dispensed with or his emoluments reduced, otherwise than on the ground of misconduct, or
- (b) relinquishes office by reason of his having been required to perform duties which are not analogous, or which are an unreasonable addition, to those which he was required to perform immediately before that date,

shall for the purposes of this section be deemed, unless the contrary is shown, to have suffered a direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments in consequence of the scheme.

(3) For the purposes of the determination and payment of compensation under this section the provisions of section 318 of, and Schedule 11 to, the Local Government (Scotland) Act 1947 c. 43. (compensation of officers of local authorities on transfer of functions) shall be incorporated with this section subject to such modifications as the Secretary of State may prescribe for the purpose of adapting those provisions to claims under this section.

23.—(1) The chief constable of a police force shall not be transferred by an amalgamation scheme to the police force established by the scheme unless he is appointed as the first chief constable of that force or unless before the date when the scheme comes into operation he agrees to join that force in some other capacity.

Chief constable of police force affected by amalgamation scheme.

(2) A chief constable who is not transferred as aforesaid shall be deemed to have retired from his police force immediately before the date when the scheme came into operation, and during the period of three months beginning with the said date (or, if within those three months he joins the police force established by the scheme, during the period beginning with the said date and ending with the day before the date on which he joins that force) he shall be entitled to be paid by the joint police committee a salary and emoluments at the same rate as the salary and emoluments which he would have been entitled to receive had he continued to be the chief constable of his police force.

PART I
Constables engaged on central service or on overseas police service.
 1945 c. 17.

24.—(1) Where, immediately before the date when the amalgamation scheme comes into operation, either—

(a) section 38(1)(a) of this Act, or

(b) section 2 of the Police (Overseas Service) Act 1945 (members of home police forces engaged on overseas service),

applied to any person as having been a constable of a transferred force, that section shall, unless the amalgamation scheme otherwise provides, apply to him in relation to any period after the said date as if for any reference to the police force to which he was entitled to revert there were substituted a reference to the new force, and references in that section to the appropriate authority shall be construed accordingly.

(2) Nothing in subsection (1) of this section shall be construed as entitling a person who has engaged for a period of overseas service to revert to the new force as the chief constable of that force; but where any person who immediately before he so engaged was the chief constable of a transferred force would but for this provision be so entitled to revert to the new force, then, if he does not join that force in some capacity other than that of chief constable at the end of his period of overseas service in pursuance of an agreement in that behalf made by him during that period, section 23(2) of this Act shall apply to him as if for any reference therein to the date when the amalgamation scheme came into operation there were substituted a reference to the end of his period of overseas service.

(3) In this section the expressions “transferred force” and “new force” have the same meanings as they have for the purposes of Schedule 2 to this Act, and the expression “overseas service” has the same meaning as it has for the purposes of the Police (Overseas Service) Act 1945.

Transitory provisions.

25.—(1) The transitory provisions set out in Schedule 2 to this Act shall have effect for the purposes of the alterations effected by virtue of an amalgamation scheme.

(2) Where, immediately before the date on which an amalgamation scheme came into operation, proceedings were pending by or against any authority with respect to any property, rights or liabilities which are transferred by virtue of the scheme, those proceedings may be carried on thereafter with the substitution, for that authority, of the authority to whom the property, rights or liabilities are transferred.

PART II

CENTRAL ADMINISTRATION AND SUPERVISION AND COMMON SERVICES

Functions of the Secretary of State

26.—(1) Subject to the provisions of subsections (8) and (9) of this section, the Secretary of State shall make regulations as to the government and administration of police forces.

Regulations as to government and administration of police forces.

(2) Without prejudice to the generality of subsection (1) of this section, regulations under this section may make provision with respect to the following matters, that is to say—

- (a) the qualifications for appointment and promotion of constables ;
- (b) periods of service on probation ;
- (c) voluntary retirement of constables ;
- (d) the retirement of special or temporary constables ;
- (e) the maintenance of discipline in police forces ;
- (f) the suspension of constables of a police force from duty ;
- (g) the maintenance of personal records of constables ;
- (h) the duties which are or are not to be performed by constables ;
- (i) the treatment as occasions of police duty of attendance at meetings of the Police Federations and any body recognised by the Secretary of State for the purposes of section 47 of the Police Act 1964 (membership of trade unions) ;
- (j) the hours of duty, leave, pay and allowances of constables ;
- (k) the application to special constables, subject to such modifications as may be prescribed by the regulations, of any provisions made by or under any enactment relating to the pensions payable to or in respect of regular constables ;
- (l) the issue, use and return of police clothing, personal equipment and accoutrements.

(3) Regulations under this section for regulating pay and allowances may be made with retrospective effect to any date specified therein, not being earlier than 8th September 1955, but nothing in this subsection shall be construed as authorising pay or allowances payable to any person to be reduced retrospectively.

(4) If regulations under this section provide for the calculation of any pension payable to or in respect of special constables

PART II by reference to a scale of notional remuneration specified in the regulations, regulations under this section increasing any such notional remuneration may be made with retrospective effect to any date specified in the regulations.

(5) Regulations under this section shall provide for the making of such arrangements as to the hours of duty of constables as shall secure that every constable (not being above such rank as may be specified in the regulations) shall be allowed at least fifty-two days in a year on which he is not required to perform police duty, save on occasions of emergency, such days being distributed throughout the year with the object of securing, so far as practicable, to every such constable one day's rest in every seven.

(6) Subject to the provisions of this section, regulations under this section may make different provision for different classes of constable and for constables of different rank.

(7) For the purposes of this section and any regulations made thereunder the appropriate disciplinary authority in respect of any police force shall be—

- (a) in relation to the chief constable, deputy chief constable and any assistant chief constable, the police authority;
- (b) in relation to any other constable, the chief constable:

Provided that, in relation to any such other constable in whose case the chief constable is interested otherwise than as chief constable or is a material witness, the appropriate disciplinary authority shall, if either the constable or the chief constable so elect, be the chief constable of such other police force as may be determined by or under the regulations.

1964 c. 48.

(8) Before making regulations under this section with respect to any of the matters mentioned in section 45(1) of the Police Act 1964 (which provides for the establishment of the Police Council for Great Britain for the consideration of certain questions), not being regulations relating to special constables, the Secretary of State shall take into consideration any recommendation made by the Police Council for Great Britain and furnish the Council with a draft of the regulations.

(9) Before making regulations under this section, other than regulations in relation to the making of which subsection (8) of this section applies, the Secretary of State shall submit a draft either—

- (a) to the Police Advisory Board for Scotland, or
- (b) to the Joint Central Committee and to such bodies or associations as appear to him to be representative of

police authorities, chief constables and superintendents (including chief superintendents) respectively, PART II

and shall consider any representations made as to the draft by that Board or, as the case may be, by the Joint Central Committee or any of those bodies or associations.

27.—(1) The Secretary of State may make regulations as to the government, administration and conditions of service of police cadets. Regulations for police cadets.

(2) Regulations under this section for regulating pay and allowances may be made with retrospective effect to any date specified therein, but nothing in this subsection shall be construed as authorising pay or allowances payable to any person to be reduced retrospectively.

(3) Subsections (8) and (9) of section 26 of this Act shall apply in relation to the making of regulations under this section as they apply in relation to the making of regulations under that section.

28. The Secretary of State may make regulations requiring equipment provided or used for the purposes of a police force to satisfy such requirements as to design and performance as may be prescribed in the regulations. Regulations as to standard of equipment.

29.—(1) The Secretary of State may cause a local inquiry to be held by a person appointed by him into any matter connected with the policing of any area. Local inquiries.

(2) Any inquiry under this section shall be held in public or in private as the Secretary of State may direct.

(3) Subsections (3) to (9) of section 355 of the Local Government (Scotland) Act 1947 (provisions as to local inquiries) shall apply to any inquiry held under this section as they apply to an inquiry held under that section. 1947 c. 43.

(4) Where the report of the person holding an inquiry under this section is not published, a summary of his findings and conclusions shall be made known by the Secretary of State so far as appears to him consistent with the public interest.

30.—(1) A constable who is dealt with for an offence against discipline may appeal to the Secretary of State. Disciplinary appeals.

(2) On an appeal under this section the Secretary of State may—

- (a) allow the appeal ;
- (b) dismiss the appeal ; or
- (c) vary the punishment by substituting some other punishment (whether more or less severe) which could have been imposed on the appellant.

PART II

(3) The Secretary of State may direct the appellant to pay the whole or any part of his own expenses, but, subject to any such direction, all the expenses of an appeal under this section, including the expenses of the parties, shall be paid by the police authority.

(4) Schedule 3 to this Act shall have effect in relation to any appeal under this section.

Powers of
Secretary of
State in
relation to
compulsory
retirement
of chief
constable, etc.

31.—(1) The Secretary of State may require a police authority to exercise their power under section 4(4)(d) of this Act to call on a chief constable to retire in the interests of efficiency, and the police authority shall comply with any such requirement.

(2) Before requiring the exercise of that power or approving the exercise of that or the similar power with respect to the deputy or an assistant chief constable the Secretary of State shall give the chief constable or deputy or assistant chief constable an opportunity to make representations to him and shall consider any representations so made.

(3) Where representations are made under this section the Secretary of State may, and in a case where he proposes to require the police authority to exercise the power mentioned in subsection (1) of this section shall, appoint one or more persons (one at least of whom shall be a person who is not a constable or an officer of a Government department) to hold an inquiry and report to him and shall consider any report made under this subsection.

(4) Where the Secretary of State is satisfied that the whole or any part of the expenses of a chief constable or deputy or assistant chief constable in respect of an inquiry under this section was not reasonably incurred, he may direct the constable to pay those expenses or that part of those expenses, as the case may be, or such proportion of the whole or of that part as he may think fit, but, subject to any such direction, those expenses shall be paid by the police authority.

Police grant.

32.—(1) There shall be paid out of moneys provided by Parliament towards the expenses of police authorities and joint police committees for the purposes of this Act, other than those expenses to which section 19(6) or section 36(4) of this Act applies or may for the time being apply, such sums, at such times, in such manner and subject to such conditions as the Secretary of State may, with the approval of the Treasury, by order determine.

(2) The Secretary of State may deduct from any sum payable by him under subsection (1) of this section to any police authority or joint police committee any sum due by that

authority or committee to him by virtue of section 36(4) of this Act or by virtue of that subsection as applied by any order under section 36(5) of this Act.

PART II

(3) Any statutory instrument embodying an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Inspectors of constabulary

33.—(1) Her Majesty may appoint for the purposes after-mentioned such number of inspectors (hereafter in this Act referred to as “inspectors of constabulary”) as the Secretary of State with the consent of the Treasury may determine, and of the persons so appointed one may be appointed as chief inspector of constabulary. Inspectors of constabulary.

(2) The inspectors of constabulary shall hold office during Her Majesty’s pleasure and shall be paid out of moneys provided by Parliament such salaries and allowances as the Treasury may determine.

(3) It shall be the duty of the inspectors of constabulary under the direction of the Secretary of State to visit and inquire into the state and efficiency of the police forces and of the buildings and equipment used by such forces.

(4) Such of the inspectors of constabulary as may be directed in that behalf by the Secretary of State shall annually, at such times as may be so directed, submit to the Secretary of State a written report on the state and efficiency of the police forces generally, and the Secretary of State shall cause a copy of every such annual report to be laid before each House of Parliament.

34.—(1) The Secretary of State may appoint assistant inspectors of constabulary, and may appoint constables to be staff officers to the inspectors of constabulary. Assistant inspectors and staff officers.

(2) Persons appointed under this section shall be paid such salary and allowances as the Secretary of State may, with the consent of the Treasury, determine.

35. The Police Pensions Act 1948 shall apply to any inspector or assistant inspector of constabulary appointed on or after 1st August 1964 and accordingly shall have effect, in relation to any such person, as modified by Schedule 6 to the Police Act 1964. Pensions of inspectors and assistant inspectors. 1948 c. 24. 1964 c. 48.

Common services

36.—(1) The Secretary of State may provide courses for constables, and may for that purpose, if he thinks fit, establish and maintain one or more central training institutions (including Central training and other common services.

PART II such instructing and administrative staff, and such land, buildings and equipment, as he may consider expedient).

(2) The Secretary of State may make arrangements for the attendance of constables at courses provided (whether in Scotland or elsewhere) otherwise than under subsection (1) of this section.

(3) Before providing any courses, or making any arrangements, under the foregoing provisions of this section the Secretary of State shall consult the Joint Central Committee and such bodies or associations as appear to him to be representative of police authorities, chief constables and superintendents (including chief superintendents) respectively.

(4) One half of the expenses incurred by the Secretary of State in establishing and maintaining any central training institution under subsection (1) of this section shall be recoverable by him from police authorities (not being constituent authorities) and from joint police committees in such proportions as may be determined by him after consulting such bodies or associations as appear to him to be representative of police authorities; and any expenses falling on a police authority or joint police committee by virtue of this subsection shall be defrayed in like manner as other expenses incurred by the authority or committee for the purposes of this Act.

(5) The Secretary of State may, after consulting such bodies or associations as appear to him to be representative of police authorities, by order apply subsection (4) of this section to other expenses specified in the order incurred by him for the purposes of police forces generally.

(6) In this section "courses" means courses of instruction in matters relating to police service.

Research.

37. The Secretary of State may set up such bodies and take such other steps as appear to him to be necessary or expedient for the purpose of undertaking research into matters affecting the efficiency of the police.

Central
service on
police duties.

38.—(1) Subject to the provisions of this section, where a constable of a police force is, whether before or after the commencement of this Act, engaged, with the consent of the appropriate authority, for a period of central service he shall be treated as if he were not a constable of that force during that period or so much of it as falls on or after 1st August 1964; but, except where a pension, allowance or gratuity becomes

payable to him out of moneys provided by Parliament by virtue of regulations made under the Police Pensions Act 1948—

PART II
1948 c. 24.

- (a) he shall be entitled at the end of his period of central service to revert to his police force in the rank in which he was serving immediately before he engaged as aforesaid ; and
- (b) he shall be treated, for the purposes of any scale prescribed by or under the police regulations fixing his rate of pay by reference to his length of service, as if he had been serving in that force during that period.

(2) Notwithstanding anything in subsection (1) of this section, a constable who has engaged on central service may be promoted in his police force as if he were serving in that force ; and in any such case the reference in paragraph (a) of that subsection to the rank in which he was serving immediately before he engaged shall be construed as a reference to the rank to which he is promoted, and for the purposes mentioned in paragraph (b) of that subsection he shall be treated as having served in that rank from the time of his promotion.

(3) Notwithstanding anything in subsection (1) of this section, a constable may be dealt with under the police regulations relating to discipline for anything done or omitted while engaged on central service as if that service were service in his police force, and section 30 of this Act shall apply accordingly.

(4) The Police Pensions Act 1948 shall apply to any constable engaged on central service and accordingly shall have effect, in relation to any such constable, as modified by Schedule 6 to the Police Act 1964.

1964 c. 48.

(5) In this section—

“central service” means temporary service under the Crown in connection with the provision by the Secretary of State of common police services, research or other services connected with the police, and service as a staff officer to the inspectors of constabulary ;

“appropriate authority” means—

(a) in relation to the chief constable of a police force, the police authority ;

(b) in relation to any other constable, the chief constable acting with the consent of the police authority ;

“police regulations” means regulations made under this Part of this Act.

PART III

MISCELLANEOUS AND GENERAL

Remedies and complaints against police

Liability for
wrongful acts
of constables.

39.—(1) The chief constable of a police force shall be liable in reparation in respect of any wrongful act or omission on the part of any constable under his general direction in the performance or purported performance of his functions in like manner as a master is so liable in respect of a wrongful act or omission on the part of his servant in the course of the servant's employment.

(2) The police authority shall pay—

(a) any damages or expenses awarded against the chief constable of a police force in any proceedings brought against him by virtue of this section and any expenses incurred by him in any such proceedings so far as not recovered by him in the proceedings; and

(b) any sum required in connection with the settlement of any claim made against the chief constable of a police force by virtue of this section, if the settlement is approved by the police authority.

(3) Any proceedings in respect of a claim made by virtue of this section shall be brought against the chief constable for the time being or, in the case of a vacancy in that office, against the person for the time being performing the functions of the chief constable; and references in the foregoing provisions of this section to the chief constable shall be construed accordingly.

(4) The police authority may, in such cases and to such extent as they think fit, pay any damages or expenses awarded against a constable of the police force maintained for their area, or any constable for the time being required to serve with that force by virtue of section 11 of this Act, in proceedings arising from any wrongful act or omission on the part of that constable, any expenses incurred and not recovered by him in any such proceedings, and any sum required in connection with the settlement of any claim that has or might have given rise to such proceedings.

Information
as to manner
of dealing with
complaints.

40. Every police authority and inspectors of constabulary shall keep themselves informed as to the manner in which complaints made by members of the public against constables are dealt with by the chief constable.

*Offences and legal proceedings***PART III**

Assaults on constables, etc.

41.—(1) Any person who—

- (a) assaults, resists, obstructs, molests or hinders a constable in the execution of his duty or a person assisting a constable in the execution of his duty, or
- (b) rescues or attempts to rescue, or assists or attempts to assist the escape of, any person in custody,

shall be guilty of an offence and on summary conviction shall be liable—

- (i) where he has not, within the period of two years immediately preceding the commission of the said offence, been convicted of an offence against this section, to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment ;
- (ii) where he has, within the first-mentioned period, been convicted of an offence against this section, to imprisonment for a period not exceeding nine months.

(2) The reference in subsection (1) of this section to a person in custody shall be construed as a reference to a person—

- (a) who is in the lawful custody of a constable or any person assisting a constable in the execution of his duty, or
- (b) who is in the act of eluding or escaping from such custody, whether or not he has actually been arrested.

42.—(1) Any person who causes, or attempts to cause, or does any act calculated to cause, disaffection amongst the constables of any police force, or who induces, or attempts to induce, or does any act calculated to induce, any constable to withhold his services or to commit breaches of discipline, shall be guilty of an offence, and shall be liable— Causing disaffection.

- (a) on summary conviction, to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment ;
- (b) on conviction on indictment, to imprisonment for a period not exceeding two years.

(2) Any person convicted of an offence against this section shall be permanently disqualified from becoming or remaining a constable.

43.—(1) Subject to the provisions of this section, any person who— Impersonation, etc.

- (a) takes the name, designation or character of a constable for the purpose of obtaining admission into any house

PART III

or other place or of doing or procuring to be done any act which such person would not be entitled to do or procure to be done of his own authority, or for any other unlawful purpose, or

- (b) wears any article of police uniform without the permission of the police authority for the police area in which he is, or
- (c) has in his possession any article of police uniform without being able to account satisfactorily for his possession thereof.

shall be guilty of an offence and on summary conviction shall be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding three months.

(2) Nothing in subsection (1) of this section shall make it an offence to wear any article of police uniform in the course of taking part in a stage play, or music hall or circus performance, or of performing in or producing a cinematograph film or television broadcast.

(3) In this section "article of police uniform" means any article of uniform or any distinctive badge or mark usually issued by any police authority to constables, or any article having the appearance of such article, badge or mark.

Offences by constables.

44.—(1) Any constable who wilfully absents himself from duty otherwise than in accordance with regulations made under Part II of this Act shall be guilty of an offence.

(2) Any constable who neglects or violates his duty shall be guilty of an offence.

(3) Any constable who fails without reasonable excuse to return to his chief constable (or other person appointed by the chief constable for the purpose), immediately upon being ordered to do so, any accoutrements or clothing which have been issued to him for the execution of his duty shall be guilty of an offence.

(4) Any person who has been a constable of a police force and has failed without reasonable excuse to return to the chief constable of that force (or other person appointed by the chief constable for the purpose), when he ceased to be a constable of the force, any accoutrements or clothing which were issued to him for the execution of his duty shall be guilty of an offence.

(5) Any person guilty of an offence against this section shall, without prejudice to the operation of any regulation made under this Act, or to any civil proceedings, be liable on summary conviction to a fine not exceeding ten pounds or to imprisonment for a period not exceeding sixty days.

45. If a sheriff, justice of the peace or magistrate of a burgh is satisfied on information on oath that there has been a failure to return duly any accoutrements or clothing issued to a constable for the execution of his duty, and that any of the said accoutrements or clothing are in any premises or place, he may grant a warrant to any constable named therein to enter and search the said premises or place at any reasonable hour, if necessary by force, and to seize and detain any of the said accoutrements or clothing which he may find therein.

PART III
Warrant to search for police accoutrements and clothing.

Miscellaneous

46.—(1) Subject to the provisions of this section, on the recommendation of the chief constable of a police force the police authority may pay such sums by way of reward as they think fit—

Rewards.

- (a) to any constable (other than the chief constable) of the police force who in their opinion has conducted himself in the performance of his duty with exceptional merit, or
- (b) to any constable (other than the chief constable) of another police force who, while serving with the first-mentioned force in pursuance of the provisions of this Act relating to the mutual aid of police forces or to collaboration agreements, has in their opinion conducted himself in the performance of his duty with exceptional merit, or
- (c) to any person who in their opinion has substantially contributed to the fulfilment of the functions of the police force.

(2) The aggregate of payments made under subsection (1) of this section by a police authority in any year shall not exceed such sum as may be approved by the Secretary of State.

47.—(1) The chief constable of a police force shall, at such times and in such form as the Secretary of State may direct, transmit to the Secretary of State and to the police authority a statement with respect to the police area for which the force is maintained, showing for the year to 31st December last preceding—

Criminal statistics.

- (a) the number of offences reported to the police ;
- (b) the number of persons taken into custody by the police ;
- (c) the nature of the charges made against such persons respectively ;
- (d) the number of cases in which further criminal proceedings were taken and the result of any such proceedings ;

PART III

(e) such further statistical information relating to the state of crime as the chief constable may think material or as the Secretary of State may direct.

(2) The Secretary of State shall cause a consolidated and classified abstract of the reports mentioned in subsection (1) of this section to be prepared and laid before Parliament and shall cause a copy of such abstract to be sent to each police authority.

(3) To enable a chief constable to perform the duty imposed on him by subsection (1) of this section—

(a) he shall keep, and maintain up to date at all times, sufficient records of all the matters specified in the said subsection, and

(b) he shall be entitled to obtain from the clerk of any court having criminal jurisdiction in any part of the area such information regarding those matters as may be available to the clerk and necessary for the purpose.

Supplemental

Regulations,
rules and
orders.

48.—(1) The Secretary of State shall have power to make regulations prescribing anything which may be prescribed under this Act (except Schedule 3 thereto).

(2) Any power conferred by this Act to make regulations, rules or orders shall be exercisable by statutory instrument, and except where otherwise provided any such statutory instrument shall be laid before Parliament after being made.

(3) Any power conferred by this Act to make an order shall include power to vary or revoke, by a subsequent order, any order made thereunder.

Financial
provisions.

49.—(1) There shall be defrayed out of moneys provided by Parliament—

(a) any expenses incurred by the Secretary of State under this Act; and

(b) any increase attributable to this Act in the sums payable out of moneys so provided under any enactment.

(2) Any sums which by virtue of any provision of this Act are received by the Secretary of State from police authorities or joint police committees, or deducted by him from moneys otherwise payable by him to any such authority or committee, shall be paid into the Exchequer.

Meaning
of "police
area", etc.

50. Except where the context otherwise requires, in this Act and in any other enactment (whether passed or made before or after the commencement of this Act)—

(a) "police area" or "police district" means a police area within the meaning of section 1(2) of this Act as read

- with section 19(9)(a) thereof, and “combined area” means the area consisting of the police areas combined by an amalgamation scheme ;
- (b) “police authority” has the meaning assigned to it by section 2(1) of this Act as read with section 19(9)(b) thereof ;
- (c) “police force” means a police force maintained under this Act for a police area or a combined area ;
- (d) any reference—
- (i) to the chief officer of a police force shall be construed as a reference to the chief constable of that force ;
- (ii) to the chief constable or chief officer of police of, or appointed for, any area or district shall be construed as a reference to the chief constable of the police force maintained for the police area comprising that area or district ;
- and any reference to the chief constable, or chief officer, of a police force shall be construed as including a reference to any other constable of the force who, during a vacancy in the office of the chief constable or during any absence of the chief constable from duty, is responsible for performing the functions of that office ;
- (e) references to payments into or out of the police fund shall be construed as references to payments to or by the police authority.

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

“amalgamation scheme” means a scheme made under section 19 or section 20 of this Act, and “amending scheme” and “revoking scheme” mean respectively a scheme amending or revoking an amalgamation scheme ;

“burgh” has the same meaning as in the Local Government (Scotland) Act 1947 c. 43 ;

“constable” means a constable (including the chief constable) of a police force ; and “regular constable”, “special constable”, and “temporary constable” have the meanings assigned to them respectively by section 3(1) of this Act ;

“constituent authority” means a police authority which is a party to an amalgamation scheme ;

PART III

“enactment” includes an order, regulation, rule or other instrument having effect by virtue of an Act;

“functions” includes powers and duties;

“Joint Central Committee” means the three central committees of the Police Federation for Scotland sitting together as a joint committee;

“land” includes land covered by water;

“officer” includes “servant”;

“prescribe” (except in Schedule 3 to this Act) means prescribe by regulations made under this Act, and “prescribed” shall be construed accordingly;

“rank” means a rank prescribed under section 7 of this Act.

1947 c. 43.

(2) Any reference in this Act to a county shall, unless the context otherwise requires, be construed as a reference to the county inclusive of any burgh situated therein which is not mentioned in Schedule 1 to this Act, and section 118 of the Local Government (Scotland) Act 1947 (which relates to the combination of certain counties for certain purposes) shall have effect accordingly.

(3) Any reference in this Act to the functions of a police force shall, unless the context otherwise requires, be construed as a reference to the functions of the constables of that force generally.

(4) Except where the context otherwise requires, in this Act and in any other enactment (whether passed or made before or after the commencement of this Act) any reference to a constable (other than the chief constable) of, or appointed for, any area or district shall be construed as a reference to a constable (other than the chief constable) of the police force maintained for the police area comprising that area or district.

(5) Any reference in this Act to any other enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended, and as including a reference thereto as extended or applied, by or under any subsequent enactment, including this Act.

1956 c. 26.
1964 c. 48.

(6) Without prejudice to the provisions of section 52 of this Act, in this Act the expression “under this Act”, and any other expression describing any matter or thing by reference to this Act or to any provision of this Act, shall, if and so far as the context permits, be construed as including a reference to any enactment repealed by this Act or by the Police (Scotland) Act 1956 or by the Police Act 1964 or to the corresponding provision of any enactment so repealed.

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52.—(1) The enactments mentioned in Schedule 4 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential on the provisions of this Act :

PART III
Consequential amendments, repeals and savings.

Provided that the amendment of section 5(5)(a) of the Homicide Act 1957 contained in the said Schedule shall have effect only on the reviver of that Act by virtue of section 4 of the Murder (Abolition of Death Penalty) Act 1965.

1957 c. 11.
1965 c. 71.

(2) The enactments mentioned in Schedule 5 to this Act, of which those in Part II of that Schedule are spent or are superseded by the provisions of subsequent enactments, are hereby repealed to the extent specified in relation thereto in the third column of that Schedule.

(3) Nothing in this Act shall affect any order, regulation, rule, scheme, agreement or appointment made, or direction given, or any other thing done, under any enactment repealed by this Act or by the Police (Scotland) Act 1956 or by the Police Act 1964, but any such order, regulation, rule, scheme, agreement, appointment, direction or thing shall, if and so far as it is in force at the commencement of this Act, continue in force so far as it could have been made, given or done under a corresponding provision of this Act and shall have effect, and be treated, as if it had been made, given or done under that corresponding provision.

1956 c. 26.
1964 c. 48.

(4) Nothing in this Act shall affect any right, privilege, obligation or liability acquired, accrued or incurred before the commencement of this Act under any enactment.

(5) Where a constable of a police force, with the consent of the chief constable, has undertaken temporary service as a member of the instructing staff of any central training institution established under section 29(1) of the Police (Scotland) Act 1956 (central training and other common services), so much of that service as fell before 1st August 1964 shall be deemed, for the purposes of this Act and any Act relating to police pensions and (in either case) any enactment made thereunder, to be service as a constable of the said police force.

(6) For the purpose of determining the punishment which may be imposed on a person in respect of the commission by him of an offence against any provision of this Act, an offence committed by that person against the corresponding provision of any enactment repealed by this Act shall be deemed to have been committed against the first-mentioned provision.

(7) So much of any enactment or other document as refers expressly or by implication to any enactment repealed by this Act or by the Police (Scotland) Act 1956 or by the Police Act 1964

PART III

shall, in so far as the context permits and as may be necessary to preserve the effect of the first-mentioned enactment or other document, be construed as referring, or (as the case may require) as including a reference, to this Act or the corresponding enactment therein.

1889 c. 63.

(8) Nothing in this section or in section 51 of this Act, and nothing in Schedule 4 to this Act, shall be taken as affecting the general application of section 38 of the Interpretation Act 1889 with regard to the effect of repeals.

Short title, extent and commencement.

53.—(1) This Act may be cited as the Police (Scotland) Act 1967.

1956 c. 26.
1964 c. 48.

(2) The following provisions of this Act shall extend to the whole of Great Britain, namely, section 18 ; section 52(1) and Schedule 4, so far as they relate to enactments which so extend ; and section 52(2) and Schedule 5, so far as they relate to section 5 of the Police (Scotland) Act 1956 and to the Police Act 1964 ; but save as aforesaid this Act shall extend to Scotland only.

(3) This Act (except section 39 thereof) shall come into force at the expiration of a period of three months beginning with the date on which it is passed ; and section 39 of this Act shall come into force on such date as the Secretary of State may by order appoint, and the order may be made with retrospective effect to any date specified in the order not being earlier than 10th June 1964.

Any reference in this Act to the commencement of this Act shall be construed as a reference to the date on which this Act (except section 39 thereof) comes into force.

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SCHEDULES

SCHEDULE 1

Sections 1, 51.

BURGHES FOR WHICH (SUBJECT TO AMALGAMATION SCHEMES) POLICE FORCES ARE TO BE MAINTAINED

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|-------------|-----------------------|
| Aberdeen | Glasgow |
| Airdrie | Greenock |
| Arbroath | Hamilton |
| Ayr | Inverness |
| Coatbridge | Kilmarnock |
| Dumbarton | Kirkcaldy |
| Dumfries | Motherwell and Wishaw |
| Dundee | Paisley |
| Dunfermline | Perth |
| Edinburgh | Stirling. |

SCHEDULE 2

Sections 21, 24,
25.

TRANSITORY PROVISIONS FOR THE PURPOSES OF AMALGAMATION SCHEMES

1. All constables of a police force who are transferred by an amalgamation scheme shall be deemed to have been duly appointed and attested under this Act as constables of the new force, and shall hold in that force the same ranks respectively as they held immediately before the date of such transfer in the transferred force.

2. Where immediately before the date when an amalgamation scheme comes into operation a constable of a transferred force is entitled to appeal to the Secretary of State under section 30 of this Act, or where any such constable has appealed to the Secretary of State under the said section before the said date but the appeal has not been determined, the disciplinary authority for the new force shall be the respondent for the purposes of the appeal and in the case of a pending appeal shall be substituted as respondent for the disciplinary authority of the transferred force.

3. Any register kept in pursuance of any enactment by the chief constable of a transferred force shall be transferred by him to the chief constable of the new force as soon as may be after the date when the scheme came into operation, and as from that date shall be deemed to form part of the corresponding register kept by that chief constable.

4. Subject to the foregoing provisions of this Schedule, anything done before the date when an amalgamation scheme comes into operation by, to or before the police authority for any police area comprised in the combined area, or by, to or before the chief constable of a transferred force, shall, in so far as may be necessary for the purpose or in consequence of the provisions of this Act or of the scheme, have effect after that date as if it had been done by, to or before the joint police committee or the chief constable of the new force.

SCH. 2

5. In this Schedule the expression "transferred force" means the police force maintained for any police area comprised in a combined area, and "new force" means the police force established by any amalgamation scheme, and any reference to attestation includes a reference to making a declaration under section 16 of this Act.

6. This Schedule shall have effect in relation to an amending or revoking scheme with the substitution where necessary—

- (a) for any reference to an amalgamation scheme, of a reference to the amending or revoking scheme,
- (b) for any reference to the combined area, of a reference to such area as may be prescribed by the amending or revoking scheme, and
- (c) for any reference to a police area comprised in a combined area, of a reference to the combined area under the scheme being amended or revoked ;

and for this purpose the expression "new force" shall be construed as including a reference to a police force re-established by an amending or revoking scheme.

Sections 30, 48,
51.

SCHEDULE 3

DISCIPLINARY APPEALS

Notice of Appeal

1. Any appeal under section 30 of this Act (in this Schedule referred to as "the principal section") shall be instituted by giving a notice of appeal in the prescribed manner and within the prescribed time.

Respondent

2. On any appeal under the principal section, the appropriate disciplinary authority for the police force shall be made the respondent.

Inquiries

3.—(1) The Secretary of State shall, unless it appears to him that the case is of such a nature that it can properly be determined without taking evidence, request the sheriff to hold an inquiry and report to him.

(2) The sheriff, in holding an inquiry under this paragraph, may require any person to attend as a witness and give evidence, or to produce any documents in his possession or power which relate to any matter in question at the inquiry and are such as would be subject to production in a court of law; and if any person fails without reasonable excuse to comply with the provisions of any such requirement he shall be liable on summary conviction to a fine not exceeding five pounds.

(3) The sheriff, in the exercise of the functions conferred on him by this paragraph, shall have the like power as regards the administration of oaths as if he were acting in the exercise of his civil jurisdiction.

(4) The Secretary of State shall, before determining an appeal under the principal section, consider any report made to him under this paragraph, as well as the notice of appeal and any other documents submitted to him by the appellant and the respondent in accordance with rules under this Schedule.

(5) The Secretary of State may, before determining an appeal under the principal section, remit the case for further investigation by the sheriff when an inquiry has been held, or in any case, if he thinks fit, for further consideration by the disciplinary authority.

(6) In this paragraph "sheriff" does not include a sheriff-substitute.

Notice and effect of determinations

4.—(1) A determination on an appeal made by the Secretary of State under the principal section shall, as soon as practicable, be sent to the appellant and the respondent together with, if an inquiry was held, a copy of the report of the sheriff holding the inquiry, and the determination shall be final and binding upon all parties.

(2) Where an appeal is allowed, or the punishment is varied, by the Secretary of State, the determination shall take effect by way of substitution for the decision appealed from, and as from the date of that decision; and where the effect of the determination is to reinstate the appellant in the force or in his rank, he shall, for the purpose of reckoning service for pension, and, to such extent (if any) as may be determined by the determination, for the purpose of pay, be deemed to have served in the force or in that rank, as the case may be, continuously from the date of the decision to the date of reinstatement, and if he was suspended for a period immediately preceding the date of the decision, the determination shall deal with the suspension.

Rules

5. The Secretary of State may make rules as to the procedure on appeals and at inquiries under this Schedule and in particular, but without prejudice to the generality of this provision, shall make rules—

- (a) prescribing the form and contents of the notice of appeal and the documents to be submitted by the appellant and the time within which such documents are to be submitted;
- (b) prescribing the documents to be submitted and the time within which they are to be submitted by the respondent:

Provided that the rules shall provide for giving to the appellant the right to be represented at an inquiry by a constable or by counsel or a solicitor, and for giving to the respondent the right to be represented by a constable of the police force or by the clerk or other officer of the police authority or by counsel or a solicitor.

Sections 52, 53.

SCHEDULE 4

CONSEQUENTIAL AMENDMENT OF ENACTMENTS

THE DOGS ACT 1906

(6 Edw. 7 c.32)

In section 8(b), for the words "the Police (Scotland) Act, 1890" there shall be substituted the words "the Police (Scotland) Act 1967".

THE CHILDREN AND YOUNG PERSONS ACT 1933

(23 & 24 Geo. 5 c.12)

In section 107(1), in the definition of "chief officer of police" for the words "the Police (Scotland) Act, 1890" there shall be substituted the words "the Police (Scotland) Act 1967".

THE FIREARMS ACT 1937

(1 Edw. 8 and 1 Geo. 6 c.12)

In Schedule 3, after the words "the Police Act 1964" there shall be inserted the words "or under section 41 of the Police (Scotland) Act 1967".

THE POLICE (OVERSEAS SERVICE) ACT 1945

(9 & 10 Geo. 6 c.17)

In section 3(1), the words "the Police (Scotland) Act 1956 or" shall be omitted and after the words "the Police Act 1964" there shall be inserted the words "or of the Police (Scotland) Act 1967".

THE LOCAL GOVERNMENT (SCOTLAND) ACT 1947

(10 & 11 Geo. 6. c. 43)

In Schedule 6, the entry relating to section 15 of the Police (Scotland) Act 1956 shall be omitted and there shall be inserted the following entry:—

| | |
|---|--|
| <p>"Section 15 of the Police (Scotland) Act 1956, except as regards dwelling-houses and other housing accommodation, and sections 2(4) and 10 of the Police (Scotland) Act 1967, except as aforesaid.</p> | <p>Such period not exceeding sixty years as the Secretary of State may fix."</p> |
|---|--|

THE POLICE PENSIONS ACT 1948

(11 & 12 Geo. 6 c.24)

In section 8(1), in the definition of "police authority" the words "the Police (Scotland) Act 1956 or" shall be omitted and after the words "the Police Act 1964" there shall be inserted the words "or of the Police (Scotland) Act 1967", and in the definition of "police force" the words "the Police (Scotland) Act 1956 or" shall be omitted and after the words "the Police Act 1964" there shall be inserted the words "or of the Police (Scotland) Act 1967".

THE CIVIL DEFENCE ACT 1948

(12, 13 & 14 Geo. 6 c.5)

In section 4(6)(b), for the words from "'section eleven of the Police (Scotland) Act, 1946" to the end there shall be substituted the words "'section 10 of the Police (Scotland) Act 1967 on police authorities to acquire compulsorily land required for the purposes of their functions under that Act'".

THE HOMICIDE ACT 1957
(5 & 6 Eliz. 2 c.11)

SCH. 4

In section 5(5)(a), for the words "section forty of the Police (Scotland) Act, 1956" there shall be substituted the words "section 50 of the Police (Scotland) Act 1967".

THE OVERSEAS SERVICE ACT 1958
(6 & 7 Eliz. 2 c.14)

In section 5(2)(b), for the words "section twenty-three of the Police (Scotland) Act, 1956" there shall be substituted the words "section 24 of the Police (Scotland) Act 1967".

THE POLICE ACT 1964
(1964 c. 48)

In section 19(6), for the words "section 5 of the Police (Scotland) Act 1956" there shall be substituted the words "section 18 of the Police (Scotland) Act 1967".

In section 44(3)(e), for the words "section 11 of the Police (Scotland) Act 1956" there shall be substituted the words "section 26 of the Police (Scotland) Act 1967".

In section 45(2), after the word "section" there shall be inserted the words "or section 26(8) of the Police (Scotland) Act 1967 (including the last-mentioned subsection as applied by section 27(3) of the said Act)".

In section 64(4), after the words "any provision of this Act" there shall be inserted the words "(including any provision of the Police (Scotland) Act 1967 which re-enacts any provision of this Act repealed by that Act)".

THE FIREARMS ACT 1965
(1965 c. 44)

In Schedule 1, in paragraph 2, after the words "the Police (Scotland) Act 1956" there shall be inserted the words "or against section 41 of the Police (Scotland) Act 1967".

THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT 1965
(1965 c. 52)

In section 77, for the words "the Police (Scotland) Act 1956" there shall be substituted the words "the Police (Scotland) Act 1967".

THE SUPERANNUATION (MISCELLANEOUS PROVISIONS) ACT 1967
(1967 c. 28)

In section 13(3), for the words from 'sections 11A' to the end there shall be substituted the words 'sections 27 and 8 respectively of the Police (Scotland) Act 1967'.

THE ROAD TRAFFIC REGULATION ACT 1967
(1967 c. 76)

In section 24(7)(c), for the words 'Police (Scotland) Act 1956' there shall be substituted the words 'Police (Scotland) Act 1967'.

In section 81(12)(a), for the words 'section 13 of the Police (Scotland) Act 1956' there shall be substituted the words 'section 9 of the Police (Scotland) Act 1967'.

Sections 52, 53.

SCHEDULE 5
ENACTMENTS REPEALED
PART I
ENACTMENTS CONSOLIDATED

| Chapter | Short Title | Extent of Repeal |
|---------------------------------|--|---|
| 34 & 35 Vict. c. 96. | The Pedlars Act 1871. | In section 3, the definition of "chief officer of police". In Schedule 1, the definition of "chief officer of police". |
| 34 & 35 Vict. c. 112. | The Prevention of Crimes Act 1871. | In section 20, the definition of "chief officer of police". |
| 38 & 39 Vict. c. 17. | The Explosives Act 1875. | In section 107, the definition of "chief officer of police". |
| 46 & 47 Vict. c. 34. | The Cheap Trains Act 1883. | In section 109, paragraph (7). |
| 6 Edw. 7. c. 32. | The Dogs Act 1906. | In section 8, the definition of "police force". In section 3(10), the definitions of "chief officer of police" and "police fund". Section 8(a). |
| 9 Edw. 7. c. 30. | The Cinematograph Act 1909. | In section 2(6), the definition of "chief officer of police". Section 8(2). |
| 4 & 5 Geo. 5. c. 34. | The Police Reservists (Allowances) Act 1914. | In section 1(5), the definitions of "police force" and "police fund". In section 2, the words from "with the substitution" to "Police Act 1890". |
| 11 & 12 Geo. 5. c. 31. | The Police Pensions Act 1921. | In section 30, the definitions of "chief officer of police", "police fund" and "police force". In Schedule 3, the definitions of "chief officer of police" and "police fund". |
| 1 Edw. 8. & 1 Geo. 6. c. 6. | The Public Order Act 1936. | In section 9(1), the definition of "chief officer of police". |
| 1 Edw. 8. & 1 Geo. 6. c. 12. | The Firearms Act 1937. | In section 32(1), the definition of "chief officer of police". |
| 2 & 3 Geo. 6. c. 44. | The House to House Collections Act 1939. | In section 11(1), the definition of "chief officer of police". |
| 2 & 3 Geo. 6. c. 103. | The Police and Firemen (War Service) Act 1939. | In section 10(3), the definition of "chief officer of a police force". In section 14, in the definition of "constable" the words "within the meaning of the Police Pensions Act 1921". |
| 10 & 11 Geo. 6. c. 41. | The Fire Services Act 1947. | In section 38(1), the definitions of "chief officer of police" and "police force". |
| 12, 13 & 14 Geo. 6. c. 5. | The Civil Defence Act 1948. | In section 9(1), the definition of "police force". |
| 12, 13 & 14 Geo. 6. c. 67. | The Civil Aviation Act 1949. | In Schedule 6, paragraph 8(4). |

| Chapter | Short Title | Extent of Repeal |
|-------------------------------|--|--|
| 12, 13 & 14 Geo. 6. c. 68. | The Representation of the People Act 1949. | Section 87(3), except so far as it relates to the definition of a police area. |
| 14 Geo. 6. c. 36. | The Diseases of Animals Act 1950. | In section 86(2), the definition of "police force". |
| 14 & 15 Geo. 6. c. 65. | The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951. | In section 23(1), the definition of "police force". In section 24(g), the words "for references to the Police Act 1946" and the words "there shall be respectively substituted references to the Police (Scotland) Act 1946". |
| 4 & 5 Eliz. 2. c. 26. | The Police (Scotland) Act 1956. | The whole Act except section 37. |
| 5 Eliz. 2. c. 1. | The Police, Fire and Pro- bation Officers Remun- eration Act 1956. | Section 1(1)(b). |
| 8 & 9 Eliz. 2. c. 16. | The Road Traffic Act 1960. | Section 202(3). In section 257(1), the definition of "chief officer of police". |
| 1964 c. 48. | The Police Act 1964. | In section 45, in subsection (4), the words "or under section 11 or 11A of the Police (Scot- land) Act 1956", and sub- section (5). Section 59. In section 65(5), the words "section 59 and Schedule 7". Schedule 7. |
| 1966 c. 52. | The Police (Scotland) Act 1966. | The whole Act. |
| 1967 c. 76. | The Road Traffic Regula- tion Act 1967. | Section 52(9). In section 104(1), the definition of "chief officer of police". |

SCH. 5

PART II

ENACTMENTS WHICH ARE SPENT OR SUPERSEDED

| Chapter | Short Title | Extent of Repeal |
|--------------------------|---------------------------------------|---|
| 34 & 35 Vict. c. 96. | The Pedlars Act 1871. | In section 3, the definition of "police district". In Schedule 1, the definition of "police district". |
| 34 & 35 Vict. c. 112. | The Prevention of Crimes Act 1871. | In section 20, the definition of "police district". |
| 38 & 39 Vict. c. 17. | The Explosives Act 1875. | In section 107, the definition of "police district". |
| 46 & 47 Vict. c. 34. | The Cheap Trains Act 1883. | In section 8, the definition of "police authority". |
| 6 Edw. 7. c. 32. | The Dogs Act 1906. | In section 3(10), the definition of "police area". |
| 9 Edw. 7. c. 30. | The Cinematograph Act 1909. | In section 2(6), the definition of "police area". |

SCH. 5

| Chapter | Short Title | Extent of Repeal |
|--------------------------------|--|--|
| 4 & 5 Geo. 5. c. 34. | The Police Reservists (Allowances) Act 1914. | Section 1(4). In section 1(5), the definition of "police authority". In section 2, the words from "and of" to the end. |
| 11 & 12 Geo. 5. c. 31. | The Police Pensions Act 1921. | In section 30, the definitions of "police area" and "police authority". In Schedule 3, the definitions of "police area" and "police authority". |
| 1 Edw. 8 & 1 Geo. 6. c. 12. | The Firearms Act 1937. | In section 32(1), in the definition of "area" the words from "as defined" to the end. |
| 1 Edw. 8 & 1 Geo. 6. c. 37. | The Children and Young Persons (Scotland) Act 1937. | In section 110(1), the definition "police authority". |
| & 3 Geo. 6. c. 44. | The House to House Collections Act 1939 | In section 11(1), the definitions of "police area" and "police authority". |
| 2 & 3 Geo. 6. c. 103. | The Police and Firemen (War Service) Act 1939. | In section 14, in the definition of "appropriate authority" the words "within the meaning of the Police Pensions Act 1921". |
| 10 & 11 Geo. 6. c. 41. | The Fire Services Act 1947. | In section 38(1), the definitions of "police area" and "police authority". |
| 12, 13 & 14 Geo. 6. c. 68. | The Representation of the People Act 1949. | In section 87(3), the words "and to a police area" in both places where they occur. |
| 14 Geo. 6. c. 36. | The Diseases of Animals Act 1950. | In section 86(2), the definition of "police area". |
| 14 & 15 Geo. 6. c. 65. | The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951. | In section 23(1), in the definition of "relevant police authority" the words from "maintained" to "other police force" and the words "(within the meaning of the Police Pensions Act 1921)". In section 24(g), the words "and to an authority responsible under a scheme for the maintenance of a police force" and the words from "and to a joint police committee" to the end. In Schedule 2, in Part I, in paragraph 4, in column 2, the words from the beginning to "any other police force" and the words "(within the meaning of the Police Pensions Act 1921)." |
| 4 & 5 Eliz. 2. c. 26. | The Police (Scotland) Act 1956. | Section 37. |



Water (Scotland) Act 1967

1967 CHAPTER 78

An Act to provide for the establishment of regional water boards and a Central Scotland Water Development Board, and the transfer to those boards of functions in relation to water supply in Scotland previously exercisable by local water authorities, to confer on the Central Scotland Water Development Board functions in relation to the bulk supply of water to their constituent regional water boards, to enable other regional water boards and water development boards to be established by order of the Secretary of State, to amend the Water (Scotland) Acts 1946 and 1949; and for purposes connected with the matters aforesaid. [27th July 1967]

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

PART I

REGIONAL WATER BOARDS AND WATER DEVELOPMENT BOARDS

1.—(1) The Secretary of State shall, as soon as practicable after the passing of this Act, by order establish boards to be called "regional water boards". Establishment of regional water boards.

(2) The names of the regional water boards established by virtue of this section shall be those specified in the second column of Part I of Schedule 1 to this Act; and the area for which each such regional water board are so established shall comprise the limits of supply of the local water authorities in so far as those limits are specified in relation to that board in the third column of the said Part I, and as they existed on 1st January 1967.

PART I

(3) The area of a regional water board shall be called a "region".

(4) A regional water board established by virtue of this section—

(a) shall come into existence on the first appointed day, being the day appointed in relation to that board by an order made by the Secretary of State for the purposes of this paragraph, and

(b) on and after the second appointed day, being the day (subsequent to the first appointed day) appointed in relation to that board by an order made by the Secretary of State for the purposes of this paragraph, shall perform the functions assigned or transferred to them by or under this Act.

Transfer to regional water boards of functions of local water authorities.

2.—(1) Subject to the provisions of this Act, as from the second appointed day, the functions of a local water authority, any part of whose limits of supply is specified as aforesaid in relation to the region of a regional water board, shall be transferred to that board in accordance with the following provisions of this subsection:—

(a) in the case where the said limits of supply are wholly comprised in that region, all the functions of that authority; and

(b) in the case where a part only of those limits of supply is comprised in that region, all the functions of that authority relating to that part,

and on the said day any local water authority, being a joint water board, whose functions are so transferred shall cease to exist.

(2) For the purposes of the foregoing subsection the provisions of Schedule 2 to this Act shall have effect for adapting statutory provisions as mentioned in that Schedule.

Central Scotland Water Development Board.

3.—(1) There shall be established a water development board to be called the Central Scotland Water Development Board (in this Act referred to as "the Central Board") which shall come into existence on the first appointed day, being such day as may be appointed by an order made by the Secretary of State for the purposes of this subsection.

(2) The area for which the Central Board are established shall comprise the regions specified in Part II of Schedule 1 to this Act.

(3) On and after the second appointed day, being such day (subsequent to the first appointed day) as may be appointed by an order made by the Secretary of State for the purposes of this subsection, the Central Board shall perform the functions assigned or transferred to them by or under this Act.

4.—(1) Subject to the provisions of this Act, on the second appointed day there shall be transferred to the Central Board the functions of any joint water board (other than a joint water board which is mentioned in the third column of Part I of Schedule 1 to this Act) whose limits of supply are comprised in their area and whose principal function is the supply of water in bulk to the constituent authorities of that board, and on that day such a joint water board shall cease to exist.

PART I
Transfer to Central Board of functions of certain joint water boards, and other functions of the Board.

(2) There shall be assigned to the Central Board the function of developing new sources of water supply for the purposes of giving a supply of water in bulk to two or more of the regional water boards of the regions comprised in their area.

(3) For the purposes of this section the provisions of Schedule 2 to this Act shall have effect for adapting statutory provisions as mentioned in that Schedule.

5.—(1) Subject to the provisions of this section, the Secretary of State may at any time, by order—

Establishment of new regional water boards and water development boards, and alteration of regions and areas.

- (a) designate a new region (consisting of any part of Scotland, whether wholly or partly comprised in one or more than one existing region) and establish a new regional water board for the region so designated ; or
- (b) designate an area for the purpose of establishing a new water development board (consisting of any part of Scotland, whether wholly or partly comprised in such an area already existing or not) and establish such a board ; or
- (c) alter any region, or the area of any water development board, specified or designated by virtue of this Act.

(2) Any order under this section may contain such transitional, incidental, supplementary and consequential provisions as the Secretary of State may consider necessary or expedient for the purposes of the order, including (but without prejudice to the generality of this subsection) such provisions as he considers necessary or expedient with respect to the transfer of functions, assets and liabilities, the amendment, adaptation or repeal of local enactments, or the application (subject to such exceptions, adaptations and modifications as may be specified in the order) of any of the provisions of Parts III and IV of this Act or any regulations made for the purposes of the said Part III.

(3) Where a new regional water board or a new water development board are established by an order under this section, they shall have, in addition to any other functions assigned or transferred to them by the order, the like functions as a regional water board established under section 1 of this Act or, as the case may be, as the Central Board.

PART I

(4) The provisions of Schedule 3 to this Act shall have effect in relation to the making of an order under this section.

Maps of regions.

6.—(1) The Secretary of State shall, as soon as practicable after each regional water board established by virtue of section 1 of this Act come into existence, send to the board a map of their region and shall, as soon as practicable after an order under section 5 of this Act relating to the region of a regional water board comes into operation, send to the board a map of the region as altered or, as the case may be, designated by the order.

(2) Any map sent to a regional water board under this section, except a map which has been superseded by a subsequent map sent thereunder, shall be kept at the principal office of the board; and the board shall provide reasonable facilities for the inspection of the map by any person wishing to inspect it, and for the taking of copies of, and extracts from the map.

1868 c. 37.

(3) Any map sent as aforesaid shall be taken to be a document within the meaning of the Documentary Evidence Act 1868, as applied to the Secretary of State for Scotland.

Duty of regional water boards and water development boards to consult together and to collaborate.

7.—(1) Regional water boards and water development boards shall, in matters of common interest in relation to the performance of their functions, consult together and collaborate.

(2) Where a regional water board or a water development board propose to investigate a potential new source of water supply, they shall give notice thereof as early as possible to any regional water board or water development board likely to be interested so that the consultation required by the foregoing subsection may begin as soon as possible.

Constitution of regional water boards.

8.—(1) A regional water board shall consist of such number of members, being not less than ten and not more than twenty-five, as the Secretary of State may by order specify, or such greater number as he may so specify, if he is satisfied that that greater number is necessary in view of special circumstances relating to a particular region.

(2) Subject to the following provisions of this section the members of a regional water board shall be appointed from and by the constituent councils of which they are members.

(3) The number of members of a regional water board to be appointed by each constituent council shall be such number as the Secretary of State may by order specify, and in determining that number the Secretary of State shall have regard to the rateable valuation of the district of each constituent council, and to the population of that district; and in this subsection—

(a) a reference to a district means, in a case where a part only of a district is comprised in a region of a board, that part of the district; and

(b) the expression "rateable valuation" has the meaning assigned to it by section 43(1) of the Valuation and Rating (Scotland) Act 1956. PART I
1956 c. 60.

(4) Where, in the case of two or more constituent councils, the Secretary of State, having regard to the considerations mentioned in the last foregoing subsection, considers that any member of a regional water board should be appointed jointly by those councils, he may by order provide accordingly.

(5) Where, in accordance with the last foregoing subsection, an order provides for the joint appointment of any member, and the councils by whom that appointment is to be made are unable to agree on an appointment, the member in question shall be appointed by the Secretary of State on behalf of those councils.

(6) In this Act, "constituent council", in relation to a regional water board, means a local authority any part of whose district is comprised in the region of that board.

(7) The provisions of Schedule 4 to this Act shall have effect in relation to regional water boards.

9.—(1) The members of a water development board shall be appointed from and by the constituent boards of which they are members. Constitution
of water
development
boards.

(2) The number of members of a water development board to be appointed by each constituent board shall be two or such greater number as the Secretary of State may by order specify in relation to any constituent board where he is satisfied that the greater number is necessary in view of special circumstances relating to that board or their region.

(3) In this Act, "constituent board", in relation to a water development board, means a regional water board any part of whose region is comprised in the area of that water development board.

(4) The provisions of Schedule 4 to this Act shall have effect in relation to water development boards.

PART II

FINANCIAL PROVISIONS

10.—(1) Subject to the following provisions of this section, all sums received by a regional water board or by a water development board shall be credited to and form part of the general fund of the board, and all expenditure of the board shall be defrayed out of that fund. Accounts
and audit.

(2) The general fund of each such board shall comprise a capital account and a revenue account, and such other accounts as they may require.

PART II

1964 c. 67.

(3) Each such board shall have the like power to establish either a capital fund or a renewal and repair fund or both as have a local authority by virtue of section 8 of the Local Government (Development and Finance) (Scotland) Act 1964, and the provisions of that section and of sections 9 and 10 of the said Act (provisions dealing with capital funds and renewal and repair funds) shall, so far as applicable, have effect in relation to any fund so established as they have effect in relation to a like fund established by a local authority.

1947 c. 43.

(4) For the purpose of applying Part X of the Local Government (Scotland) Act 1947 to the audit of the accounts of each such board, section 206 of that Act (audit of accounts of joint committees and boards) shall have the like effect in relation to those accounts as it has in relation to the accounts of a joint board.

(5) For the purposes of this and the next following section, the provisions of the said Act of 1947 mentioned in this subsection shall apply with any necessary modifications to a regional water board and to a water development board as they apply to a county council, that is to say,—

- (a) section 178(2) and (3) (keeping of bank accounts),
- (b) section 189 (accounts to be made up yearly), and
- (c) section 190 (audited accounts to be laid before local authority for approval).

Estimates and
requisitions.

11.—(1) Before, or as soon as may be after, the commencement of each financial year, each regional water board and water development board shall cause to be prepared estimates in respect of that year of income and of expenditure.

(2) Each such board shall consider before, or as soon as may be after, the commencement of each financial year the estimates for that year, and shall, where appropriate, revise such estimates, approve the estimates revised or unrevised, as the case may be, authorise the expenditure included therein, and fix for that year the aggregate amount required to be requisitioned by the board under this Part of this Act from their contributing authorities.

(3) Subject to the provisions of the next following subsection, each such board shall—

- (a) in the case of a regional water board, on a date not later than 1st July in any year, and
- (b) in the case of a water development board, on a date not later than 1st June in any year,

cause a requisition in respect of the financial year commencing in that year to be sent to their contributing authorities requiring each of them to pay such sum as may be apportioned to each

PART II

under the subsequent provisions of this Part of this Act, and each of those authorities shall, at such intervals and by such instalments as they and the board agree and failing agreement as the Secretary of State may determine, pay over to the board the sum so requisitioned.

(4) The Secretary of State may, for either of the first two financial years of a board in respect of each such year, either vary the date specified in relation to a requisition by the board by the last foregoing subsection, or waive the requirement imposed by that subsection on the board to cause a requisition to be sent.

(5) The provisions of Part XI of the Local Government (Scotland) Act 1947 relating to requisitions by local authorities shall apply to any requisition under this section subject to such adaptations and modifications as may be prescribed. 1947 c. 43.

(6) For the purposes of this Part of this Act—

(a) the financial year of every board shall be the year commencing on the sixteenth day of May in any year and ending on the fifteenth day of May in the year immediately following thereon; and

(b) “contributing authority” means—

(i) in relation to a regional water board, a constituent council and any other local authority in whose district water is supplied to premises by the board; and

(ii) in relation to a water development board, a constituent board.

12.—(1) For the purposes of a requisition referred to in section 11(2) of this Act, the aggregate amount required to be raised from their contributing authorities by a regional water board for any financial year, shall be the sum by which their estimated expenditure chargeable to the revenue account of their general fund exceeds the estimated income of that account, and there shall be added to, or as the case may be, deducted from, that sum any sum required to be brought forward, either as a debit or as a credit, from a previous financial year. Calculation of amount to be requisitioned by regional water boards.

(2) Subject to the provisions of subsection (5) of this section, in respect of one third of the aggregate amount calculated under the foregoing subsection, the sum to be requisitioned from each contributing authority of a regional water board shall bear to that third the same proportion as the rate product of the relevant part of the district of that authority bears to the aggregate of the rate products of the relevant parts of the districts of all such authorities, and—

(a) for the purposes of this subsection “rate product” means the product of a rate of one penny in the pound

PART II

1963 c. 12.

or the standard penny rate product, whichever is the higher for the relevant financial year, and the expressions "product of a rate of one penny in the pound" and "standard penny rate product" have the meanings assigned to them by section 9 of the Local Government (Financial Provisions) (Scotland) Act 1963 ;

(b) for the purposes of this and the next following subsection, "relevant financial year" means the financial year of the contributing authority preceding the financial year of that authority in respect of which the requisition is made on the authority, and "relevant part of a district" means—

(i) in relation to the district of a constituent council, that district, or, where only part of the district is within the region of the board, that part, exclusive of any premises to which a supply of water is given by another board, but inclusive of any premises, outside the region of the board, to which a supply of water is given by the board and

(ii) in relation to the district of any other contributing authority, any premises in their district to which a supply of water is given by the board.

(3) Subject to the following provisions of this section, in respect of the remainder of the said aggregate amount, the sum to be requisitioned from each contributing authority of a regional water board shall bear to that remainder the same proportion as the product of a domestic water rate of one penny in the pound for the relevant financial year, levied on the relevant part of the district of that authority, bears to the aggregate of the products of such a rate levied on the relevant parts of the districts of all such authorities for the relevant financial year.

(4) In relation to the reference in the foregoing subsection to the product of a domestic water rate of one penny in the pound for the relevant financial year levied for the relevant part of a district, section 9(1) of the Local Government (Financial Provisions) (Scotland) Act 1963 shall apply, as it applies to the references in Part I of that Act to the product of the rate of one penny in the pound, with the substitution for the words "that area" of the words "that part"; and for the purposes of the said section 9(1), as so applied, subsection (2) of that section shall also apply.

(5) Where, in the case of any regional water board, the Secretary of State considers, having regard to all the circumstances, that it would be unreasonable or inequitable that the methods of calculating the sums to be requisitioned, as required by subsections (2) and (3) of this section should apply, he may by order modify the requirements of either or both of the

PART II

said subsections or specify a different method of calculation and, in either event, may so specify the financial years during which the provisions of the said order are to operate, and in relation to that board in respect of those years the provisions of those subsections as so modified, or, where the said order specifies a different method of calculation, the provisions of that order, shall have effect for the purposes of this section.

(6) For the purpose of making any calculation required by this section, section 12 of the Local Government (Scotland) Act 1966 (apportionments, allocations etc. relating to local authorities) shall apply as that section applies to section 7(1) of the Local Government (Financial Provisions) (Scotland) Act 1963 with the modification that in subsections (1) and (2) after the words "rate product" there shall be inserted the words "and the product of a domestic water rate of one penny in the pound".

13. For the purposes of a requisition referred to in section 11(2) of this Act, the aggregate amount required to be raised from their constituent boards by a water development board for any financial year shall be apportioned in accordance with a scheme prepared and approved in accordance with the provisions of this Part of this Act and referred to as an "apportionment scheme"; and for the purposes of ascertaining the said aggregate amount section 12(1) of this Act shall apply as it applies to the aggregate amount required to be raised by a regional water board.

14.—(1) By such a date as the Secretary of State may specify, a water development board shall prepare and submit to him a scheme for his approval as an apportionment scheme.

(2) Such a scheme as aforesaid shall provide for an apportionment between the constituent boards of a water development board of the aggregate amount to be requisitioned from those boards and shall have regard to the general principle that the amount to be requisitioned from each constituent board is to be proportionate to the quantities of water supplied and expected to be supplied to that board by the water development board.

(3) When such a scheme as aforesaid has been approved, with or without modifications, by the Secretary of State as an apportionment scheme, it shall come into operation on such a date and for such a period (if any) as may be specified in the apportionment scheme, and, where any period is so specified, the Secretary of State may approve an application for an extension of that period.

15.—(1) Where an apportionment scheme is for the time being in force in respect of a water development board, the board may apply to the Secretary of State for a revision of that

PART II scheme, and any such application shall include the submission for his approval of a new apportionment scheme prepared by the board either by way of variation of, or substitution for, the apportionment scheme in force at the time of the application.

(2) The Secretary of State may require a water development board to make, by such a date as he may specify, such an application as aforesaid.

(3) Section 14(2) and (3) of this Act shall apply to a new apportionment scheme as it does to an apportionment scheme.

(4) The reference in section 13 of this Act to an apportionment scheme in relation to any water development board shall be construed as a reference to an apportionment scheme which is for the time being in force in respect of requisitions made by that board.

Default by water development board on apportionment scheme.

16. In the event of a water development board failing to submit an apportionment scheme, or, as the case may be, a new apportionment scheme, for approval by the date by which it is due, the Secretary of State shall, after consultation with the water development board and their constituent boards, make on behalf of that board an apportionment scheme or a new apportionment scheme (whichever is appropriate) and the scheme so made shall be binding on the water development board and their constituent boards.

Borrowing powers.
1947 c. 43.

17. A regional water board and a water development board shall have power to borrow; and for this purpose Part XII of the Local Government (Scotland) Act 1947 (other than section 258(1)(d)(e)(f) and (g)) shall apply, with any necessary modifications, to any such board as it applies to a county council.

PART III

TRANSFER OF UNDERTAKINGS OF LOCAL WATER AUTHORITIES

General provisions for transfer of assets and liabilities.

18.—(1) The provisions of this section, and of the four next following sections, shall have effect in the case of any local water authority (in those provisions referred to as “the authority”) whose functions are transferred on the second appointed day to a board, being a regional water board or the Central Board (in those provisions referred to as “the board”).

(2) All property, rights, liabilities and obligations which, immediately before the second appointed day, were property, rights, liabilities and obligations of the authority shall on that day, by virtue of this Act, be transferred to, and vest in, the board.

(3) Subject to the following provisions of this section, every agreement to which the authority were a party immediately before the second appointed day, whether in writing or not and whether or not of such a nature that rights, liabilities and obligations thereunder could be assigned by the authority, shall, unless its terms or subject-matter make it impossible that it should have effect as modified in the manner provided by this subsection, have effect as from the second appointed day as if—

- (a) the board had been a party to the agreement ;
- (b) for any reference (however worded and whether express or implied) to the authority there were substituted, in relation to anything falling to be done on or after the second appointed day, a reference to the board ; and
- (c) for any reference (however worded and whether express or implied) to any member or officer of the authority there were substituted, in relation to anything falling to be done on or after the second appointed day, a reference to such person as the board may appoint, or, in default of appointment, to the member or officer of the board who corresponds as nearly as may be to the member or officer of the authority.

(4) Other documents which refer, whether specifically or generally, to the authority shall be construed in accordance with the provisions of the last foregoing subsection, so far as applicable.

(5) The last foregoing subsection does not apply to enactments, orders, schemes, regulations, awards or byelaws in relation to which the provisions of Schedule 2 to this Act have effect.

(6) Without prejudice to the generality of the foregoing provisions of this section, where, by the operation of any of those provisions any right, liability or obligation vests in the board, the board and all other persons shall, as from the second appointed day, have the same rights, powers and remedies (and, in particular, the same rights as to the taking or resisting of legal or other proceedings) for ascertaining, completing or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the board.

(7) Any legal or other proceedings to which the authority are a party and which are pending on the second appointed day may be continued on and after that day as if the board instead of the authority had been a party thereto.

19.—(1) The Secretary of State may make regulations providing for the registration of the title of the board to assets vesting in them by virtue of the last foregoing section, being assets of a kind subject to provisions for the registration of title

Supplementary provisions as to transfer of assets and liabilities.

PART III thereto, for the completion of the title of the board to heritable property vesting in them as aforesaid, and for any other matters for which provision appears to the Secretary of State to be necessary or expedient for the purpose of securing the effective transfer of any assets vesting in the board by virtue of that section.

(2) Where any liability in respect of moneys borrowed by, or on behalf of, the authority is transferred by virtue of the last foregoing section, that liability shall be secured in like manner as moneys which may be borrowed by the board under section 17 of this Act.

(3) Where it is impracticable that a liability of a local authority, in respect of their functions as a local water authority, should be transferred as aforesaid, by reason of the borrowing arrangements of that authority or otherwise, the board shall, in lieu of payments in respect of that liability, make such payments to the local authority as may be agreed.

(4) Where the limits of supply of the authority are comprised in two or more regions, the property, rights, liabilities and obligations of that authority shall be allocated among the regional water boards of those regions in such a manner as relates that allocation to the functions transferred to each of those boards, and the provisions of this section and of the last foregoing section shall apply accordingly.

(5) Where the authority being a local authority have on or after 1st January 1967 used or have had available for use property of the local authority that property shall for the purposes of section 18(2) of this Act be dealt with in accordance with arrangements made between the board and the local authority.

(6) Property vested in the board by virtue of the last foregoing section shall not be treated as so vested by way of sale for the purpose of section 12 of the Finance Act 1895.

1895 c. 16.

Disposal of
assets due to
be transferred.

20. Where, on or after 1st January 1967, the authority have disposed of any property which would, but for that disposal, have been transferred to the board on the second appointed day, and the liabilities which are so transferred have not been reduced by an amount equal to the full market value of that property as at the date of its disposal, then, unless either the board or the Secretary of State determine otherwise, that authority shall indemnify the board accordingly; and in this section any reference to the disposal of property includes, in the case of a local water authority being a local authority, a reference to the transfer of property from the local authority in their capacity as a local water authority to themselves in any other capacity.

21.—(1) Where all the functions of the authority have been transferred to one board, that board shall take over and employ, as from the second appointed day, any person, who immediately before that day was employed by the authority solely in connection with those functions, where that person is willing to enter the employment of the board on terms and conditions which, so far as practicable, are not less favourable than those on which he was employed by the authority immediately before that day.

PART III
Transfer of
officers and
servants.

(2) Where the functions of the authority have been transferred to more than one board, any person employed by the authority solely in connection with the functions transferred to one of those boards immediately before the second appointed day shall be taken over and employed by that board where that person is willing to enter the employment of that board on such terms and conditions as aforesaid.

22. Any dispute arising from the operation of the foregoing provisions of this Part of this Act shall be determined by the Secretary of State or by an arbiter appointed by him.

Determination
of disputes.

23.—(1) As from the first appointed day—

Superannua-
tion.

(a) a regional water board and a water development board shall be included among the local authorities specified in Part I of Schedule 1 to the Local Government Superannuation (Scotland) Act 1937 (which enumerates local authorities whose whole-time officers are compulsorily superannuable); and

(b) the Secretary of State shall, for the purposes of that Act in relation to the employees, being contributory employees or local Act contributors, of each such board, by order designate as the superannuation fund in relation to such employees of a board—

(i) in the case of a regional water board, the fund (whether a superannuation fund maintained under Part I of that Act or a fund maintained under a local Act) of the constituent council which he may consider to be the most appropriate; and

(ii) in the case of a water development board, the fund so designated for a constituent board, which he may consider to be the most appropriate;

and in the said Act in Schedule 1, at the end of Part I, there shall be added the words “a regional water board and a water development board”.

(2) For the purposes of the foregoing subsection in relation to such employees as aforesaid—

(a) section 4 of the said Act of 1937 shall not apply, and

PART III

(b) where the fund designated in relation to them is maintained by a local Act authority, they shall be deemed to be the employees of the local Act authority, and section 3 of that Act shall not apply.

(3) An order under this section may provide for the extending, with such modifications as may be specified in the order, of the provisions of the Local Government Superannuation (Scotland) Acts 1937 to 1953, or any local Act scheme within the meaning of those Acts, to such employees as aforesaid who have entered the employment of the board by virtue of section 21 of this Act, or for modifying, in respect of such employees as may be so specified, the provisions of the said Acts or any such scheme.

Saving for acts of local water authorities.

24.—(1) Neither the transfer of functions of a local water authority nor the dissolution of a local water authority by or under this Act shall invalidate any order, regulation, byelaw, appointment, direction, instruction, approval, consent, resolution, requisition, charge, requirement or authorisation made, given, passed, issued or raised or other thing done in the performance of the functions of the local water authority before the second appointed day.

(2) Subject and without prejudice to the foregoing provisions of this Part of this Act, every such thing as is mentioned in the foregoing subsection, in so far as it could have been done by the board to whom the functions of the local water authority are transferred by section 2 or section 4 of this Act shall be deemed to have been so done, and shall, as from the second appointed day, continue to have the same effect, within the former limits of supply of that local water authority, as it had immediately before that day.

PART IV

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

Compensation of officers and servants.
1960 c. 15.

25. For the provision of compensation to, or in respect of, persons who suffer loss of employment or loss or diminution of emoluments by reason of the operation of this Act, in the Water Officers Compensation Act 1960, in section 1(1), there shall be inserted the following paragraphs,—

“(e) section 2 or 4 of the Water (Scotland) Act 1967; or

(f) an order made by the Secretary of State under section 5 of the said Act of 1967.”

26. For the performance of the functions assigned or transferred by virtue of this Act to any board, a local authority may provide a regional water board or a water development board with such services as any such board may request; and any regional water board or water development board may make such provision as aforesaid for any other such board.

PART IV
Provision of services for the boards.

27.—(1) Where, for the purposes of the Water (Scotland) Acts 1946 to 1967, the Secretary of State or an arbiter is required to determine a dispute, the following provisions of this section shall apply in relation to that determination.

Supplementary provisions relating to determination of disputes.

(2) Any such arbiter shall have the like powers for securing the attendance of witnesses and the production of documents, and with regard to the examination of witnesses on oath and the awarding of expenses, as if the arbitration were under a submission.

(3) The arbiter may, and, if so directed by the Court of Session, shall, state a case for the opinion of that Court on any question of law arising in the proceedings.

(4) Any award of the Secretary of State or, as the case may be, of an arbiter, under the said Acts may be recorded in the Books of Council and Session for execution, and may be enforced accordingly.

28.—(1) Between the first and second appointed days it shall not be competent for a local water authority, without the previous consent of the regional water board or, as the case may be, the water development board concerned,—

Agreements not to be entered into between first and second appointed days by the local water authority without the consent of the regional water board or of the water development board.

- (a) to enter into an agreement to give a supply of water; or
- (b) to enter into any other agreement or incur any liability, other than an agreement or a liability necessary for, and entered into or incurred in, the ordinary course of carrying on their undertaking; or
- (c) to increase the remuneration, salaries, wages or other emoluments of any of their officers or servants employed for the performance of their functions, except in accordance with any contract of service or scale of remuneration or at the instance of any wage-negotiating body.

(2) Nothing in any agreement made in contravention of this section shall impose any liability on the board.

PART IV
 Power of regional water boards and water development boards to promote or oppose private legislation.
 1936 c. 52.

29.—(1) Subject to the provisions of this section, a regional water board or a water development board (in this section referred to as “a board”) may petition for the issue of a provisional order under the Private Legislation Procedure (Scotland) Act 1936 or oppose any private legislation in Parliament where they are satisfied that it is expedient so to do, and may defray the expenses incurred in relation thereto.

(2) A board shall not petition for the issue of a provisional order as aforesaid without the consent of the Secretary of State, and the Secretary of State shall not give such a consent unless he is satisfied that the powers sought by the proposed order cannot be obtained by means of an order under the Water (Scotland) Acts 1946 to 1967.

(3) An application for the consent of the Secretary of State for the purposes of this section shall be accompanied by a concise summary of the purposes of the proposed order.

(4) In this section “private legislation in Parliament” includes a provisional order, and the confirmation Bill relating thereto under the said Act of 1936, and any local or personal Bill.

Regulations to prevent waste, misuse or contamination of water.
 1946 c. 42.

30.—(1) The Secretary of State may make regulations for any of the purposes for which byelaws may be made under section 60 of the Water (Scotland) Act 1946 (byelaws for the prevention of waste, misuse or contamination of water); and any such regulations shall have effect in substitution for any such byelaws in force immediately before the coming into force of these regulations.

(2) Any reference in the said Act of 1946 to a byelaw made under the said section 60 (other than a reference in section 62(1), (2) and (4) to byelaws) shall include a reference to a regulation made under this section.

Consultation with authorities in England.

31.—(1) Where a region adjoins any part of England, and it appears to the regional water board that there may be water in watercourses or underground strata in that part of England, or in the region, which could be transferred from that part of England to the region, or from the region to that part of England, as the case may be, the regional water board shall, in so far as they consider it appropriate to do so, consult with the river authorities and other appropriate authorities in that part of England with a view to securing the best use of that water in the public interest.

(2) In the foregoing subsection the reference to water in underground strata shall be construed as a reference to water contained in strata subjacent to the surface of any land otherwise than in a sewer, pipe, reservoir, tank or other underground works constructed in any such strata.

32.—(1) If it appears to the Secretary of State that any local enactment passed or made before the second appointed day is inconsistent with any of the provisions of the Water (Scotland) Acts 1946 to 1967 or of any orders or regulations made thereunder, or requires to be amended or adapted, having regard to any of the provisions of those Acts or of any such order or regulation, he may by order repeal, amend or adapt that enactment to such extent, or in such manner, as he considers appropriate.

PART IV
Repeal,
amendment
and adaptation
of local
enactments.

(2) The power conferred on the Secretary of State by the foregoing subsection shall include power to consolidate any such local enactments as aforesaid, with or without amendments.

(3) Any order under this section may include such transitional, incidental, supplementary and consequential provisions as the Secretary of State may consider necessary or expedient.

(4) The provisions of this section shall have effect without prejudice to the exercise of any power to repeal, amend or adapt local enactments which is conferred by any other enactment, including any enactment contained in this Act.

33.—(1) Any power to make regulations under this Act shall be exercisable by statutory instrument; and any instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Regulations
and orders.

(2) Regulations made under section 30 of this Act may be made so as to apply in all parts of Scotland or to apply only in such part or parts as may be specified in the regulations, and may contain different provisions for different parts, or for different circumstances in any such part.

(3) Any power to make orders under this Act shall be exercisable by statutory instrument.

(4) Before making an order under this Act the Secretary of State shall consult all local authorities whose districts are affected by the order and all regional water boards and water development boards whose regions or areas are so affected; but nothing in this subsection shall require the Secretary of State to have such consultation as aforesaid—

(a) with a local authority, where the order relates only to a water development board or their area, unless the consultation takes place before the first appointed day relating to a regional water board in whose region the district, or any part of the district, of the local authority is to be comprised, or

(b) with a water development board, where the order relates only to any regional board or their region.

PART IV

(5) Any power conferred by this Act to make orders shall include a power, exercisable in the like manner and subject to the same conditions, to vary or revoke any such order.

Interpretation.

34.—(1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“apportionment scheme” has the meaning assigned to it by section 13 of this Act;

“Central Board” has the meaning assigned to it by section 3(1) of this Act;

“constituent board” has the meaning assigned to it by section 9(3) of this Act;

“constituent council” has the meaning assigned to it by section 8(6) of this Act;

“contributing authority” has the meaning assigned to it by section 11(6) of this Act;

“first appointed day” means the day so named in an order made under section 1(4)(a) or 3(1) of this Act, as the case may be;

“local authority” means a county or town council;

“performance”, in relation to functions, includes the exercise of powers as well as the performance of duties, and “perform” shall be construed accordingly;

“region” has the meaning assigned to it by section 1 of this Act;

“regional water board” means a board established under section 1(1) or section 5(1)(a) of this Act;

“repeal”, in relation to a local enactment not contained in an Act, means revoke;

“second appointed day” means the day so named in an order made under section 1(4)(b) or 3(3) of this Act, as the case may be;

“water development board” means a board established by virtue of section 5(1)(b) of this Act and includes the Central Board.

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

(3) This Act shall be construed as one with the Water (Scotland) Acts 1946 and 1949 and, without prejudice to the generality of the foregoing provisions, references in those Acts to any provision of those Acts shall be construed as references to that provision as amended by this Act.

35.—(1) Subject to the provisions of subsection (3) of this section, the Water (Scotland) Acts 1946 and 1949 shall have effect subject to the amendments set out in Schedule 5 to this Act. PART IV
Amendment
of the Water
(Scotland)
Acts 1946
and 1949
and repeals.

(2) Subject to the provisions of the next following subsection, the enactments specified in Schedule 6 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(3)—(a) The amendments of the enactments specified in Part I of the said Schedule 5 shall not have effect until 16th May 1968 ;

(b) the repeal of the enactments specified in Part I of the said Schedule 6 shall not have effect until 16th May 1968.

(4) In relation to any board established by virtue of this Act—

(a) the amendment of the enactment specified in Part II of the said Schedule 5 shall not have effect until the first appointed day ;

(b) the amendments of the enactments specified in Part III of that Schedule shall not have effect until the second appointed day ;

(c) the repeal of the enactments specified in Part II of the said Schedule 6 shall not have effect until the second appointed day.

36.—(1) This Act may be cited as the Water (Scotland) Act 1967, and this Act and the Water (Scotland) Acts 1946 and 1949 may be cited together as the Water (Scotland) Acts 1946 to 1967. Short title
and extent.

(2) This Act (except paragraph 16 of Schedule 2) shall extend to Scotland only.

SCHEDULES

Sections 1 and 3.

SCHEDULE 1

REGIONAL WATER BOARDS AND THEIR REGIONS,
AND THE AREA OF THE CENTRAL SCOTLAND WATER
DEVELOPMENT BOARD

PART I

REGIONAL WATER BOARDS

| <i>No.</i> | <i>Names of regional water boards</i> | <i>Regions</i> |
|------------|---|--|
| 1 | The Argyll Water Board | Limits of supply of:— Argyll County Council Campbeltown Town Council Dunoon Town Council Inveraray Town Council Lochgilphead Town Council Oban Town Council Tobermory Town Council |
| 2 | The Ayrshire and Bute Water Board | Limits of supply of:— Ardrossan Town Council Ayr County Council Ayr Town Council Bute County Council Cumnock and Holmhead Town Council Darvel Town Council Galston Town Council Girvan Town Council Irvine and District Water Board Kilmarnock Town Council Largs Town Council Maybole Town Council Millport Town Council Newmilns and Greenholm Town Council Prestwick Town Council Rothesay Town Council Stewarton Town Council Troon Town Council |
| 3 | The East of Scotland Water Board | Limits of supply of:— Aberfeldy Town Council Abernethy Town Council Alyth Town Council Angus County Council Arbroath Town Council Auchterarder Town Council Blairgowrie, Rattray and District Water Board Brechin Town Council Callander Town Council Coupar Angus Town Council |

| No. | <i>Names of regional water boards</i> | <i>Regions</i> | SCH. 1 |
|-----|--|--|--------|
| 3 | The East of Scotland Water Board —cont. | Crieff Town Council Doune Town Council Dunblane Town Council Dundee Corporation Forfar Town Council Inverbervie Town Council Kincardine County Council so far as lying to the south of a line running from a point (map reference NO 597777) on the boundary between the Counties of Kincardine and Angus along the southern boundary of the catchment area of the River Dee to the summit of Curlethney Hill (map reference NO 839919) and thence straight to Garron Point (map reference NO 894877) Kirriemuir Town Council Laurencekirk Town Council Loch Lee Water Board Montrose Town Council Perth County Council Perth Town Council Pitlochry Town Council Stonehaven Town Council | |
| 4 | The Fife and Kinross Water Board | Limits of supply of:— Auchtermuchty Town Council Burntisland Town Council Cowdenbeath Town Council Cupar Town Council Dunfermline Town Council Elie, Earlsferry and St. Monance Joint Water Committee Elie and Earlsferry Town Council Falkland Town Council Fife County Council Inverkeithing Town Council Kilrenny, Anstruther Easter and Anstruther Wester Town Council Kinghorn Town Council Kinross County Council Kinross Town Council Kirkcaldy Town Council Leslie Town Council Leven Town Council Newburgh Town Council Pittenweem, Kilrenny and Anstruther Joint Water Committee Pittenweem Town Council St. Andrews Town Council St. Monance Town Council | |

| SCH. 1 | <i>Names of regional water boards</i> | <i>Regions</i> |
|--------|--|--|
| 5 | The Inverness-shire Water Board | Limits of supply of:— Fort William Town Council Inverness County Council Inverness Town Council Kingussie Town Council |
| 6 | The Lanarkshire Water Board | Limits of supply of:— Airdrie, Coatbridge and District Water Board Biggar Town Council Daer Water Board Hamilton Town Council Lanark County Council, other than that part thereof lying within the burghs of Bishopbriggs and Rutherglen Lanark Town Council Motherwell and Wishaw Town Council |
| 7 | The Lower Clyde Water Board | Limits of supply of:— Clydebank and District Water Trust Cove and Kilcreggan Town Council Dumbarton Town Council Dumbarton County Council, other than that part thereof lying within the parishes of Cumbernauld and Kirkin- tilloch Glasgow Corporation Gourock Town Council Greenock Town Council Helensburgh Town Council Lanark County Council so far as lying within the burghs of Bishopbriggs and Rutherglen Milngavie Town Council Paisley Town Council Port Glasgow Town Council Renfrew County Council |
| 8 | The Mid-Scotland Water Board | Limits of supply of:— Alloa Town Council Alva Town Council Bridge of Allan Town Council Clackmannan County Council Denny and Dunipace Town Council Dollar Town Council Dunbarton County Council so far as lying within the parishes of Cumber- nauld and Kirkintilloch Grangemouth Town Council Kilsyth Town Council |

| <i>No.</i> | <i>Names of regional water boards</i> | <i>Regions</i> |
|------------|--|---|
| 8 | The Mid-Scotland Water Board —cont. | Kirkintilloch Town Council Stirling County Council Stirling Town Council Stirlingshire and Falkirk Water Board Tillicoultry Town Council West Lothian Water Board so far as lying to the west of a line running from a point (map reference NS 976784) on the River Avon along the medium filum of the road from Kinneil Mills past Upper Kinneil to the junction (map reference NS 972802) of the road leading west to Nether Kinneil and thence straight to a point (map reference NS 969819) on the county boundary |
| 9 | The North of Scotland Water Board | Limits of supply of:— Caithness County Council Dornoch Town Council Kirkwall Town Council Lerwick Town Council Orkney County Council Stromness Town Council Sutherland County Council Thurso Town Council Wick Town Council Zetland County Council |
| 10 | The North-East of Scotland Water Board | Limits of supply of:— Aberchirder Town Council Aberdeen Corporation Aberdeen County Council Aberlour Town Council Ballater Town Council Banchory Town Council Banff County Council Banff Town Council Buckie Town Council Buckie and Portknockie Joint Water Committee Cullen Town Council Dufftown Town Council Ellon Town Council Findochty Town Council Forres Town Council Fraserburgh Town Council Grantown-on-Spey Town Council Huntly Town Council Inverurie Town Council Keith Town Council |

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*Names of regional
water boards**Regions*

10 The North-East of
Scotland Water
Board—*cont.*

Kincardine County Council so far as lying to the north of a line running from a point (map reference NO 597777) on the boundary between the Counties of Kincardine and Angus along the southern boundary of the catchment area of the River Dee to the summit of Curlethney Hill (map reference NO 839919) and thence straight to Garron Point (map reference NO 894877)

Kintore Town Council
Laich of Moray Water Board
Lower Deveron Water Board
Macduff Town Council
Moray County Council
Nairn County Council
Nairn Joint Water Board
Nairn Town Council
Oldmeldrum Town Council
Peterhead Town Council
Portknockie Town Council
Portsoy Town Council
Rosehearty Town Council
Rothes Town Council
Turriff Town Council

11 The Ross and
Cromarty Water
Board

Limits of supply of:—
Cromarty Town Council
Dingwall Town Council
Fortrose Town Council
Invergordon Town Council
Ross and Cromarty County Council
Stornoway Town Council
Tain Town Council

12 The South-East of
Scotland Water
Board

Limits of supply of:—
Berwick County Council
Bo'ness Town Council
Coldstream Town Council
Duns Town Council
East Lothian Water Board
Edinburgh Corporation
Eyemouth Town Council
Galashiels Town Council
Hawick Town Council
Innerleithen Town Council
Jedburgh Town Council
Kelso Town Council
Lauder Town Council
Melrose Town Council
Peebles County Council

| No. | <i>Names of regional water boards</i> | <i>Regions</i> | SCH. 1 |
|-----|--|---|--------|
| 12 | The South-East of Scotland Water Board— <i>cont.</i> | Peebles Town Council Roxburgh County Council Selkirk County Council Selkirk Town Council West Lothian Water Board other than that part thereof lying to the west of a line running from a point (map reference NS 976784) on the River Avon along the medium filum of the road from Kinneil Mills past Upper Kinneil to the junction (map reference NS 972802) of the road leading west to Nether Kinneil and thence straight to a point (map reference NS 969819) on the county boundary. | |
| 13 | The South-West of Scotland Water Board | Limits of supply of:— Annan Town Council Castle Douglas Town Council Dalbeattie Town Council Dumfries County Council Dumfries Town Council Gatehouse Town Council Kirkcudbright County Council Kirkcudbright Town Council Langholm Town Council Lochmaben Town Council Lockerbie Town Council Moffat Town Council New Galloway Town Council Newton Stewart Town Council Sanquhar Town Council Stranraer Town Council Whithorn Town Council Wigtown County Council Wigtown Town Council | |

PART II

THE AREA OF THE CENTRAL SCOTLAND WATER DEVELOPMENT BOARD

Regions of:—

The Ayrshire and Bute Water Board
 The East of Scotland Water Board
 The Fife and Kinross Water Board
 The Lanarkshire Water Board
 The Lower Clyde Water Board
 The Mid-Scotland Water Board
 The South-East of Scotland Water Board

Sections 2 and 4.

SCHEDULE 2

ADAPTATION OF STATUTORY PROVISIONS AND ENACTMENTS IN
CONSEQUENCE OF TRANSFER OF FUNCTIONS

PART I

Introductory

1. The provisions of this Schedule shall have effect as from the second appointed day.

PART II

General Adaptation of Statutory Provisions

2. Subject to the following provisions of this Schedule, all enactments, orders, schemes, regulations, awards and byelaws passed or made before the second appointed day, whether before or after the passing of this Act, shall have effect subject to the following adaptations—

- (a) general references to a local water authority or to the limits of supply or to the area or district of such an authority shall be construed respectively as references to a regional water board or the region of such a board ;
- (b) any such general references as aforesaid in any of the following provisions of the Water (Scotland) Acts 1946 and 1949, that is to say,—
- (i) sections 12, 19, 20, 21, 22, 25, 26, 38, 44, 50, 58, 60, 61, 62, 63, 65, 72, 78, and 84(3), of, and Schedule 1 and Part I of Schedule 3 to the Water (Scotland) Act 1946, and
- (ii) sections 23 and 24 of, and Schedule 1 to, the
- shall be construed as including a reference to a water development board or the area of such a board ;
- (c) any general reference in sections 1, 24 and 43 of, and Schedule 1 to, the said Act of 1946 and in section 31 of the said Act of 1949 to a local authority or their district, in relation to a supply of water, shall be construed as a reference to a regional water board or their region ;
- (d) any such general reference as aforesaid in the said sections and the said Schedule shall be construed as including a reference to a water development board or the area of such a board ;
- (e) any reference in the Water (Scotland) Acts 1946 and 1949 to a supply of water shall, in relation to a water development board, be construed as a reference to a supply of water in bulk to one or more regional water boards or to another water development board, and the expression “ consumer ” shall be construed accordingly ;

1946 c. 42.

1949 c. 31.

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- (f) references to a particular local water authority or to the limits of supply of a particular local water authority shall be construed as references to the appropriate regional water board or the appropriate region of such a board, as the case may be.

3. In the foregoing paragraph "appropriate regional water board" in relation to a local water authority means the regional water board in relation to which the limits of supply of that authority are specified in the third column of Schedule 1 to this Act, and "the appropriate region" shall be construed accordingly.

4. The provisions of sub-paragraph (f) of paragraph 2 of this Schedule shall apply in relation to the Central Board and their area as they apply to a regional water board and their region subject to the following modifications—

- (a) for any reference to a local water authority there shall be substituted a reference to a joint water board whose functions are transferred to the Central Board under this Act; and
- (b) for any reference to the appropriate regional water board or to the appropriate region of such a board there shall be substituted a reference to the Central Board and to their area.

PART III

Specific Adaptations of the Water (Scotland) Act 1946 c. 42

5. In section 2,—

- (a) for the words "local water authority" and "water authority" there shall be substituted the words "regional water board or water development board",
- (b) in paragraph (a), for the words from "the area where" to "supply water" there shall be substituted the words "their area",
- (c) at the end of the section there shall be added the following subsection—
- “(2) For the purposes of this section the expression “area”, in relation to a regional water board, means their region.”

6. In section 8, for any reference to a local authority there shall be substituted a reference to a regional water board, and for any reference to the district of a local authority there shall be substituted a reference to a region.

7. In section 13,—

- (a) for any reference to a local authority or a local water authority there shall be substituted a reference to a regional water board and a water development board; and
- (b) in subsection (1)(b), the words from "supplying" to "enactment" shall be omitted.

8. In section 24,—

- (a) in subsection (1)(b) for the words from "whether" to "not" there shall be substituted the words "not being a regional water board or a water development board"; and

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(b) in subsection (2) the words “whether a local water authority or not” shall be omitted.

9. In section 29(1), after the words “local authority” there shall be inserted the words “or a regional water board”, and after the word “district”, there shall be inserted the words “or, as the case may be, their region”.

10. In section 30, after the words “local authority” there shall be inserted the words “or a regional water board”, and after the word “district”, there shall be inserted the words “or, as the case may be, their region”.

11. In section 44, in subsection (1), for the words from “sixteen” to “forty-two” there shall be substituted the words “19 or section 21”; and in subsection (2) the words “supplying water under a local enactment”, and the proviso shall be omitted.

12. In section 46, for the words “a local authority supplying or authorised to supply water under this Act” there shall be substituted the words “a regional water board or a water development board”.

13. Notwithstanding the provisions of paragraphs 2(c) and (d) of this Schedule, paragraphs 2, 11 and 19 of Schedule 1 shall continue to have effect as if any notice, required by the provisions of those paragraphs to be served on a local authority, continued to be so required.

Specific Adaptations of Other Enactments

1944 c. 26. 14. In the Rural Water Supplies and Sewerage Act 1944, local authorities, for the purposes of section 1, shall, in relation to sewerage or the disposal of sewage, be those specified in subsection (6) of that section, as read with section 7, and in relation to the provision of a water supply, shall be the regional water boards.

1946 c. 68. 15. In the New Towns Act 1946—
 (a) in section 9 as read with section 25(11)—
 (i) in subsection (1), the word “water” shall be omitted, and
 (ii) in subsections (2), (3) and (4), after the words “local authority” wherever occurring there shall be inserted the words “or, as the case may be, the regional water board”,
 (b) in section 25(23), after the expression “local authority” where first occurring there shall be inserted the words “or, as the case may be, a regional water board”, and
 (c) in section 26(1), there shall be inserted the following definition—
 “regional water board” has the meaning assigned to it by section 34(1) of the Water (Scotland) Act 1967.

1963 c. 38. 16. In the Water Resources Act 1963, in section 127—
 (a) in subsection (1), for the words “local water authorities” there shall be substituted the words “regional water boards”; and
 (b) in subsection (2), for the words from ““local water authority”” to “1946” there shall be substituted the words

“ “ regional water board ” and “ river purification authority ”
have the meanings assigned to them respectively by section
34(1) of the Water (Scotland) Act 1967 ”. SCH. 2

17. In the Local Government (Scotland) Act 1966, any reference 1966 c. 51.
to a water undertaking or a local water authority or their limits of
supply shall include a reference to a water development board or
their area, and water supplied by such a board in bulk shall, for
the purposes of Schedule 2 to that Act, be deemed to be supplied
for distribution or use outside the area of that board.

18. For the purposes of Part II of Schedule 2 to the said Act
of 1966, any transfer, in whole or in part, under the Water (Scotland)
Acts 1946 to 1967, of the undertaking of a local water authority,
or of a regional water board or of a water development board to
such a board shall be deemed to be an amalgamation of water
undertakings.

SCHEDULE 3

Section 5.

PROCEDURE FOR MAKING AN ORDER UNDER SECTION 5

1. Before making an order under section 5 of this Act the
Secretary of State shall prepare a draft order, and shall cause
a notice to be published in the Edinburgh Gazette and in such other
manner as he thinks best for the purpose of the informing of
persons affected by the order—

- (a) stating the general effect of the order ;
- (b) specifying the places where copies of the draft order, and
any map relating thereto, may be inspected by any person
free of charge at all reasonable times during a period of
not less than twenty-eight days beginning with the date on
which the notice is published as aforesaid ; and
- (c) stating that any person affected by the order may within
that period, by notice in writing to the Secretary of State,
object to the making of the order.

2. The Secretary of State shall cause a copy of a notice published
in pursuance of the foregoing paragraph to be served on every
local authority and board which he has consulted in pursuance of
section 33(4) of this Act.

3. If no objection is duly made under paragraph 1 of this
Schedule or if all objections so made are withdrawn, the Secretary
of State may proceed to make the order either in the form of the
draft order or, subject to paragraph 5 of this Schedule, as amended
by him.

4. If any objection duly made as aforesaid is not withdrawn,
and the Secretary of State does not sustain the objection, the order
shall not be made unless approved by a resolution of each House
of Parliament.

5. The Secretary of State shall not make an amended order
unless an amended draft order has been prepared by him and the
provisions of paragraphs 1 to 4 of this Schedule shall apply to the
amended draft order as they apply to a draft order.

Sections 8
and 9.

SCHEDULE 4

PROVISIONS AS TO REGIONAL WATER BOARDS AND WATER DEVELOPMENT BOARDS

Corporate status of boards

1. A board shall be a body corporate with perpetual succession and a common seal.

Terms of office of members of boards

2.—(1) The first members of a board shall come into office on the day on which the board come into existence, or, in the case of such a member for any reason appointed after that day, on the day on which the appointment is made.

(2) Any other member shall come into office on the day following that on which the member he replaces vacates office, or, in the case of such a member for any reason appointed after that day, on the day on which the appointment is made.

(3) Subject to the following provisions of this Schedule, a member shall vacate office at the end of—

(a) June in the case of a regional water board, or

(b) July in the case of a water development board—

in the year in which the election of county councillors next takes place.

(4) Where the constitution of a board is varied by order any members who are required by or under the order to vacate their office shall do so notwithstanding the foregoing provisions of this paragraph.

Vacation of office by members of boards

3. A member of a board may resign his office at any time by notice in writing signed by him and delivered to the clerk of the board and the resignation shall take effect on such date as may be stated in the notice, or, if no date is so stated, three weeks after the delivery of the notice.

4. A member of a board shall vacate his office if he—

(a) ceases to be a member of the constituent council or the constituent board from which he was appointed in pursuance of section 8 or 9 of this Act, or

(b) has, for a period of twelve consecutive months, been absent from meetings of the board, otherwise than by reason of illness or some other cause approved during that period by the board:

Provided that for the purposes of head (b) of this paragraph, the attendance of a member at a meeting of any committee of the board shall be treated as attendance at a meeting of the board.

Appointments to fill casual vacancies

5.—(1) Where, for any reason whatsoever, the place of a member of a board becomes vacant before the end of his term of office, the vacancy shall be filled by the appointment under this paragraph of a new member.

(2) Subject to the next following sub-paragraph, an appointment made under this paragraph in respect of any vacancy shall be made by the constituent council or constituent board by whom the vacating member was appointed, or, if the vacating member was appointed jointly by any constituent councils and they are unable to agree on an appointment, by the Secretary of State on behalf of those councils.

(3) Where the vacating member was appointed by the Secretary of State on behalf of any constituent councils, the new member shall be appointed by the councils in question jointly, or, if those councils are unable to agree on an appointment, by the Secretary of State on their behalf.

Disqualification for, and re-appointment to, membership of boards

6.—(1) Subject to the following provisions of this paragraph, a person shall be disqualified for appointment as a member of a board if he is a paid officer or servant of the board.

(2) For the purposes of the foregoing sub-paragraph, a person shall not be regarded as a paid officer or servant of a board by reason only that expenses incurred by him in the performance of his duties are defrayed by the board.

7. Subject to the provisions of this Act, a vacating member of a board shall be eligible for re-appointment.

First meetings of boards

8. The first meeting of a board shall be held on such day, and at such time and place, and shall be convened by such person, as may be determined by the Secretary of State.

Chairman

9. The chairman of a board shall be elected by the board from the members of the board.

10. The election of the chairman shall be the first business transacted at the first meeting of the board and, thereafter, at the first meeting of the board held after each triennial reconstitution of the board, and at any such meeting until the chairman is elected, the person by whom under paragraph 8 of this Schedule the meeting was convened, or the clerk of the board, as the case may be, shall preside.

Appointment of committees

11.—(1) A board may appoint from their number such committees for any such purpose as the board consider necessary or desirable.

(2) A board may delegate to a committee appointed under this paragraph, with or without restrictions or conditions, as they think fit, any of the functions of the board.

Members of committees

12. The number of members of a committee appointed under this Schedule, and the terms of office of the members thereof, shall be fixed by the board.

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Proceedings of boards and committees

13. The proceedings of a board, or of any committee appointed under this Schedule, shall not be invalidated by any vacancy in their number or by any defect in the appointment, or the qualification for appointment, of any person as a member, or as chairman or vice-chairman, of the board or committee.

14.—(1) A board may make standing orders with respect to—

- (a) the proceedings and conduct (including quorum, place of meeting and notices to be given of meetings) of the board or any committee appointed by the board under this Schedule; and
- (b) subject to paragraphs 9 and 10 of this Schedule, the appointment of a chairman and a vice-chairman of the board or any such committee.

(2) Subject to standing orders made under this paragraph, the proceedings of any committee appointed under this Schedule shall be such as the committee may determine.

15. At any meeting of a board or of a committee appointed under this Schedule, each member shall have one vote:

Provided that in the event of an equality of votes—

- (a) as to the appointment of the chairman of a board or the appointment of a member of a regional water board to be a member of a water development board, the matter shall be decided by lot, and
- (b) in regard to any other matter, the chairman or other member presiding at the meeting shall have a casting vote as well as a deliberative vote.

1947 c. 43.

16. The provisions of section 73 of the Local Government (Scotland) Act 1947 (disability of members of local authority for voting on account of interest in contract) shall apply in relation to members of a board, or of any committee appointed under this Schedule, as those provisions apply in relation to members of local authorities, as if, for the references therein to the local authority, there were substituted references to the board.

17.—(1) Subject to the next following sub-paragraph, the minutes of proceedings of meetings of a board shall be open to the inspection of any local government elector in any part of the board's area on payment of a fee not exceeding one shilling, and any such local government elector may make a copy of, or extracts from, any such minutes.

(2) The last foregoing sub-paragraph does not apply to any part of such minutes which contains information with respect to any manufacturing process or trade secret obtained in the exercise of powers under the Water (Scotland) Acts 1946 to 1967.

Authentication of documents

18. The provisions of section 342 of the Local Government (Scotland) Act 1947 (execution of deeds by local authority and use of seal) shall apply to a board as those provisions apply to a county council as if for references therein to a county council there were substituted references to the board.

19.—(1) Any notice or other document which a board are required or authorised to give, make or issue by or under this Act or any other enactment may be signed on behalf of the board by their clerk or by any other officer authorised by them in writing to sign documents of the particular kind or, as the case may be, the particular document; and any document purporting to bear the signature of the clerk of the board, or of a person expressed to be duly authorised by them to sign such a document, or that particular document, shall be deemed, until the contrary is proved, to be duly given, made or issued by authority of the board.

(2) In this paragraph the expression "signature" includes a facsimile of a signature by whatever process reproduced.

Officers and servants

20. A board shall appoint, subject to the approval of the Secretary of State in the case of appointments made within the period of three years after the board come into existence, an engineer who shall, unless the Secretary of State otherwise approves, be employed whole-time by the board in that capacity.

21. A board shall appoint a clerk, a treasurer and such other officers and servants as the board think fit, but the office of treasurer shall not be held by the engineer or except with the approval of the Secretary of State by the clerk.

22. A board may pay to the officers and servants appointed by them such reasonable remuneration as the board may determine.

23. All such officers and servants as aforesaid shall hold office during the pleasure of the board but the engineer, the clerk and the treasurer shall not be removed from office except by a resolution of the board passed by not less than two-thirds of the members present at a meeting of the board the notice of which specifies the consideration of the removal from office of the engineer, the clerk, or the treasurer, as the case may be, as an item of business.

24. The provisions of section 97 (local authority may regulate duties of officers, etc.), section 98 (security to be given by officers), section 100 (notice of termination of appointments held during pleasure), section 101 (member of local authority not to be appointed officer of board), section 102 (disclosure by officers of interest in contracts), and section 103 (protection of officers acting in execution of duty) of the Local Government (Scotland) Act 1947 shall apply in relation to officers of a board and other persons as those provisions apply in relation to officers of a local authority and other persons, as if for any reference therein to the local authority there were substituted a reference to the board. 1947 c. 43.

Expenses, subscriptions and contributions

25. A board shall be a body to which Part VI of the Local Government Act 1948 applies, and section 119(1) in that Part shall apply to a board as it applies to a county council. 1948 c. 26.

26. A board may defray—

(a) any expenses incurred in the reception and entertainment by way of official courtesies of—

(i) distinguished persons residing in the area of the board, or visiting that area or any works outside the area operated by the board, or

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- (ii) persons representative of, or connected with, other boards or similar services, whether inside or outside the United Kingdom,
or in the supply of information to any such persons ;
- (b) any reasonable expenses incurred in connection with ceremonies connected with the performance by the board of any of their functions.

27. A board may pay reasonable subscriptions, whether annually or otherwise, or contributions to the funds—

- (a) of any association formed for the purpose of consultation as to the common interests of boards and the discussion of matters connected with the performance of functions of boards or similar services ;
- (b) of associations of officers of boards or similar services, being associations formed for the purpose mentioned in the foregoing sub-paragraph,

and may make reasonable contributions for furthering research in matters with which boards and their officers are concerned.

General

1947 c. 43.

28. The following provisions of Part XX of the Local Government (Scotland) Act 1947 shall apply to a board for the purposes of this Act as those provisions apply to a local authority for the purposes of that Act: section 336 (contracts and obligations), section 337 (protection of members and officers), section 345 (appearance in legal proceedings), section 346 (service of legal proceedings and notices), section 348 (claims in sequestrations and liquidations), section 349 (service of notices), section 350 (evidence of resolutions etc.), section 352 (misnomers), and subsection (1) of section 366 (provisions as to Sundays, etc.).

29. In this Schedule “board” means a regional water board or a water development board, and “area” means the region or the area, as the case may be, of such a board.

Section 35.

SCHEDULE 5

AMENDMENT OF THE WATER (SCOTLAND) ACTS 1946 AND 1949

PART I

AMENDMENTS HAVING EFFECT AS FROM 16TH MAY 1968

The Water (Scotland) Act 1946 c. 42

1. In section 9, the words “and in any local enactment relating to the supply of water” shall be omitted.
2. In section 11 (1A) (which empowers a local water authority to impose conditions on the giving of a supply of water), the words from “until the aggregate amount” to “or” shall be omitted, and for the words “whichever first occurs” there shall be substituted the words “or such lesser period as may appear to the authority to be appropriate”.

3. In section 26(1), for the words from "within their limits of supply" to "outside those limits" there shall be substituted the words "for the purposes of their functions"; and in subsection (1)(a), after the words "below any street" there shall be inserted the words "after giving reasonable notice to the persons having control or management of the street".

4. Section 27 shall cease to have effect.

5. In section 28(1), the words "at the expense of the owner of the premises" shall be omitted.

6. In section 32(1), after the word "premises" there shall be inserted the words ", but there may, in respect of that supply, be a fixed minimum charge of such amount as from time to time may be determined by the regional water board."; and the proviso shall be omitted.

7. Section 34 shall cease to have effect.

8. In section 35, for the words "so used" there shall be substituted the words "so supplied"; and the proviso shall be omitted.

9. In section 36—

(a) the words from "and the consumer" to "other than domestic" shall be omitted; and

(b) for the words from "used by him" to "apparatus" there shall be substituted the words "so supplied".

10. In section 38(1) and (2), for the word "consumed" there shall be substituted the word "supplied".

11. Section 48 shall cease to have effect.

12. In section 50(1), after the word "street", there shall be inserted the words "or in any land not forming part of a street"; and after that subsection there shall be inserted the following subsection—

"(1A) The power conferred by the foregoing subsection to lay and maintain discharge pipes and apparatus in land, other than land forming part of a street, shall not be exercised unless reasonable notice thereof has been given to the owner and the occupier of that land."

13. In section 73(1), for the words "this section" there shall be substituted the words "subsections (2) to (9) of section 355 of the Local Government (Scotland) Act 1947".

1947 c. 43.

14. In section 74(2), for the words "section seventy-three of this Act" there shall be substituted the words "section 355 of the Local Government (Scotland) Act 1947".

15. Section 85 shall cease to have effect.

16. In Schedule 1—

(a) for paragraph 7, there shall be substituted the following paragraph—

"7. After considering the report of any local inquiry under the last foregoing paragraph, and before making the order, the Secretary of State shall give to any person who has duly objected

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thereto, and has not withdrawn his objection, notice as to the order which he proposes to make, and shall not make the order until the expiration of 28 days from the date of the notice and, if within that period that person gives notice to the Secretary of State that he objects to the proposed order, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.”;

(b) for paragraph 16, there shall be substituted the following paragraph—

“ 16. After considering the report of any local inquiry under the last foregoing paragraph, and before making the order, the Secretary of State shall give to any person who has duly objected thereto, and has not withdrawn his objection, notice as to the order which he proposes to make, and shall not make the order until the expiration of 28 days from the date of the notice and, if within that period that person gives notice to the Secretary of State that he objects to the proposed order, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.”; and

(c) for paragraph 22, there shall be substituted the following paragraph,—

“ 22. After considering the report of any local inquiry under the last foregoing paragraph, and before making the order approving the agreement, the Secretary of State shall give to any person who has objected thereto under the said paragraph, and has not withdrawn his objection, notice as to the order which he proposes to make, and shall not make the order until the expiration of 28 days from the date of the notice and, if within that period that person gives notice to the Secretary of State that he objects to the proposed order and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.”

17. In Schedule 3, in paragraph 9(2), there shall be inserted, at the beginning, the words “The whole, or such part as the regional water board may think fit, of”.

18. In Schedule 4, in section 26, after subsection (1), there shall be inserted the following subsection—

“(1A) Where, in the case of any house—

(i) the erection of which was begun on or after the 16th May 1968, or

(ii) to which a supply of piped water was given for the first time on or after that date, or

(iii) in which water fittings likely to lead, in the opinion of the board, to an increase in the consumption of water were installed after that date,

the undertakers consider that, in order to provide for an adequate supply of water throughout any twenty-four hour period, a cistern requires to be fitted, they shall serve a notice on the owner of the house requiring that the house shall be provided with a cistern capable of providing an adequate supply of water

as aforesaid to that house, and that a ball-tap and stopcock shall be fitted on the pipe conveying water to it; and that notice shall include an intimation that any person aggrieved by the notice may, within 28 days of the service thereof, appeal against it to the Secretary of State; and, where such an appeal is made, the Secretary of State shall give such directions in the matter as may seem to him proper; and, subject to any such directions, the next following subsection shall have effect in relation to this subsection:

Provided that the undertakers shall not exercise any power conferred on them by that subsection until the determination by the Secretary of State of any appeal under this subsection."

The Water (Scotland) Act 1949 c. 31

19. In section 1(1) there shall be inserted after the words "local authority" the words "in meeting any requisition under Part II of the Water (Scotland) Act 1967 or"; and for the words from "not exceeding" to "determine," there shall be substituted the words "as may be determined under section 8(1) of this Act."

20. In section 2—

(a) after subsection (1), there shall be inserted the following subsection—

"(1A) The domestic water rate shall not be leviable in respect of any premises to which water is supplied wholly by meter."; and

(b) in subsection (2), after the words "is comprised;" there shall be inserted the following paragraph—

"(b) in the case of premises occupied by a regional water board or a water development board, a supply of water provided by some other such board is used within the premises; and"

21. In section 4(2), the words from "and if" to the end of the subsection shall be omitted.

22. Section 7 shall cease to have effect.

23. In section 8, for subsection (1) there shall be substituted the following subsection—

"(1) In any year a local authority may defray, out of the county or, as the case may be, the burgh rate, such part, as they think fit, of the expenditure incurred by them in meeting any requisition under Part II of the Water (Scotland) Act 1967 or in performing any of their functions under any enactment in relation to water supply in their district, to an amount which, unless the Secretary of State otherwise approves, shall not exceed the amount requisitioned from them in respect of that year under subsection (2) of section 12 of that Act, or under that subsection as modified by virtue of subsection (5) of that section."

24. Section 9 shall cease to have effect.

SCH. 5

1946 c. 42.

PART II

AMENDMENTS HAVING EFFECT AS FROM THE FIRST APPOINTED DAY

25. In the Water (Scotland) Act 1946, in section 24(1), after paragraph (d), there shall be inserted the following paragraph—

“(e) acquire by purchase, lease or otherwise premises to be used for the purposes of the board and maintain such premises.”.

PART III

AMENDMENT HAVING EFFECT AS FROM THE SECOND APPOINTED DAY

The Water (Scotland) Act 1946 c. 42

26. For section 18, there shall be substituted the following section—

“Supply of water by regional water board to premises outside their region.

18.—(1) A regional water board, with the consent of the Secretary of State, may give a supply of water to premises situated outside their region.

(2) The Secretary of State shall not give his consent under the last foregoing subsection unless he is satisfied that the regional water board of the region in which the premises are situated are unable to give a supply to those premises.

(3) Nothing in subsection (1) of this section shall affect the giving by a regional water board of a supply of water where that supply was being given immediately before the coming into effect of this section.

(4) Where a regional water board are supplying water to premises outside their region, whether by virtue of subsection (1) of this section or otherwise, the regional water board of the region in which those premises are situated may at any time give not less than three months' notice to the board giving the supply that they are able and intend to give a supply of water to all the premises in that part of their region in which the premises in question are situated.

(5) When, after the expiration of a notice given under the last foregoing subsection, the board in whose region the premises are situated commence to supply water to the part of their region in which those premises are situated, the board previously giving the supply shall, except for the purpose of recovering any charges or expenses recoverable by them, and of removing any pipes, plant or apparatus belonging to them, cease to have any functions in respect of a supply to those premises.

(6) The board previously giving the supply shall not remove any pipes, plant or apparatus which they are required by the board in whose region the premises are situated to leave in position, and any such pipes, plant or apparatus shall vest in the second-mentioned board.

(7) The board in whose region the premises are situated shall pay to the board previously giving the supply such portion of any expenses reasonably incurred by them for the purpose of giving a supply to those premises, and

such sum, in respect of any pipes, plant and apparatus vested in the board in whose region the premises are situated, by the last foregoing subsection, as may be agreed, or in default of agreement, determined by arbitration."

27. In section 21(2), after the words " purposes of the order " there shall be inserted the words " and such provisions may (but without prejudice to the generality of this subsection) include provisions enabling the board to carry on any business or trade ancillary to the taking of water ".

28. After section 21, there shall be inserted the following section—
 "Transfer of part of water undertaking of one board to another board. 21A.—(1) Where the Secretary of State, whether on the application of a board or not, considers that such a transfer would be in the public interest, he may by order authorise the transfer of a part of the undertaking of one board to another board.

(2) Where an order is made under the foregoing subsection, the board, to which a part of another board's undertaking is so transferred, shall make to that other board such payment by way of consideration as, failing agreement between them, may be settled by arbitration.

(3) An order made under this section shall provide for the transfer of all rights to take water, which are exercised for the purposes of the part of the undertaking transferred by the order, and, on the coming into force of that order, those rights shall be transferred to, and vest in, the board to which the part of the undertaking is transferred.

(4) An order under this section may for the purposes of the order contain any such provision as an order made under section 5 of the Water (Scotland) Act 1967.

(5) The provisions of Part I of the First Schedule to this Act shall apply to an order made, under subsection (1) of this section, on the application of a board concerned, and the provisions of Part II of the said Schedule shall apply to an order so made without any such application.

(6) In this section " board " means a regional water board or a water development board."

29. In section 84(1), after the definition of " reasonably practicable ", there shall be inserted the following definition—

" river purification authority " has the meaning assigned to it by section 17 of the Rivers (Prevention of Pollution) 1951 c. 66. (Scotland) Act 1951.

30. In Schedule 1, in paragraph 11(ii), for the words from " execution " to " proposed to be executed " there shall be substituted the words " transfer of rights to take water, on the fishery district board of any fishery district, and on any navigation authority and any river purification authority exercising functions in relation to any watercourse, from which water is taken under the rights transferred ".

SCH. 5

The Water (Scotland) Act 1949 c. 31

31. In section 4, in subsections (1), (2) and (4), for the words "local authority" there shall be substituted the words "regional water board providing a supply of water to the premises".

32. In section 19, at the end there shall be added the following subsection—

"(7) Nothing in the provisions of subsection (1) or (3) of this section shall be construed as continuing any exemption conferred by either of these subsections from the payment in whole or in part of domestic water rate, where the regional water board have ceased to be under the obligation which gave rise to that exemption."

33. In section 23, in subsection (1), for the words from "section sixteen" to "as the case may be" there shall be substituted the words "section 21 of the principal Act (authorisation of acquisition of water rights) may authorise a board to which that section applies to acquire compulsorily such land as may be necessary for the purposes of the order"; and in subsection (2), for the words from "said section sixteen" to the word "forty-two" there shall be substituted the words "said section 21".

34. Section 38 shall cease to have effect.

Section 35.

SCHEDULE 6

ENACTMENTS REPEALED

PART I

Enactments repealed as from 16th May 1968

| Chapter | Short Title | Extent of Repeal |
|---------------------------|--------------------------------|--|
| 9 & 10 Geo. 6. c. 42. | The Water (Scotland) Act 1946. | In section 9, the words "and in any local enactment relating to the supply of water". Section 27. In section 28(1), the words "at the expense of the owner of the premises". In section 32, in subsection (1), the proviso, and subsection (1A). Section 34. In section 35, the proviso. In section 36, the words from "and the consumer" to "other than domestic". Section 48. Section 73(2) to (9). Section 85. |
| 12 & 13 Geo. 6. c. 31. | The Water (Scotland) Act 1949. | In section 4(2), the words from "and if" to the end of the subsection. Section 7. Section 9. In section 36, in subsection (2), the words from "until the aggregate amount" to "or"; and subsection (6). |

PART II

SCH. 6

Enactments repealed as from second appointed day

| Chapter | Short Title | Extent of Repeal |
|---------------------------|---|---|
| 7 & 8 Geo. 6. c. 26. | The Rural Water Supplies and Sewerage Act 1944. | In section 1(6), as read with section 7, in paragraph (b), the words from "of the" to "or"; and in paragraph (c), the words from "of the" to "or". |
| 9 & 10 Geo. 6. c. 42. | The Water (Scotland) Act 1946. | Sections 5 to 7. Section 8(5). In section 13(1)(b), the words from "supplying" to "enactment". Sections 14 to 17. Section 19(3). In section 24(2), the words "whether a local water authority or not". Section 42. In section 44(2), the words "supplying water under a local enactment", and the proviso. Section 47. Section 72(8). Sections 79 to 81. In section 84(1), the definitions of "district"; "joint water board"; "limits of supply"; "local authority"; and "local water authority". Section 88. In Schedule 1, in paragraph 2(ii), the words "the execution of works or", the words "within which works are to be executed or", and the words "which is affected by the works proposed to be executed or"; in paragraphs 9 and 18, the words "or proposed limits of supply", and the words from "and also includes" to "those works". |
| 12 & 13 Geo. 6. c. 31. | The Water (Scotland) Act 1949. | Sections 10 to 13. In section 20(1), the words from "and any reference" to the end of the subsection. Section 22. Sections 32 and 33. Section 35(1). Section 36(1), (9), (10), (11)(d) and (12). Section 38. |
| 14 & 15 Geo. 6. c. 66. | The Rivers (Prevention of Pollution) (Scotland) Act 1951. | In section 35(1), the definition of "local water authority". |
| 1966 c. 51. | The Local Government (Scotland) Act 1966. | In section 46(1), the definition of "local water authority". |



Road Traffic (Driving Instruction) Act 1967

1967 CHAPTER 79

An Act to provide for the registration of persons engaged in giving instruction in the driving of motor vehicles and for connected purposes. [27th July 1967]

B ^E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) No instruction, for the giving of which payment of money or money's worth is, or is to be, made by, or in respect of, the person to whom the instruction is given, shall be given in the driving of a motor car unless the name of the person giving the instruction is in the register of approved instructors established in pursuance of section 23 of the 1962 Act (hereafter in this Act referred to as "the register") or he is the holder of a current licence granted under this Act authorising him to give such instruction. Driving instruction for payment to be given only by registered or licensed persons.

(2) Instruction in the driving of a motor car, being instruction which is given free of charge, to a person who is not the holder of a current licence to drive a motor vehicle granted under Part II of the 1960 Act (other than a provisional licence within the meaning of that Part), by, or in pursuance of arrangements made by, a person carrying on business in the supply of motor cars, and in connection with the supply of a motor car in the course of that business, shall, for purposes of the foregoing subsection, be deemed to be given for payment of money by the person to whom the instruction is given.

(3) If instruction is given in contravention of subsection (1) above, the person by whom it is given, and, if that person is employed by another to give that instruction, that other, as

well as that person, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £100, or to imprisonment for a term not exceeding four months or to both.

(4) In proceedings against a person for an offence under the last foregoing subsection, it shall be a defence for him to prove that he did not know, and had no reasonable cause to believe, that his name or, as the case may be, that of the person employed by him, was not in the register at the material time.

Exemption
of police
instructors
from
prohibition
imposed by
section 1 of
this Act.

2.—(1) Subsection (1) of section 1 of this Act shall not apply to the giving of instruction by a police instructor in pursuance of arrangements made by a chief officer of police or, under the authority of a chief officer of police, in pursuance of arrangements made by a local authority.

(2) In this section—

“ police instructor ” means a person who is—

(a) a member of a police force whose duties consist of or include, or have consisted of or included, the giving of instruction in the driving of motor cars to persons being members of a police force ; or

(b) a civilian employed by a police authority for the purpose of giving such instruction to such persons ;

“ local authority ” means the council of a county, county borough or county district, the Greater London Council, the council of a London borough or the Common Council of the City of London.

(3) In the application of subsection (2) above to the metropolitan police, for the reference to a civilian employed by a police authority, there shall be substituted a reference to a civilian employed under the Commissioner of Police of the Metropolis or the Receiver for the Metropolitan Police District.

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

(a) in subsection (1), the references to a chief officer of police shall be construed as references to a chief constable ;

(b) “ local authority ” means a county council or the town council of a burgh.

The register
and
registration
and duration
thereof.

3.—(1) The compilation and maintenance of the register shall continue by virtue of this Act, and an application for the entry of a person's name in the register shall be made, in manner determined by the Minister, accompanied by particulars so determined, to the officer of the Minister by whom, on behalf

of the Minister, the register is compiled and maintained (hereafter in this Act referred to as "the Registrar"); and the Registrar shall, on payment of such fee, if any, as may be prescribed by regulations, enter in the register the name of a person who duly applies for the entry of his name therein if that person satisfies the Registrar that the following conditions are fulfilled in his case, that is to say,—

- (a) that he has passed such examination of ability to give instruction in the driving of motor cars as may be so prescribed;
- (b) that he is the holder of a current licence of one of the following kinds, that is to say,—
 - (i) a licence to drive a motor vehicle granted under Part II of the 1960 Act (not being a provisional licence within the meaning of the said Part II); and
 - (ii) a licence to drive a motor vehicle (not being a licence corresponding to such a provisional licence as aforesaid) granted under the law in force in Northern Ireland;

and, at no time during the period of four years ending with the day on which the application is made, did he not hold one or other of the following licences, namely a current licence of one of the kinds aforesaid and a current foreign licence, that is to say a document issued under the law of a country outside the United Kingdom authorising the holder to drive a motor vehicle in that country;

- (c) that he has not, during any part of the said period, been disqualified under section 5 of the 1962 Act for holding or obtaining a licence to drive a motor vehicle granted under the said Part II; and
- (d) that, apart from fulfilment of the foregoing conditions, he is a fit and proper person to have his name entered in the register.

(2) The entry of a person's name in the register shall be subject to the condition that, so long as the name is therein, that person will, if at any time required by the Registrar, undergo the test prescribed by regulations of continued ability and fitness to give instruction in the driving of motor cars.

(3) Regulations may provide that persons of such class as may be specified therein shall be exempt from the condition mentioned in paragraph (a) of subsection (1) above as regards such part of the examination mentioned in that paragraph as may be so specified.

(4) If the Minister is satisfied that satisfactory provision is made by the law of Northern Ireland for the establishment of a register containing the names of persons qualified under that law to give instruction in the driving of motor cars, a person who satisfies the Registrar that his name is in the register established under that law and that he is resident in Great Britain shall be exempt from the condition specified in paragraph (a) of subsection (1) above.

(5) The Registrar shall, on making a decision on an application under subsection (1) above, give notice in writing of the decision to the applicant which, in the case of a decision to refuse the application, shall state the grounds for the refusal.

(6) Unless previously removed under the following provisions of this Act, the name of a person shall be removed from the register at the end of the period of four years beginning with the first day of the month next after that in which the entry of the name was made, but if an application for the retention of the name in the register is made under the next following section before the end of that period, the name shall not be removed except in pursuance of a decision of the Registrar having effect under that section.

(7) A person whose name has been removed from the register under the last foregoing subsection who applies under subsection (1) above for his name to be entered again in the register, shall be required again to pass the examination mentioned in paragraph (a) of subsection (1) above, unless the application is made before the end of the period of one year beginning with the end of the said period of four years.

Extension of
duration of
registration.

4.—(1) If, before the end of the period of four years at the end of which the name of a person is, by section 3(6) above, to be removed from the register, he makes application to the Registrar, in manner determined by the Minister, accompanied by particulars so determined, for the retention of his name in the register for a further period of four years, he shall be entitled, on payment of such fee, if any, as may be prescribed by regulations, to have his name retained therein for that further period, if he satisfies the Registrar that the following conditions are fulfilled in his case, that is to say,—

- (a) that he has not refused to undergo any such test as is mentioned in section 3(2) above which he has been required to undergo during the period first mentioned in this subsection ;
- (b) that his ability and fitness to give instruction in the driving of motor cars continue, having regard to any such test or tests as aforesaid which he has undergone during the said period, to be of a satisfactory standard ;

- (c) that he is the holder of a current licence of one of the kinds mentioned in sub-paragraph (i) and sub-paragraph (ii) of paragraph (b) of section 3(1) above, and at no time during the said period has he held no such current licence ;
- (d) that he has not during any part of the said period been disqualified under section 5 of the 1962 Act for holding or obtaining a licence to drive a motor vehicle granted under Part II of the 1960 Act ; and
- (e) that, apart from fulfilment of the foregoing conditions, he continues to be a fit and proper person to have his name entered in the register.

(2) The retention of a person's name under this section shall be subject to the condition mentioned in section 3(2) above.

(3) Before refusing an application under subsection (1) above, the Registrar shall give to the applicant written notice stating that he is considering the refusal of the application and giving particulars of the grounds on which he is considering it ; and the applicant may, within the period of twenty-eight days beginning with the day on which the notice is given, make representations with respect to the proposed refusal ; and the Registrar shall not decide to refuse the application until after the expiration of the said period, and before deciding whether or not to do so, he shall take into consideration any such representations made by the applicant within the said period.

(4) The Registrar, on making a decision under the last foregoing subsection, shall give notice in writing of the decision to the person concerned, and a decision to refuse an application shall take effect—

- (a) where no appeal under the following provisions of this Act is brought against the decision within the time limited for the appeal, on the expiration of that time ;
- (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal ;
- (c) where such an appeal is brought and not withdrawn or struck out, as aforesaid, if and when the appeal is dismissed, and not otherwise.

(5) Where a person's name is retained in the register under subsection (1) above, that subsection and section 3(6) above shall have effect in relation to him, with respect to each successive period of four years, as if any reference therein to the first day of the month next after that in which the entry of a person's name in the register was made were a reference to the day with which began the last further period for which his name was retained under the said subsection (1).

Removal of
names from
register.

5.—(1) The Registrar may remove the name of a person from the register if the Registrar is satisfied, in a case where the name has not been retained therein under section 4 above, that, at any time since the entry of the name was made, or, in a case where the name has been retained as aforesaid, that, at any time since it was last retained, any of the following conditions was fulfilled in the case of that person, that is to say—

- (a) that he held neither a current licence of a kind mentioned in sub-paragraph (i) of paragraph (b) of section 3(1) above nor one of a kind mentioned in sub-paragraph (ii) of that paragraph ;
- (b) that he was disqualified under section 5 of the 1962 Act for holding or obtaining a licence to drive a motor vehicle under Part II of the 1960 Act ;
- (c) that he refused to undergo a test such as is mentioned in section 3(2) above ;
- (d) that he failed to pass such a test ;
- (e) that he ceased, apart from fulfilment of any of the foregoing conditions, to be a fit and proper person to have his name included on the register ;

or if the entry of his name in the register, or the retention of his name therein, was made by mistake or procured by fraud.

(2) Before removing the name of a person from the register under this section, the Registrar shall give to the person concerned written notice stating that he is considering the removal and giving particulars of the grounds on which he is considering it ; and that person may, within the period of twenty-eight days beginning with the day on which the notice is given, make representations with respect to the proposed removal ; and the Registrar shall not decide to remove the name from the register until after the expiration of the said period and, before deciding whether or not to do so, shall take into consideration any such representations made by the person concerned within the said period.

(3) The Registrar shall, on making a decision to remove a name from the register, give notice in writing of the decision to the person concerned, and section 4(4) above shall apply for the purpose of determining when (if at all) the decision takes effect as it does for the purpose of determining when (if at all) a decision to refuse an application under section 4 above takes effect.

Licences.

6.—(1) For the purpose of enabling a person to acquire practical experience of giving instruction in driving motor cars with a view to undergoing the examination referred to in paragraph (a) of section 3(1) above, the Registrar shall, subject to

the next following subsection, on application made to him by that person in manner determined by the Minister, accompanied by particulars so determined and on payment of such fee, if any, as may be prescribed by regulations, grant to the applicant a licence to give instruction in the driving of a motor car, being instruction the giving of which is restricted by section 1 above, if the Registrar is satisfied that the conditions set out in paragraphs (b), (c) and (d) of the said section 3(1) are fulfilled in the case of the applicant.

(2) The Registrar may refuse to grant a licence under this section to an applicant to whom two or more such licences have previously been issued.

(3) The Registrar shall, on making a decision on an application under subsection (1) above, give notice in writing of the decision to the applicant, which, in the case of a decision to refuse the application, shall state the grounds of the refusal.

(4) A licence under this section shall be in such form, in force for such period, and granted subject to such conditions, as may be prescribed by regulations.

(5) Notwithstanding any provision of regulations made under the last foregoing subsection prescribing the period for which a licence is to be in force, where a person applies for a new licence in substitution for a licence held by him and current at the date of the application, the previous licence shall not expire until the commencement of the new licence, or, if the Registrar decides to refuse the application, until the time limited for an appeal under the following provisions of this Act against the decision has expired and, if such an appeal is duly brought, it is finally disposed of.

(6) Before deciding to refuse an application for a new licence in substitution for a licence current at the date of the application, the Registrar shall give to the applicant written notice stating that he is considering the refusal and giving particulars of the grounds on which he is considering it; and the applicant may, within the period of fourteen days beginning with the day on which the notice is given, make representations with respect to the proposed refusal; and the Registrar shall not decide to refuse the application until after the expiration of the said period and, before deciding whether or not to do so, he shall take into consideration any such representations made within that period.

(7) If a person to whom a licence under this section is granted fails to comply with any of the conditions subject to which

it is granted, or if the Registrar is satisfied that, at any time since the licence was granted, any of the following conditions was fulfilled in the case of the said person, that is to say,—

- (a) that he held neither a current licence of a kind mentioned in sub-paragraph (i) of paragraph (b) of section 3(1) above nor one of a kind mentioned in sub-paragraph (ii) of that paragraph ; or
- (b) that he was disqualified under section 5 of the 1962 Act for holding or obtaining a licence to drive a motor vehicle under Part II of the 1960 Act ; or
- (c) that he ceased, apart from fulfilment of either of the foregoing conditions, to be a fit and proper person to have his name in the register ;

or if the licence was granted by mistake or procured by fraud, the Registrar may revoke the licence, but before doing so he shall give to the said person written notice stating that he is considering the revocation and giving particulars of the grounds on which he is considering it ; and that person may, within the period of fourteen days beginning with the day on which the notice is given, make representations with respect to the proposed revocation ; and the Registrar shall not decide to revoke the licence until after the expiration of the said period and, before deciding whether or not to do so, he shall take into consideration any such representations made within that period.

(8) The Registrar shall, on making a decision to revoke a licence granted under this section, give notice in writing of the decision to the person concerned, and section 4(4) above shall apply for the purpose of determining when (if at all) the decision takes effect as it does for the purpose of determining when (if at all) a decision to refuse an application under section 4(1) above takes effect.

Appeals.

7.—(1) A person who is aggrieved by a decision of the Registrar—

- (a) to refuse an application for the entry of his name in the register ;
- (b) to refuse an application for the retention of his name in the register ; or
- (c) to remove his name from the register ;

may by notice in writing appeal to the Minister within the period of twenty-eight days beginning with the day on which notice of the decision was given in accordance with the provisions of this Act, and a person who is aggrieved by a decision of the Registrar to refuse an application for the grant of a licence under this Act or to revoke such a licence may, in such manner, so appeal within the period of fourteen days beginning with the said day.

(2) On the appeal the Minister shall have power to make such order for the grant or refusal of the application or, as the case may be, for the removal or the retention of the name on the register, or the revocation or continuation of the licence, as he may think fit; and an order for such refusal, removal or revocation may direct that an application by the appellant for the grant of a licence under this Act or for his name to be entered in the register shall not be entertained before the expiration of such period, not exceeding four years beginning with the day on which the order is made, as may be specified in the order.

(3) Schedule 1 to this Act shall have effect in relation to an appeal under this section.

8.—(1) Regulations may make provision with respect to the nature of examinations of the ability of persons to give instruction in the driving of motor cars and tests of continued ability and fitness to give such instruction, to evidence of the results thereof and generally with respect thereto, and, in particular, but without prejudice to the generality of the foregoing, may provide—

Examinations and tests of ability to give driving instruction.

- (a) for such an examination to consist in part of a written examination and in part of a practical test of ability and fitness to drive and to instruct;
- (b) for requiring a person submitting himself to any such practical test as aforesaid to provide a vehicle for the purposes of the test, being a vehicle in respect of which such conditions as may be specified in regulations are complied with;
- (c) for requiring a person applying to submit himself for such an examination, or any part of such an examination, to pay to the Registrar such fee as may be specified in the regulations in relation to that examination or part;
- (d) for preventing a person who, on any day, submits himself for such an examination and fails to pass it from being eligible to submit himself to another such examination before the expiration of the period of three months beginning with that day, or, if the regulations provide for an examination to consist of two such parts as are mentioned in paragraph (a) above, preventing a person who submits himself on any day for one of those parts, and fails to pass that part, from being eligible to submit himself again for that part before the expiration of the period of three months beginning with that day;

- (e) for requiring a person who desires to submit himself for such an examination to supply the Registrar with such particulars as the Minister may determine.

(2) A magistrates' court acting for the petty sessions area in which a person who has submitted himself for an examination of ability to give instruction in the driving of motor cars resides or, if he resides in Scotland, the sheriff within whose jurisdiction he resides, shall have power on the application of that person to determine whether the examination was properly conducted in accordance with the regulations, and, if the regulations provide for the examination to consist of two parts, whether either of those parts was so conducted; and, if it appears to the court or sheriff that the examination, or, as the case may be, part, was not so conducted, the court or sheriff may order that the applicant shall be eligible to submit himself to another examination, or, as the case may be, to submit himself again for that part, before the expiration of the period of three months mentioned in paragraph (d) of subsection (1) above in relation to the examination, or, as the case may be, part, and may order that any fee payable by the applicant in respect of the examination or part shall not be paid, and if it has been paid, shall be repaid.

(3) No appeal shall lie under section 7 above in respect of any matter in respect of which an application may be made to a magistrates' court or a sheriff under the last foregoing subsection.

Power to alter conditions for entry or retention in, and removal from, register and grant or revocation of licences under this Act.

9. Regulations may—

- (a) alter or add to the conditions as to which the Registrar is required by this Act to be satisfied for the entry of a name in the register, the retention of a name therein, the removal of a name therefrom, the grant of a licence and the revocation of a licence, or omit any of those conditions,
- (b) alter the period at the expiration of which a person's name which is entered or retained in the register after the coming into force of the regulation must, unless retained or further retained, be removed therefrom.

Power to prescribe form of certificate of registration, &c.

10.—(1) Regulations may prescribe all or any of the following, that is to say, a form of certificate for issue to persons whose names are in the register as evidence of their names' being therein, a form of badge for use by such persons and an official title for such use.

(2) If a person—

- (a) whose name is not in the register, takes or uses a title prescribed under this section, or wears or displays a badge or certificate so prescribed, or takes or uses any name, title, addition or description implying that his name is in the register ; or
- (b) being a person carrying on business in the provision of instruction in the driving of motor vehicles, uses a title or description so prescribed in relation to any person employed by him whose name is not in the register, or issues any advertisement or invitation calculated to mislead with respect to the extent to which persons whose names are in the register are employed by him,

then, unless he proves that he did not know, and had no reasonable cause to believe, that his name, or, as the case may be, that of the person employed by him, was not in the register at the material time, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £100.

11. Where—

- (a) the name of a person to whom a certificate prescribed under section 10 above has been issued is removed from the register in pursuance of this Act ; or
- (b) a licence granted under this Act to a person expires or is revoked ;

Surrender of certificates and licences.

that person shall, if so required by the Registrar by notice in writing, surrender the certificate or licence, as the case may be, to the Registrar within the period of fourteen days beginning with that on which the notice is given, and if he fails to do so, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £50.

12.—(1) A person to whom a certificate prescribed under section 10 above is issued, or to whom a licence under this Act is granted, shall, on being so required by a police constable or any person authorised in writing by the Minister in that behalf, produce the certificate or licence for examination.

Production of certificates and licences to police constables and authorised persons.

(2) Where the name of a person is removed from the register or a licence granted under this Act to a person expires or is revoked, then, if that person fails to satisfy an obligation imposed on him by section 11 above, a police constable or a person authorised as aforesaid may require him to produce any such certificate issued to him or the licence, and upon its being produced may seize it and deliver it to the Registrar.

(3) If a person who is required under subsection (1) or (2) above to produce a document fails to do so, then, unless within five days beginning with the day next after that on which the production of the document was so required, it is produced—

- (a) where the requirement was made by a police constable, at such police station as, at the time the production was required, may have been specified by the person required to produce the document ;
- (b) where the requirement was made by a person other than a police constable, at such place as the person by whom the requirement was made may, at the time aforesaid, have specified ;

he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £50.

Application of provisions of Road Traffic Act 1960 as to offences and fines.

13. The provisions of the 1960 Act specified in Schedule 2 to this Act (which provisions relate to forgery and other offences and the destination of fines) shall have effect subject to the amendments specified in that Schedule, being minor amendments modifying those provisions for the purpose of putting them into effect in relation to this Act.

Evidence by certificate as to registration and licences.

14.—(1) A certificate signed by the Registrar and stating that, on any date,—

- (a) a person's name was, or was not, in the register ;
- (b) the entry of a person's name was made in the register or a person's name was removed therefrom ;
- (c) a person was, or was not, the holder of a current licence under section 6 of this Act ; or
- (d) a licence under section 6 of this Act granted to a person came into force or ceased to be in force ;

shall be evidence, and in Scotland sufficient evidence, of the facts stated in the certificate in pursuance of this section.

(2) A certificate stating as aforesaid and purporting to be signed by the Registrar shall be deemed to be so signed unless the contrary is proved.

Offences by corporations.

15. Where a body corporate is guilty of an offence under this Act and the offence is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or a person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and liable to be proceeded against and punished accordingly.

16.—(1) A notice authorised or required to be given by this Act to a person may be given by delivering it to him, or by leaving it at his proper address, or by sending it to him by post.

(2) For the purposes of this section and of section 26 of the Interpretation Act 1889 in its application to this section, the proper address of a person shall be, in the case of a person whose name is included in the register, his address on the register, and in any other case, his usual or last known address.

17.—(1) Any administrative expenses incurred by the Minister in consequence of provisions of this Act shall be defrayed out of moneys provided by Parliament.

(2) Any sums received on account of fees payable by virtue of any provision of this Act shall be paid into the Exchequer.

18.—(1) The Minister may make regulations for any purpose for which provision is by this Act authorised to be made by regulations.

(2) The power conferred by the foregoing subsection shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

19. In relation to a person whose name is in the register on the day on which subsection (6) of section 3 above comes into force, that subsection shall have effect, except where his name is retained in the register under section 4 above,—

(a) with the substitution, for the reference to the period of four years beginning as therein mentioned, of a reference to the period of two years so beginning; and

(b) where, before the said day, the name of the person has been retained in the register for a further period, with the substitution, for the reference to the said period of four years, of a reference to the period of two years beginning with the day with which began the last further period for which the name was so retained;

and section 4(1) above shall be construed accordingly.

20.—(1) Section 23 of the 1962 Act is hereby repealed.

(2) In so far as regulations made under subsection (3) of the said section 23 could have been made under section 10 of this Act, they shall not be invalidated by the repeal effected by the foregoing subsection but shall have effect as if made under the said section 10.

Repeal of section 23 of the Road Traffic Act 1962, and transitional provisions.

(3) Any enactment or other document referring, whether specifically or by means of a general description, to the said section 23 or any provision thereof, shall, unless the context otherwise requires, be construed as referring to this Act or the corresponding provision thereof.

1889 c. 63.

(4) Nothing in the foregoing provisions of this section shall be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (effect of repeals).

Interpretation.

21.—(1) In this Act—

“the Minister” means the Minister of Transport;

“motor car” and “motor vehicle” have the meanings assigned to them by section 253 of the 1960 Act;

1960 c. 16.

“the 1960 Act” means the Road Traffic Act 1960;

1962 c. 59.

“the 1962 Act” means the Road Traffic Act 1962;

“regulations” means regulations made under section 18 above.

(2) Any reference in this Act to a current licence is a reference to a licence which has not expired and has not been cancelled, revoked or suspended.

Short title,
commence-
ment and
extent.

22.—(1) This Act may be cited as the Road Traffic (Driving Instruction) Act 1967.

(2) This Act shall come into force on such day as the Minister may by order made by statutory instrument appoint; and different days may be so appointed for different purposes.

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

SCHEDULES

SCHEDULE 1

Section 7.

APPEALS AGAINST DECISIONS OF THE REGISTRAR

1. On an appeal under section 7 of this Act, the Registrar shall be made respondent.

2.—(1) The Minister shall refer every such appeal to a person, or two or three persons, appointed by him to hold an inquiry and report to him; and the person or persons so appointed may be appointed either for the purposes of one particular inquiry, or of inquiries into any such appeal that may be made to the Minister during such period as the Minister may determine, and no person so appointed shall be an officer of the Minister.

(2) The Minister may, for the purposes of any such inquiry, appoint up to three assessors to advise the person or persons holding it on matters arising out of it.

(3) Section 249 (except paragraph (d) of subsection (1) thereof) of the 1960 Act (general provisions as to inquiries under that Act) shall apply to an inquiry caused by the Minister to be held under this paragraph as it applies to inquiries held by him under that Act.

(4) The Minister shall, before making an order under the said section 7, consider any report made to him under this paragraph.

(5) The Minister shall, out of moneys provided by Parliament, pay to any person or persons holding inquiries under this paragraph and to any assessors appointed thereunder such fees and such expenses, if any, incurred by them as he may, with the approval of the Treasury, determine.

3. The Minister may by rules made by statutory instrument make provision as to the procedure on an appeal under the said section 7, and in particular, but without prejudice to the generality of this paragraph, may by rules so made make provision—

(a) prescribing the form and contents of the notice of appeal;

(b) enabling a party to the appeal to appear at an inquiry held under this Schedule by counsel or a solicitor or any person of such other description, if any, as may be specified by the rules;

(c) requiring proceedings on any such inquiry to be held in public, except in so far as may otherwise be provided by the rules;

(d) defining the functions of any assessors appointed by the Minister.

4. The Minister may on an appeal under the said section 7 order the appellant to pay the whole, or part, of the costs incurred by the Minister in connection with the appeal, or may direct that the whole, or part, of the costs of the appellant incurred in connection with the appeal shall be treated as part of the administrative expenses of the Minister; and the Minister may certify the amount of any such costs, and any amount so certified and ordered to be paid by the appellant shall be recoverable from him as a debt due to the Crown.

Section 13.

SCHEDULE 2

1960 c. 16.

MINOR MODIFICATIONS OF ROAD TRAFFIC ACT 1960

1. The documents to which section 233 (penalisation of forgery and misuse of documents and other things) applies shall include a licence under this Act.

2. In section 235(1) (penalization of making of false statements for purposes connected with licences under the Act of 1960 and registration in the register) any reference to a licence under that Act shall include a reference to a licence under this Act; and for the reference (inserted by the 1962 Act) to registration or continued registration in the register there shall be substituted a reference to the entry or retention in the register of the name of any person.

3. In section 237(1) (seizure of documents with respect to which certain offences may have been committed) the reference to documents produced to a police constable under the provisions of the 1960 Act shall include a reference to documents produced to a police constable under section 12 of this Act.

4. In section 240 (penalty for aiding, abetting, etc. commission of offences in Scotland), the reference to an offence against the provisions of the 1960 Act shall include a reference to an offence under this Act.

5. In section 246(1) (inclusion in indictment in Scotland of certain summary offences), the reference to a contravention of the provisions of the 1960 Act shall include a reference to a contravention of the provisions of this Act.

6. In section 247 (destination of fines), the references to offences under the foregoing provisions of the 1960 Act, and the reference in subsection (2) to offences under that Act, shall include references to offences under this Act.



Criminal Justice Act 1967

1967 CHAPTER 80

An Act to amend the law relating to the proceedings of criminal courts, including the law relating to evidence, and to the qualification of jurors, in such proceedings and to appeals in criminal cases; to reform existing methods and provide new methods of dealing with offenders; to make further provision for the treatment of offenders, the management of prisons and other institutions and the arrest of offenders unlawfully at large; to make further provision with respect to legal aid and advice in criminal proceedings; to amend the law relating to firearms and ammunition; to alter the penalties which may be imposed for certain offences; and for connected purposes. [27th July 1967]

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

PART I

CRIMINAL PROCEDURE, ETC.

Committal proceedings

1.—(1) A magistrates' court inquiring into an offence as examining justices may, if satisfied that all the evidence before the court (whether for the prosecution or the defence) consists of written statements tendered to the court under the next following section, with or without exhibits, commit the defendant for trial for the offence without consideration of the contents of those statements, unless—

- (a) the defendant or one of the defendants is not represented by counsel or a solicitor ;

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(b) counsel or a solicitor for the defendant or one of the defendants, as the case may be, has requested the court to consider a submission that the statements disclose insufficient evidence to put that defendant on trial by jury for the offence.

1952 c. 55.

(2) Section 7(1) of the Magistrates' Courts Act 1952 (committal for trial on consideration of the evidence) shall not apply to a committal for trial under this section.

Written statements before examining justices.

2.—(1) In committal proceedings a written statement by any person shall, if the conditions mentioned in the next following subsection are satisfied, be admissible as evidence to the like extent as oral evidence to the like effect by that person.

(2) The said conditions are:—

(a) the statement purports to be signed by the person who made it;

(b) the statement contains a declaration by that person to the effect that it is true to the best of his knowledge and belief and that he made the statement knowing that, if it were tendered in evidence, he would be liable to prosecution if he wilfully stated in it anything which he knew to be false or did not believe to be true;

(c) before the statement is tendered in evidence, a copy of the statement is given, by or on behalf of the party proposing to tender it, to each of the other parties to the proceedings; and

(d) none of the other parties, before the statement is tendered in evidence at the committal proceedings, objects to the statement being so tendered under this section.

(3) The following provisions shall also have effect in relation to any written statement tendered in evidence under this section, that is to say—

(a) if the statement is made by a person under the age of twenty-one, it shall give his age;

(b) if it is made by a person who cannot read it, it shall be read to him before he signs it and shall be accompanied by a declaration by the person who so read the statement to the effect that it was so read; and

(c) if it refers to any other document as an exhibit, the copy given to any other party to the proceedings under paragraph (c) of the last foregoing subsection shall be accompanied by a copy of that document or by such information as may be necessary in order to enable the party to whom it is given to inspect that document or a copy thereof.

(4) Notwithstanding that a written statement made by any person may be admissible in committal proceedings by virtue of this section, the court before which the proceedings are held may, of its own motion or on the application of any party to the proceedings, require that person to attend before the court and give evidence.

(5) So much of any statement as is admitted in evidence by virtue of this section shall, unless the court commits the defendant for trial by virtue of the last foregoing section or the court otherwise directs, be read aloud at the hearing, and where the court so directs an account shall be given orally of so much of any statement as is not read aloud.

(6) Any document or object referred to as an exhibit and identified in a written statement tendered in evidence under this section shall be treated as if it had been produced as an exhibit and identified in court by the maker of the statement.

(7) Section 13(3) of the Criminal Justice Act 1925 (reading 1925 c. 86. of deposition as evidence at the trial) shall apply to any written statement tendered in evidence in committal proceedings under this section, as it applies to a deposition taken in such proceedings, but in its application to any such statement that subsection shall have effect as if paragraph (b) thereof were omitted.

(8) In section 2(2) of the Administration of Justice (Miscellaneous Provisions) Act 1933 (procedure for preferring bills of indictment) the reference in proviso (i) to facts disclosed in any deposition taken before a justice in the presence of the defendant shall be construed as including a reference to facts disclosed in any such written statement as aforesaid. 1933 c. 36.

(9) Section 23 of the Magistrates' Courts Act 1952 (use in 1952 c. 55. summary trial of evidence given in committal proceedings) shall not apply to any such statement as aforesaid.

(10) A person whose written statement is tendered in evidence in committal proceedings under this section shall be treated for the purposes of section 1 of the Criminal Procedure (Attendance of Witnesses) Act 1965 (witness orders) as a witness who has been examined by the court. 1965 c. 69.

3.—(1) Except as provided by subsections (2) and (3) of this section, it shall not be lawful to publish in Great Britain a written report, or to broadcast in Great Britain a report, of any committal proceedings in England and Wales containing any matter other than that permitted by subsection (4) of this section. Restrictions on reports of committal proceedings.

(2) A magistrates' court shall, on an application for the purpose made with reference to any committal proceedings by the

PART I

defendant or one of the defendants, as the case may be, order that the foregoing subsection shall not apply to reports of those proceedings.

(3) It shall not be unlawful under this section to publish or broadcast a report of committal proceedings containing any matter other than that permitted by the next following subsection,—

- (a) where the magistrates' court determines not to commit the defendant or the defendants for trial, after it so determines ;
- (b) where the court commits the defendant or any of the defendants for trial, after the conclusion of his trial or, as the case may be, the trial of the last to be tried ;

1952 c. 55.

and where at any time during the inquiry the court proceeds to try summarily the case of one or more of the defendants under section 18, 19 or 20 of the Magistrates' Courts Act 1952 (summary trial of indictable offences), while committing the other defendant or one or more of the other defendants for trial, it shall not be unlawful under this section to publish or broadcast as part of a report of the summary trial, after the court determines to proceed as aforesaid, a report of so much of the committal proceedings containing any such matter as takes place before the determination.

(4) The following matters may be contained in a report of committal proceedings published or broadcast without an order under subsection (2) of this section before the time authorised by the last foregoing subsection, that is to say,—

- (a) the identity of the court and the names of the examining justices ;
- (b) the names, addresses and occupations of the parties and witnesses and the ages of the defendant or defendants and witnesses ;
- (c) the offence or offences, or a summary of them, with which the defendant or defendants is or are charged ;
- (d) the names of counsel and solicitors engaged in the proceedings ;
- (e) any decision of the court to commit the defendant or any of the defendants for trial, and any decision of the court on the disposal of the case of any defendants not committed ;
- (f) where the court commits the defendant or any of the defendants for trial, the charge or charges, or a summary of them, on which he is committed and the court to which he is committed ;
- (g) where the committal proceedings are adjourned, the date and place to which they are adjourned :

- (h) any arrangements as to bail on committal or adjournment ;
- (i) whether legal aid was granted to the defendant or any of the defendants.

(5) If a report is published or broadcast in contravention of this section, the following persons, that is to say—

- (a) in the case of a publication of a written report as part of a newspaper or periodical, any proprietor, editor or publisher of the newspaper or periodical ;
- (b) in the case of a publication of a written report otherwise than as part of a newspaper or periodical, the person who publishes it ;
- (c) in the case of a broadcast of a report, any body corporate which transmits or provides the programme in which the report is broadcast and any person having functions in relation to the programme corresponding to those of the editor of a newspaper or periodical ;

shall be liable on summary conviction to a fine not exceeding £500.

(6) Proceedings for an offence under this section shall not, in England and Wales, be instituted otherwise than by or with the consent of the Attorney-General.

(7) Subsection (1) of this section shall be in addition to, and not in derogation from, the provisions of any other enactment with respect to the publication of reports and proceedings of magistrates' and other courts.

4. Where a magistrates' court acting as examining justices commits any person for trial or determines to discharge him, the clerk of the court shall, on the day on which the committal proceedings are concluded or the next day, cause to be displayed in a part of the court house to which the public have access a notice—

Notice of result of committal proceedings.

- (a) in either case giving that person's name, address, and age (if known) ;
- (b) in a case where the court so commits him, stating the charge or charges on which he is committed and the court to which he is committed ;
- (c) in a case where the court determines to discharge him, describing the offence charged and stating that it has so determined.

5. Any report in a newspaper, and any broadcast report, of committal proceedings in a case where publication is permitted by virtue only of section 3(3) of this Act, published as soon as

Privilege of newspaper reports of committal proceedings in libel actions.

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1888 c. 64.

1952 c. 66.

practicable after it is so permitted, shall be treated for the purposes of section 3 of the Law of Libel Amendment Act 1888 (privilege of contemporaneous newspaper reports of court proceedings) and section 9(2) of the Defamation Act 1952 (extension of the said section 3 to broadcasting) as having been published or broadcast contemporaneously with the committal proceedings.

Duty of examining justices to sit in open court.

1952 c. 55.

6.—(1) Examining justices shall sit in open court except where any enactment contains an express provision to the contrary and except where it appears to them as respects the whole or any part of committal proceedings that the ends of justice would not be served by their sitting in open court.

(2) Section 4(2) of the Magistrates' Courts Act 1952 (no obligation on examining justices to sit in open court) is hereby repealed.

Signature of depositions.

1925 c. 86.

7. An examining justice who signs a certificate authenticating one or more depositions or statements tendered under section 2 of this Act shall be treated for the purposes of section 13(3)(c) of the Criminal Justice Act 1925 (requirement that depositions read at the trial must have been signed by an examining justice) as signing that deposition or statement or each of those depositions and statements.

Miscellaneous provisions as to evidence, procedure and trial

Proof of criminal intent.

8. A court or jury, in determining whether a person has committed an offence,—

(a) shall not be bound in law to infer that he intended or foresaw a result of his actions by reason only of its being a natural and probable consequence of those actions ; but

(b) shall decide whether he did intend or foresee that result by reference to all the evidence, drawing such inferences from the evidence as appear proper in the circumstances.

Proof by written statement.

9.—(1) In any criminal proceedings, other than committal proceedings, a written statement by any person shall, if such of the conditions mentioned in the next following subsection as are applicable are satisfied, be admissible as evidence to the like extent as oral evidence to the like effect by that person.

(2) The said conditions are—

(a) the statement purports to be signed by the person who made it ;

(b) the statement contains a declaration by that person to the effect that it is true to the best of his knowledge and

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PART I

belief and that he made the statement knowing that, if it were tendered in evidence, he would be liable to prosecution if he wilfully stated in it anything which he knew to be false or did not believe to be true ;

- (c) before the hearing at which the statement is tendered in evidence, a copy of the statement is served, by or on behalf of the party proposing to tender it, on each of the other parties to the proceedings ; and
- (d) none of the other parties or their solicitors, within seven days from the service of the copy of the statement, serves a notice on the party so proposing objecting to the statement being tendered in evidence under this section :

Provided that the conditions mentioned in paragraphs (c) and (d) of this subsection shall not apply if the parties agree before or during the hearing that the statement shall be so tendered.

(3) The following provisions shall also have effect in relation to any written statement tendered in evidence under this section, that is to say—

- (a) if the statement is made by a person under the age of twenty-one, it shall give his age ;
 - (b) if it is made by a person who cannot read it, it shall be read to him before he signs it and shall be accompanied by a declaration by the person who so read the statement to the effect that it was so read ; and
 - (c) if it refers to any other document as an exhibit, the copy served on any other party to the proceedings under paragraph (c) of the last foregoing subsection shall be accompanied by a copy of that document or by such information as may be necessary in order to enable the party on whom it is served to inspect that document or a copy thereof.
- (4) Notwithstanding that a written statement made by any person may be admissible as evidence by virtue of this section—
- (a) the party by whom or on whose behalf a copy of the statement was served may call that person to give evidence ; and
 - (b) the court may, of its own motion or on the application of any party to the proceedings, require that person to attend before the court and give evidence.

(5) An application under paragraph (b) of the last foregoing subsection to a court other than a magistrates' court may be made before the hearing and on any such application the powers of the court shall be exercisable—

- (a) in the case of a court of quarter sessions, by the chairman or any deputy chairman of the court or, in the case of a

PART I

court of quarter sessions for a borough, the recorder or any deputy or assistant recorder ;

(b) in any other case, by any person entitled to sit as a judge of the court.

(6) So much of any statement as is admitted in evidence by virtue of this section shall, unless the court otherwise directs, be read aloud at the hearing and where the court so directs an account shall be given orally of so much of any statement as is not read aloud.

(7) Any document or object referred to as an exhibit and identified in a written statement tendered in evidence under this section shall be treated as if it had been produced as an exhibit and identified in court by the maker of the statement.

(8) A document required by this section to be served on any person may be served—

(a) by delivering it to him or to his solicitor ; or

(b) by addressing it to him and leaving it at his usual or last known place of abode or place of business or by addressing it to his solicitor and leaving it at his office ; or

(c) by sending it in a registered letter or by the recorded delivery service addressed to him at his usual or last known place of abode or place of business or addressed to his solicitor at his office ; or

(d) in the case of a body corporate, by delivering it to the secretary or clerk of the body at its registered or principal office or sending it in a registered letter or by the recorded delivery service addressed to the secretary or clerk of that body at that office.

Proof by
formal
admission.

10.—(1) Subject to the provisions of this section, any fact of which oral evidence may be given in any criminal proceedings may be admitted for the purpose of those proceedings by or on behalf of the prosecutor or defendant, and the admission by any party of any such fact under this section shall as against that party be conclusive evidence in those proceedings of the fact admitted.

(2) An admission under this section—

(a) may be made before or at the proceedings ;

(b) if made otherwise than in court, shall be in writing ;

(c) if made in writing by an individual, shall purport to be signed by the person making it and, if so made by a body corporate, shall purport to be signed by a director or manager, or the secretary or clerk, or some other similar officer of the body corporate ;

- (d) if made on behalf of a defendant who is an individual, shall be made by his counsel or solicitor ;
- (e) if made at any stage before the trial by a defendant who is an individual, must be approved by his counsel or solicitor (whether at the time it was made or subsequently) before or at the proceedings in question.

(3) An admission under this section for the purpose of proceedings relating to any matter shall be treated as an admission for the purpose of any subsequent criminal proceedings relating to that matter (including any appeal or retrial).

(4) An admission under this section may with the leave of the court be withdrawn in the proceedings for the purpose of which it is made or any subsequent criminal proceedings relating to the same matter.

11.—(1) On a trial on indictment the defendant shall not without the leave of the court adduce evidence in support of an alibi unless, before the end of the prescribed period, he gives notice of particulars of the alibi. Notice of alibi.

(2) Without prejudice to the foregoing subsection, on any such trial the defendant shall not without the leave of the court call any other person to give such evidence unless—

- (a) the notice under that subsection includes the name and address of the witness or, if the name or address is not known to the defendant at the time he gives the notice, any information in his possession which might be of material assistance in finding the witness ;
- (b) if the name or the address is not included in that notice, the court is satisfied that the defendant, before giving the notice, took and thereafter continued to take all reasonable steps to secure that the name or address would be ascertained ;
- (c) if the name or the address is not included in that notice, but the defendant subsequently discovers the name or address or receives other information which might be of material assistance in finding the witness, he forthwith gives notice of the name, address or other information, as the case may be ; and
- (d) if the defendant is notified by or on behalf of the prosecutor that the witness has not been traced by the name or at the address given, he forthwith gives notice of any such information which is then in his possession or, on subsequently receiving any such information, forthwith gives notice of it.

(3) The court shall not refuse leave under this section if it appears to the court that the defendant was not informed in

PART I
1949 c. 101.

accordance with rules under section 15 of the Justices of the Peace Act 1949 (rules of procedure for magistrates' courts) of the requirements of this section.

(4) Any evidence tendered to disprove an alibi may, subject to any directions by the court as to the time it is to be given, be given before or after evidence is given in support of the alibi.

(5) Any notice purporting to be given under this section on behalf of the defendant by his solicitor shall, unless the contrary is proved, be deemed to be given with the authority of the defendant.

(6) A notice under subsection (1) of this section shall either be given in court during, or at the end of, the proceedings before the examining justices or be given in writing to the solicitor for the prosecutor, and a notice under paragraph (c) or (d) of subsection (2) of this section shall be given in writing to that solicitor.

(7) A notice required by this section to be given to the solicitor for the prosecutor may be given by delivering it to him, or by leaving it at his office, or by sending it in a registered letter or by the recorded delivery service addressed to him at his office.

(8) In this section—

“evidence in support of an alibi” means evidence tending to show that by reason of the presence of the defendant at a particular place or in a particular area at a particular time he was not, or was unlikely to have been, at the place where the offence is alleged to have been committed at the time of its alleged commission.

“the prescribed period” means the period of seven days from the end of the proceedings before the examining justices.

1871 c. 17. (9) In computing the said period a Sunday, Christmas Day, Good Friday, a day which is a bank holiday under the Bank Holidays Act 1871 in England and Wales or a day appointed for public thanksgiving or mourning shall be disregarded.

Application of
sections 9 to
11 to courts-
martial.
1955 c. 18.
1955 c. 19.

12. Without prejudice to section 99(1) of the Army Act 1955 or of the Air Force Act 1955 (application to proceedings before courts-martial of civil rules as to the admissibility of evidence) and to any power to make rules or orders for the procedure of, and otherwise for the trial of offences by, courts-martial, the three last foregoing sections shall apply to such proceedings as they apply to proceedings on indictment subject, however, to such modifications as may be prescribed by regulations made by the Secretary of State, being modifications which appear to him to be necessary or proper for the purpose of

the operation of those sections in relation to proceedings before courts-martial.

PART I

13.—(1) Subject to the following provisions of this section, the verdict of a jury in criminal proceedings need not be unanimous if—

Majority verdicts of juries in criminal proceedings.

- (a) in a case where there are not less than eleven jurors, ten of them agree on the verdict ; and
- (b) in a case where there are ten jurors, nine of them agree on the verdict ;

and a verdict authorised by this subsection is hereafter in this section referred to as “ a majority verdict ”.

(2) A court shall not accept a majority verdict of guilty unless the foreman of the jury has stated in open court the number of jurors who respectively agreed to and dissented from the verdict.

(3) A court shall not accept a majority verdict unless it appears to the court that the jury have had not less than two hours for deliberation or such longer period as the court thinks reasonable having regard to the nature and complexity of the case.

14.—(1) The following persons shall be disqualified from serving on a jury in any criminal proceedings, that is to say—

Disqualification of ex-prisoners from serving on juries in criminal proceedings.

- (a) any person who at any time during the ten years immediately preceding the date on which the jury is sworn for the purpose of those proceedings has served, in the United Kingdom, the Channel Islands or the Isle of Man, any part of a sentence of imprisonment or detention, being a sentence for a term of three months or more ;
- (b) any person who has been sentenced at any time in the United Kingdom, the Channel Islands or the Isle of Man to imprisonment or detention for life or for a term of five years or more or to penal servitude for such a term.

(2) For the purposes of the foregoing subsection a person sentenced to borstal training shall be treated as if he had been sentenced for a term of more than three months, and a person sentenced to be detained for an offence during Her Majesty's pleasure or during the pleasure of the Governor of Northern Ireland shall be treated as if he had been sentenced to detention for life.

(3) A person who serves on a jury in any criminal proceedings when disqualified by this section from doing so shall be liable on summary conviction to a fine not exceeding £250.

PART I
1961 c. 39.

(4) Section 38(2) to (5) of the Criminal Justice Act 1961 (construction of references to sentences, imprisonment or detention and similar expressions) shall apply for the purposes of this section as it applies for the purposes of Part III of that Act.

(5) Any sheriff or other officer having power to summon persons to serve on juries in criminal proceedings shall send with every summons for that purpose a notice stating the effect of the foregoing provisions of this section.

1825 c. 50.

(6) For the purposes of section 27 of the Juries Act 1825 (challenge of jurors not qualified according to that Act), in its application to criminal proceedings, a person disqualified from serving on a jury by this section shall be treated as not qualified according to that Act.

1922 c. 11.

(7) Section 2(1) of the Juries Act 1922 (liability of persons included in jurors books to serve notwithstanding their disqualification) shall not apply to any person disqualified from serving on a jury by this section.

1870 c. 77.

(8) Section 10 of the Juries Act 1870 (disqualification of persons convicted of infamous crimes) shall not apply to criminal proceedings.

Validation of
verdict where
juror
disqualified.

15. It is hereby declared that the verdict of a jury in criminal proceedings (as in other proceedings) is not void by reason only that a member of the jury is disqualified from serving on the jury in those proceedings.

Continuation
of exemption
from jury
service at
criminal
trials.
1959 c. xxviii.
1962 c. xlii.

16.—(1) The persons to whom this section applies (being persons exempted from jury service by section 9 of the Juries Act 1870 in the case of persons mentioned in paragraphs (a) to (k), by section 4 of the Port of London Act 1959 in the case of persons mentioned in paragraph (l) and by section 43(2) of the British Transport Commission Act 1962 in the case of persons mentioned in paragraph (m) of the next following subsection) shall for ten years after the date on which they cease to hold the office or employment or practise the profession by virtue of which they are so exempt continue to enjoy the like exemption from serving on juries in criminal proceedings as they enjoy before that date.

(2) The persons to whom this section shall apply are—

- (a) judges ;
- (b) barristers-at-law ;
- (c) solicitors, and their managing clerks ;
- (d) the registrar of criminal appeals, clerks of assize and persons appointed or employed to assist him or them in the exercise of his or their functions ;
- (e) clerks of the peace and their deputies ;

- (f) coroners ;
- (g) prison officers ;
- (h) sheriff's officers ;
- (i) members of police forces and special constables for police areas ;
- (j) metropolitan stipendiary magistrates ;
- (k) justices of the peace ;
- (l) constables appointed by the Port of London Authority ; and
- (m) constables in the British Transport Police Force.

17. Where a defendant arraigned on an indictment or inquiry pleads not guilty and the prosecutor proposes to offer no evidence against him, the court before which the defendant is arraigned may, if it thinks fit, order that a verdict of not guilty shall be recorded without the defendant being given in charge to a jury, and the verdict shall have the same effect as if the defendant had been tried and acquitted on the verdict of a jury.

Entry of verdict of not guilty by order of a judge.

18.—(1) Where a person who has attained the age of seven-teen is charged before a magistrates' court with a summary offence which is not also an indictable offence and is punishable with not more than six months' imprisonment, then, subject to the following provisions of this section, if the court adjourns the trial and remands him, it shall remand him on bail.

Restrictions on refusal of bail.

(2) Where by virtue of section 18 or section 19 of the Magistrates' Courts Act 1952 (offences triable on indictment or summarily) a magistrates' court proceeds to try any such person as aforesaid summarily for an offence which is both a summary offence and an indictable offence and is punishable on summary conviction with not more than six months' imprisonment, or for an offence specified in Schedule 1 to that Act, then, subject to the following provisions of this section, if after he has pleaded to the charge the court adjourns the trial and remands him, it shall remand him on bail.

1952 c. 55.

(3) Where any such person as aforesaid is charged with a summary offence and he or the prosecutor claims that he shall be tried by jury, then, subject to the following provisions of this section, if the magistrates' court adjourns the inquiry as examining justices or commits him for trial, it shall remand or commit him on bail.

(4) The foregoing provisions of this section shall not require a magistrates' court to remand or commit a person on bail if he fails to give the court or a person prescribed for the purposes of section 95 of the Magistrates' Courts Act 1952 a proper recognizance and to produce sufficient and satisfactory sureties if required to do so.

PART I

(5) The foregoing provisions of this section shall not require a magistrates' court to remand or commit a person on bail—

- (a) where he is charged with an offence punishable by that court with imprisonment for a term of not less than six months and it appears to the court that he has been previously sentenced to imprisonment or borstal training ;
- (b) where it appears to the court that, having been released on bail on any occasion, he has failed to comply with the conditions of any recognizance entered into by him on that occasion ;
- (c) where he is charged with an offence alleged to have been committed while he was released on bail ;
- (d) where it appears to the court that it is necessary to detain him to establish his identity or address ;
- (e) where it appears to the court that he has no fixed abode or that he is ordinarily resident outside the United Kingdom ;
- (f) where the act or any of the acts constituting the offence with which he is charged consisted of an assault on or threat of violence to another person, or of having or possessing a firearm, an imitation firearm, an explosive or an offensive weapon, or of indecent conduct with or towards a person under the age of sixteen years ;
- (g) where it appears to the court that unless he is remanded or committed in custody he is likely to commit an offence ; or
- (h) where it appears to the court necessary for his own protection to refuse to remand or commit him on bail.

1952 c. 55. (6) The requirements of subsections (1) and (2) of this section shall not apply to the adjournment of a trial by a magistrates' court under section 26 of the Magistrates' Courts Act 1952 for the purpose of enabling a medical examination and report to be made on the defendant if it appears to the court that it would be impracticable to obtain such a report without remanding the defendant in custody.

(7) Where a magistrates' court refuses to remand or commit on bail any person who has attained the age of seventeen, the court shall, if he is not represented by counsel or a solicitor, inform him that he may apply to a judge of the High Court to be admitted to bail.

(8) Where a magistrates' court refuses as aforesaid under subsection (5) of this section or otherwise refuses to commit any such person as aforesaid for trial on bail the court shall, if he is

not so represented or if he is so represented and his counsel or solicitor so requests, give him a written notice stating the reason for the refusal.

PART I

19.—(1) A justice of the peace shall not take part in trying the issue of a defendant's guilt on the summary trial of an information if in the course of the same proceedings the justice has been informed, for the purpose of determining the question of the defendant's admission to bail, that he has one or more previous convictions.

Restriction on justices sitting after dealing with bail.

(2) For the purposes of this section any committal proceedings from which the proceedings on the summary trial arose shall be treated as part of the trial.

20. Where a magistrates' court has power to commit an offender to a court of quarter sessions under section 5 of the Vagrancy Act 1824 (incorrigible rogues) or section 28 or 29 of the Magistrates' Courts Act 1952 (committal for sentence), the court may instead of committing him in custody commit him on bail.

Power of magistrates' court to commit on bail for sentence.

1824 c. 83.
1952 c. 55.

21.—(1) The conditions on which any person is admitted to bail may include conditions appearing to the court to be likely to result in his appearance at the time and place required or to be necessary in the interests of justice or for the prevention of crime.

Special conditions of bail.

(2) A court which on admitting, or directing the admission of, any person to bail imposes a condition under the foregoing subsection shall not require him to find sureties in respect of that condition.

22.—(1) Where in connection with any criminal proceedings an inferior court has power to admit any person to bail, but either refuses to do so, or does so or offers to do so on terms unacceptable to him, the High Court may admit him or direct his admission to bail or, where he has been admitted to bail, may vary any conditions on which he was so admitted or reduce the amount in which he or any surety is bound or discharge any of the sureties.

Extension of power of High Court to grant, or vary conditions of, bail.

(2) The conditions as to the time and place of appearance of a person admitted to bail under this section which are to be included in a recognizance entered into by him shall be such conditions as the inferior court had power to impose.

(3) Subsections (3), (4) and (6) of section 37 of the Criminal Justice Act 1948 (ancillary provisions as to persons admitted to bail by the High Court under that section and the currency of sentence in the case of persons so admitted) shall apply in relation

1948 c. 58.

PART I to the powers conferred by this section and persons admitted to bail in pursuance of those powers as it applies in relation to the powers conferred by that section and persons admitted to bail in pursuance of those powers, except that the said subsection (6) shall not apply in relation to a person admitted to bail pending an appeal from a magistrates' court to a court of quarter sessions.

(4) In this section "inferior court" means a court of quarter sessions, a magistrates' court or a coroner.

1948 c. 58. (5) The powers conferred on the High Court by this section shall be in substitution for the powers so conferred by paragraphs (a), (b) and (c) of section 37(1) of the Criminal Justice Act 1948, but except as aforesaid this section shall not prejudice any powers of the High Court to admit or direct the admission of persons to bail.

Arrest of
persons
granted bail.

23.—(1) A constable may arrest without warrant any person who has been admitted to bail—

(a) if the constable has reasonable grounds for believing that that person is likely to break the condition that he will appear at the time and place required or any other condition on which he was admitted to bail, or has reasonable cause to suspect that that person is breaking or has broken any such other condition ; or

(b) on being notified in writing by any surety for that person that the surety believes that that person is likely to break the first-mentioned condition and for that reason the surety wishes to be relieved of his obligations as a surety.

(2) A person arrested under the foregoing subsection—

(a) shall, except where he was so arrested within the period of twenty-four hours immediately preceding an occasion on which he is required by virtue of a condition of his bail to appear before any court, be brought as soon as practicable and in any event within twenty-four hours after his arrest before a justice of the peace acting for the petty sessions area in which he was arrested ; and

(b) in the said excepted case shall be brought before the court before which he is required to appear as aforesaid.

(3) A justice of the peace before whom a person is brought under the last foregoing subsection may, if of the opinion that that person has broken or is likely to break any condition on which he was admitted to bail, remand him in custody or commit him to custody, as the case may require, or alternatively release him on his original recognizance or on a new recognizance, with or

without sureties, and if not of that opinion shall release him on his original recognizance. PART I

24.—(1) A warrant for the arrest of any person who has attained the age of seventeen shall not be issued under section 1 of the Magistrates' Courts Act 1952 (summons or warrant to answer a charge) unless— Process for minor offences.
1952 c. 55.

- (a) the offence to which the warrant relates is an indictable offence or is punishable with imprisonment; or
- (b) the address of the defendant is not sufficiently established for a summons to be served on him.

(2) A warrant for the arrest of any such person shall not be issued under section 15(2) of the said Act of 1952 (non-appearance of defendant) unless—

- (a) the offence to which the warrant relates is punishable with imprisonment; or
- (b) the court, having convicted the defendant, proposes to impose a disqualification on him;

and proviso (a) to that subsection (restriction on issue of warrant for arrest of defendant who fails to appear at an adjourned trial) shall cease to have effect.

(3) Where a summons has been issued under the said section 1 and a magistrates' court has begun to try the information to which the summons relates, then, if—

- (a) the defendant, at any time during or after the trial, makes a statutory declaration that he did not know of the summons or the proceedings until a date specified in the declaration, being a date after the court has begun to try the information; and
- (b) within fourteen days of that date the declaration is served on the clerk to the justices;

without prejudice to the validity of the information, the summons and all subsequent proceedings shall be void.

(4) For the purposes of the last foregoing subsection a statutory declaration shall be deemed to be duly served on the clerk to the justices if it is delivered to him, or left at his office, or is sent in a registered letter or by the recorded delivery service addressed to him at his office.

(5) Rules under section 15 of the Justices of the Peace Act 1949 (rules of procedure for magistrates' courts) shall not, unless the foregoing provisions of this section have come into force, include a provision dispensing with the need to prove that a summons issued under section 1 of the Magistrates' Courts Act 1952 and served in accordance with the rules has come to the

PART I knowledge of the defendant ; and any such provision in the rules shall not in any event apply to a summons for an indictable offence.

(6) Where any proceedings have become void by virtue of subsection (3) of this section, the information shall not be tried again by any of the same justices.

Restriction on issue of search warrants under Obscene Publications Act 1959.

1959 c. 66.

25. A justice of the peace shall not issue a warrant under section 3(1) of the Obscene Publications Act 1959 (search for and seizure of obscene articles) except on an information laid by or on behalf of the Director of Public Prosecutions or by a constable.

Restrictions on passing sentence in the absence of the defendant.

1952 c. 55.

26.—(1) A magistrates' court shall not in a person's absence sentence him to imprisonment or detention in a detention centre or make an order under section 40 of this Act that a suspended sentence passed on him shall take effect.

(2) A magistrates' court shall not in a person's absence impose any disqualification on him, except on resumption of the hearing after an adjournment under section 14(3) of the Magistrates' Courts Act 1952 (adjournment after convicting, but before sentencing, the defendant).

(3) Where a trial is adjourned in pursuance of the last foregoing subsection, the notice required by section 14(2) of that Act (notice of resumption) shall include notice of the reason for the adjournment.

Summary trial of certain offences under the Forgery Act 1913.

1913 c. 27.

27. The Magistrates' Courts Act 1952 shall have effect as if the following offences were included among those specified in paragraphs 1 to 18 of Schedule 1 to that Act (indictable offences which are by virtue of section 19 of that Act triable summarily with the consent of the defendant)—

- (a) offences under section 2(2)(a) of the Forgery Act 1913 (forgery of valuable securities) in relation to any document being an accountable receipt, release, or discharge, or any receipt or other instrument evidencing the payment of money, or the delivery of any chattel personal ;
- (b) offences under section 4 of the said Act of 1913 (forgery of documents in general) ; and
- (c) uttering any forged document the forgery of which is an offence which by virtue of the said section 19 is triable summarily with the consent of the defendant.

Jurisdiction of magistrates' courts to try offences.

28. A magistrates' court for any area by which a person is tried for an offence shall have jurisdiction to try him for any summary offence for which he could be tried by a magistrates' court for any other area.

29.—(1) On the trial by a magistrates' court of an information against a corporation, a representative may on behalf of the corporation enter a plea of guilty or not guilty.

PART I
Plea by a corporation before a magistrates' court.
1925 c. 86.

(2) Section 33(6) of the Criminal Justice Act 1925 shall apply to a representative for the purposes of the foregoing subsection as it applies to a representative for the purposes of that section.

(3) A notification or intimation for the purposes of section 1(2) of the Magistrates' Courts Act 1957 (trial in absence of accused who has notified desire to plead guilty without appearing before the court) may be given on behalf of a corporation by a director or the secretary of the corporation; and that subsection shall apply in relation to a notification or intimation purporting to be so given as it applies to a notification or intimation purporting to be given by an individual defendant.

1957 c. 29.

30. The maximum period for which a magistrates' court may adjourn a case at any one time—

Period of adjournment under sections 14 and 26 of the Magistrates' Courts Act 1952.
1952 c. 55.

- (a) under section 14(3) of the Magistrates' Courts Act 1952 (adjournment after conviction and before sentence) for the purpose of enabling inquiries to be made or of determining the most suitable method of dealing with the defendant; or
- (b) under section 26(1) of that Act for the purpose of enabling a medical examination and report to be made on the defendant;

shall be a period of four weeks instead of three weeks except where the court remands the defendant in custody.

31.—(1) Subject to the following provisions of this section, the Costs in Criminal Cases Act 1952 shall apply to proceedings for dealing with an offender under section 6, 8 or 9 of the Criminal Justice Act 1948 (probation orders and orders for conditional discharge), and to proceedings under section 40(1) of this Act for dealing with an offender in respect of a suspended sentence, as if the offender had been tried in those proceedings for the offence for which the order was made or the sentence passed.

Extension of Costs in Criminal Cases Act 1952.
1952 c. 48.
1948 c. 58.

(2) The provisions of the said Act of 1952 other than section 6 (costs as between parties) shall apply with all necessary modifications to proceedings in which it is alleged that an offender required on conviction of an indictable offence to enter into a recognizance to keep the peace or be of good behaviour has failed to comply with a condition of that recognizance, as if that failure were an

PART I indictable offence committed in the same place as the offence of which he was convicted.

(3) Where any proceedings mentioned in either of the foregoing subsections take place before a court of assize or quarter sessions and the fund out of which the costs of those proceedings fall to be paid by virtue of that subsection is maintained by a local authority other than the authority for the local government area in which that court is held, those costs shall—

(a) be paid in the first instance by the local authority for that area ; and

(b) be recoverable, together with such sum (if any) in respect of the expenses of holding that court as may be determined in accordance with regulations made by the Secretary of State under section 18(3) of the Criminal Justice Administration Act 1962 (contributions to certain costs), from the local authority maintaining that fund.

1962 c. 15.

(4) Where proceedings for dealing with an offender under section 8 of the Criminal Justice Act 1948 (commission of further offences by probationers and persons conditionally discharged) or proceedings under section 40(1) of this Act for dealing with an offender in respect of a suspended sentence take place before a court of assize or quarter sessions before which the offender is convicted of an indictable offence committed during the period of probation or conditional discharge or the operational period of the sentence, or by which he is sentenced for any such offence after being committed for sentence to that court, the costs of those proceedings shall be treated for the purposes of the Costs in Criminal Cases Act 1952 as part of the costs of the proceedings in which he was convicted or sentenced.

1948 c. 58.

1952 c. 48.

(5) Where any proceedings mentioned in subsection (1) of this section take place before a magistrates' court and relate to an order made or a sentence passed for an offence committed outside the local government area for which or for part of which that court acts, the offence shall be treated for the purposes of section 7(1) of the said Act of 1952 (local funds out of which costs are to be paid) as having been committed in that area.

(6) In this section "local authority" means the council of a county or county borough or the Greater London Council, "local government area" means a county, county borough or Greater London and "operational period" has the same meaning as in Part II of this Act.

32.—(1) For subsections (1) and (2) of section 2 of the Costs in Criminal Cases Act 1952 (power of court of assize or quarter sessions to award costs as between parties) there shall be substituted the following subsection:—

PART I
Amendments
of Costs in
Criminal
Cases Act
1952.

“ (1) A court of assize or quarter sessions before which any person is prosecuted or tried on indictment or inquisition—

- (a) may, if the accused is convicted, order him to pay the whole or any part of the costs incurred in or about the prosecution and conviction, including any proceedings before the examining justices ;
- (b) may, if the accused is acquitted, order the prosecutor to pay the whole or any part of the costs incurred in or about the defence, including any proceedings before the examining justices.”

1952 c. 48.

(2) Sections 1 and 5 of the said Act of 1952 (costs awarded by assizes, quarter sessions or magistrates' courts out of local funds), section 8 of the Criminal Appeal Act 1966 (payment of expenses of witnesses in connection with criminal appeals out of local funds) and paragraph 8 of Schedule 1 to the said Act of 1966 (payment out of moneys provided by Parliament of expenses of witnesses in connection with appeals to the Courts-Martial Appeal Court) shall apply in relation to a registered medical practitioner making a written report to a court in pursuance of a request to which this subsection applies as they apply in relation to a person called to give evidence at the instance of the court, and in the case of a report made in pursuance of such a request made by a magistrates' court shall so apply notwithstanding that the proceedings for the purposes of which the report is made are not proceedings to which the said section 5 applies.

1966 c. 31.

(3) The last foregoing subsection applies to a request to a registered medical practitioner to make a written or oral report on the medical condition of an offender or defendant, being a request made by a court—

- (a) for the purpose of determining whether or not to make an order under section 4 of the Criminal Justice Act 1948 (probation orders requiring treatment for mental condition) or section 60 of the Mental Health Act 1959 (hospital orders and guardianship orders) or otherwise for the purpose of determining the most suitable method of dealing with an offender ; or
- (b) in exercise of the powers conferred by section 26 of the Magistrates' Courts Act 1952 (remand of a defendant for medical examination and requirement of such an examination on committing a defendant for trial on bail).

PART I
1952 c. 48.

(4) Sections 1 and 5 of the Costs in Criminal Cases Act 1952 shall apply to a person properly attending at the instance of the court to give evidence as they apply to a person called to give evidence at the instance of the court.

1964 c. 84.

(5) In section 3(2) of the said Act of 1952 (power of criminal division of Court of Appeal to award costs to be paid out of local funds to a successful appellant) any reference to an appeal against conviction which is allowed shall include a reference to an appeal which is allowed against a special verdict within the meaning of the Criminal Procedure (Insanity) Act 1964 or a finding that the accused is under disability within the meaning of the said Act of 1964.

Taking
and use of
finger-prints
and
palm-prints.
1952 c. 55.

1948 c. 58.

33. Section 40 of the Magistrates' Courts Act 1952 (taking of finger-prints from a person not less than fourteen who has been taken into custody and charged with an offence) shall apply to any person of not less than fourteen who appears before a magistrates' court in answer to a summons for any offence punishable with imprisonment, and in that section and in section 39 of the Criminal Justice Act 1948 (proof of previous convictions by finger-print) any reference to finger-prints shall be construed as including a reference to palm-prints.

Committal of
persons under
twenty-one
accused of
extradition
crimes, etc.
1870 c. 52.
1965 c. 45.

34. Any person under the age of twenty-one who apart from this section would be committed to prison under section 10 of the Extradition Act 1870 (committal of a person alleged to have committed an extradition crime) or section 5(1)(a) of the Backing of Warrants (Republic of Ireland) Act 1965 (remand in custody of a person for whose arrest a warrant has or is alleged to have been issued in the Republic of Ireland) shall be committed to an institution to which he could be committed if he were charged with an offence before the court which commits him, and any reference in those provisions to prison shall be construed accordingly.

Examining
justices.

35. It is hereby declared for the avoidance of doubt that a magistrates' court before which a person is charged with an indictable offence begins to act as examining justices as soon as he appears or is brought before the court, except where before that time the court has determined under section 18 of the Magistrates' Courts Act 1952 to try him summarily.

Interpretation
of Part I.

36.—(1) In this Part of this Act—

“broadcast” means broadcast by wireless telegraphy sounds or visual images intended for general reception;

“committal proceedings” means proceedings before a magistrates' court acting as examining justices;

“publish”, in relation to a report, means publish the report, either by itself or as part of a newspaper or periodical, for distribution to the public ; PART II

“director”, in relation to a body corporate which is established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking and whose affairs are managed by the members thereof, means a member of that body.

(2) Expressions used in any provision of this Part of this Act relating to magistrates' courts or proceedings before such courts and also used in the Magistrates' Courts Act 1952 have the same meanings in any such provision as they have in that Act. 1952 c. 55.

PART II

POWERS OF COURTS TO DEAL WITH OFFENDERS

Powers to deal with persistent offenders

37.—(1) No person shall be sentenced by a court to preventive detention or corrective training. Punishment of persistent offenders.

(2) Where an offender is convicted on indictment of an offence punishable with imprisonment for a term of two years or more and the conditions specified in subsection (4) of this section are satisfied, then, if the court is satisfied, by reason of his previous conduct and of the likelihood of his committing further offences, that it is expedient to protect the public from him for a substantial time, the court may impose an extended term of imprisonment under this section.

(3) The extended term which may be imposed under this section for any offence may exceed the maximum term authorised for the offence apart from this section if the maximum so authorised is less than ten years, but shall not exceed ten years if the maximum so authorised is less than ten years or exceed five years if the maximum so authorised is less than five years.

(4) The conditions referred to in subsection (2) of this section are:—

(a) the offence was committed before the expiration of three years from a previous conviction of an offence punishable on indictment with imprisonment for a term of two years or more or from his final release from prison after serving a sentence of imprisonment, corrective training or preventive detention passed on such a conviction ; and

PART II

- (b) the offender has been convicted on indictment on at least three previous occasions since he attained the age of twenty-one of offences punishable on indictment with imprisonment for a term of two years or more ; and
- (c) the total length of the sentences of imprisonment, corrective training or preventive detention to which he was sentenced on those occasions was not less than five years and—
- (i) on at least one of those occasions a sentence of preventive detention was passed on him ; or
 - (ii) on at least two of those occasions a sentence of imprisonment (other than a suspended sentence which has not taken effect) or of corrective training was so passed and of those sentences one was a sentence of imprisonment for a term of three years or more in respect of one offence or two were sentences of imprisonment each for a term of two years or more in respect of one offence.

(5) Where an extended term of imprisonment is imposed on an offender under this section, the court shall issue a certificate (hereafter in this Act referred to as “an extended sentence certificate”) stating that the term was so imposed.

Supplementary provisions as to persistent offenders.

38.—(1) For the purposes of subsection (4)(a) of the last foregoing section a certificate purporting to be signed by the governor of a prison to the effect—

- (a) that a prisoner was finally released from that prison on a date specified in the certificate after serving a sentence so specified ; or
- (b) that a prisoner had not been finally released from that prison on a date so specified after serving a sentence so specified ;

shall be evidence of the matter so certified.

(2) For the purposes of subsection (4)(b) of the last foregoing section a person who has been convicted by a magistrates' court of an indictable offence and sentenced for that offence by a court of quarter sessions, or on appeal from such a court, to imprisonment, corrective training or preventive detention shall be treated as if he had been convicted of that offence on indictment.

(3) For the purpose of determining whether the conditions specified in subsection (4) of the last foregoing section are satisfied in relation to an offender no account shall be taken of any previous conviction or sentence unless notice has been given to the offender at least three days before the later sentence is passed on him that it is intended to prove the previous conviction or sentence to the court.

(4) For the purposes of the last foregoing subsection a certificate purporting to be signed by a constable or a prison officer that a copy of a notice annexed to the certificate was given to an offender shall be evidence that it was so given and of the contents of the notice.

(5) In this section and the last foregoing section "final release" includes a release on licence under section 60 or 61 of this Act, but does not include any temporary discharge.

(6) A person sentenced at any time to corrective training or preventive detention in Scotland or Northern Ireland and transferred under section 26 of the Criminal Justice Act 1961 to England and Wales shall be treated for the purposes of detention, release, recall and otherwise as having been sentenced in England and Wales to a term of imprisonment of the same length as the term of his original sentence and, if he was originally sentenced to preventive detention, he shall also be so treated as if an extended sentence certificate had been issued in respect of him. 1961 c. 39.

(7) A person sentenced to an extended term of imprisonment under the last foregoing section and transferred under the said section 26 to Scotland or Northern Ireland shall, notwithstanding anything in subsection (4) of the said section 26 (treatment of prisoners so transferred) be treated as if an extended sentence certificate had not been issued in respect of him.

Suspended sentences

39.—(1) A court which passes a sentence of imprisonment for a term of not more than two years for an offence may order that the sentence shall not take effect unless, during a period specified in the order, being not less than one year or more than three years from the date of the order, the offender commits in Great Britain another offence punishable with imprisonment and thereafter a court having power to do so orders under the next following section that the original sentence shall take effect; and in this Part of this Act "operational period", in relation to a suspended sentence, means the period so specified. Suspended sentences of imprisonment.

(2) A court which passes a suspended sentence on any person for an offence shall not make a probation order in his case in respect of another offence of which he is convicted by or before the court or for which he is dealt with by the court.

(3) A court which passes a sentence of imprisonment for a term of not more than six months in respect of one offence shall make an order under subsection (1) of this section unless—

(a) the act or any of the acts constituting that offence consisted of an assault on or threat of violence to another person, or of having or possessing a firearm, an

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imitation firearm, an explosive or an offensive weapon or of indecent conduct with or towards a person under the age of sixteen years ;

- (b) that offence is one in respect of which a probation order or order for conditional discharge was originally made or the offender was subject to such an order at the time of committing that offence ;
- (c) on the occasion on which sentence is passed for that offence, the court passes or proposes to pass a sentence of immediate imprisonment on the offender for another offence which the court is not required to suspend ;
- (d) the offender is serving, or has since the commission of the offence served, a sentence of imprisonment or borstal training previously passed for another offence ; or
- (e) the offender had at any time before the commission of the offence been sentenced to, or served any part of a sentence of, corrective training, imprisonment or borstal training previously passed for another offence or been subject to a suspended sentence.

(4) The Secretary of State may by order provide that paragraph (e) of the last foregoing subsection shall have effect in any case prescribed by the order as if the reference to any time were a reference to any time during a period so prescribed (being a period of not less than three years) ; and an order under this subsection may make different provision for different cases.

(5) The Secretary of State may by order provide that subsection (3) of this section shall have effect as if for the reference to six months there were substituted a reference to twelve months.

(6) No order shall be made by the Secretary of State under this section unless a draft of the order has been laid before Parliament and approved by both Houses of Parliament.

(7) On passing a suspended sentence the court shall explain to the offender in ordinary language his liability under the next following section if during the operational period he commits an offence punishable with imprisonment.

(8) Where a court has passed a suspended sentence on any person, and that person is subsequently sentenced to borstal training, he shall cease to be liable to be dealt with in respect of the suspended sentence unless the subsequent sentence or any conviction or finding on which it was passed is quashed on appeal.

(9) Subject to any provision to the contrary contained in this Act or any enactment passed or instrument made under any enactment after the commencement of this Act—

- (a) a suspended sentence which has not taken effect under the next following section shall be treated as a sentence of imprisonment for the purposes of all enactments and instruments made under enactments except any enactment or instrument which provides for disqualification for or loss of office, or forfeiture of pensions, of persons sentenced to imprisonment; and
- (b) where a suspended sentence has taken effect under that section, the offender shall be treated for the purposes of the said excepted enactments and instruments as having been convicted on the ordinary date on which the period allowed for making an appeal against an order under that section expires or, if such an appeal is made, the date on which it is finally disposed of or abandoned or fails for non-prosecution.

40.—(1) Where an offender is convicted of an offence punishable with imprisonment committed during the operational period of a suspended sentence and either he is so convicted by or before a court having power under the next following section to deal with him in respect of the suspended sentence or he subsequently appears or is brought before such a court, then, unless the sentence has already taken effect, that court shall consider his case and deal with him by one of the following methods:—

Power of court on conviction of further offence to deal with suspended sentence.

- (a) the court may order that the suspended sentence shall take effect with the original term unaltered;
- (b) it may order that the sentence shall take effect with the substitution of a lesser term for the original term;
- (c) it may by order vary the original order under subsection (1) of the last foregoing section by substituting for the period specified therein a period expiring not later than three years from the date of the variation; or
- (d) it may make no order with respect to the suspended sentence;

and a court shall make an order under paragraph (a) of this subsection unless the court is of opinion that it would be unjust to do so in view of all the circumstances which have arisen since the suspended sentence was passed, including the facts of the subsequent offence, and where it is of that opinion the court shall state its reasons.

(2) Where a court orders that a suspended sentence shall take effect, with or without any variation of the original term, the

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court may order that that sentence shall take effect immediately or that the term thereof shall commence on the expiration of another term of imprisonment passed on the offender by that or another court.

(3) Where under subsection (1)(a) or (b) of this section a court orders that a suspended sentence shall take effect with a term of not more than six months and the court would have had power to sentence the offender to be detained in a detention centre for that term if it had convicted him of the original offence on the occasion of the order, the order may include a direction that he shall serve the sentence in a detention centre.

(4) Without prejudice to the last foregoing subsection, where under the said subsection (1)(a) or (b) a court orders that a suspended sentence shall take effect with a term of less than three months, the court may include such a direction in the order if the offender is then liable to be detained in a detention centre by virtue of an order or warrant made or issued by that or another court.

1961 c. 39.

(5) An order under the said subsection (1)(a) or (b) which includes such a direction shall be treated for all purposes as an order under section 4 of the Criminal Justice Act 1961 (detention of offenders aged fourteen to twenty) for the detention of the offender in a detention centre, and subsection (2) of this section shall not apply in relation to any such order.

(6) In proceedings for dealing with an offender in respect of a suspended sentence which take place before a court of assize or quarter sessions any question whether the offender has been convicted of an offence punishable with imprisonment committed during the operational period of the suspended sentence shall be determined by the court and not by the verdict of a jury.

(7) Where a court deals with an offender under this section in respect of a suspended sentence the clerk of the court shall notify the clerk of the court which passed the sentence of the method adopted.

(8) Where on consideration of the case of an offender a court makes no order with respect to a suspended sentence, the clerk of the court shall record that fact.

(9) For the purposes of any enactment conferring rights of appeal in criminal cases any such order made by a court shall be treated as a sentence passed on the offender by that court for the offence for which the suspended sentence was passed.

41.—(1) An offender may be dealt with in respect of a suspended sentence by any court of assize or quarter sessions before which he appears or is brought or, where the sentence was passed by a magistrates' court, by any magistrates' court before which he appears or is brought.

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Court
by which
suspended
sentence
is to be
dealt with.

(2) Where an offender is convicted by a magistrates' court of an offence punishable with imprisonment and the court is satisfied that the offence was committed during the operational period of a suspended sentence passed by a court of assize or quarter sessions,—

- (a) the court may, if it thinks fit, commit him in custody or on bail to a court of assize or quarter sessions having power to deal with him in respect of the suspended sentence; and
- (b) if it does not, shall give written notice of the conviction to the clerk of the court by which the suspended sentence was passed.

(3) The court to which a magistrates' court commits an offender under the last foregoing subsection shall be the court of assize or quarter sessions by which the suspended sentence was passed, except that the magistrates' court may commit him to some other court of assize or quarter sessions if, having regard to the time when and the place where he is likely to be dealt with in respect of the suspended sentence by the court by which that sentence was passed, it would be more convenient that he should be dealt with by that other court:

Provided that a magistrates' court shall not commit the offender to that other court of assize or quarter sessions in any case where it appears to the magistrates' court that he would thereby suffer hardship.

(4) For the purposes of this and the next following sections a suspended sentence passed on an offender on appeal shall be treated as having been passed by the court by which he was originally sentenced.

42.—(1) If it appears to a judge or justice of the peace on whom jurisdiction is conferred by the next following subsection that an offender has been convicted in Great Britain of an offence punishable with imprisonment committed during the operational period of a suspended sentence and that he has not been dealt with in respect of the suspended sentence, the judge or justice may issue a summons requiring the offender to appear at the place and time specified therein, or may, subject to the following provisions of this section, issue a warrant for his arrest.

Discovery
of further
offences.

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(2) The following persons shall have jurisdiction for the purposes of the foregoing subsection, that is to say—

- (a) if the suspended sentence was passed by the Central Criminal Court, a judge of that court ;
- (b) if it was passed by the Crown Court at Liverpool or the Crown Court at Manchester, a judge of the court by which it was passed ;
- (c) if it was passed by a court of assize (other than the Central Criminal Court or one of the said Crown Courts), a judge of the High Court ;
- (d) if it was passed by a court of quarter sessions, a justice acting for the area for which that court was held ;
- (e) if it was passed by a magistrates' court, a justice acting for the area for which that court acted.

(3) Where an offender is convicted by a court in Scotland of an offence punishable with imprisonment and the court is informed that the offence was committed during the operational period of a suspended sentence passed in England or Wales, the court shall give written notice of the conviction to the clerk of the court by which the suspended sentence was passed.

(4) Unless he is acting in consequence of a notice under subsection (2) of the last foregoing section or under the last foregoing subsection, a justice of the peace shall not issue a summons under this section except on information and shall not issue a warrant under this section except on information in writing and on oath.

(5) A summons or warrant issued under this section shall direct the offender to appear or to be brought before the court by which the suspended sentence was passed ; but if a warrant is so issued requiring him to be brought before a court of assize or quarter sessions and he cannot forthwith be brought before that court because that court is not being held, the warrant shall have effect as if it directed him to be brought before a magistrates' court for the place where he is arrested and the latter court shall commit him in custody or on bail to that court of assize or quarter sessions or if, having regard to the time when and the place where he is likely to be dealt with in respect of the suspended sentence by that court, it would be more convenient that he should be dealt with by another court of assize or quarter sessions, to that other court :

Provided that a magistrates' court shall not commit the offender to that other court in any case where it appears to the magistrates' court that he would thereby suffer hardship.

(6) Section 4 of the Summary Jurisdiction (Process) Act 1881 (execution of process of English courts in Scotland and vice

versa) shall apply to any process issued by any judge or justice under this section as it applies to process issued under the Magistrates' Courts Act 1952 by a magistrates' court. PART II
1952 c. 55.

Power of magistrates' courts to impose fines

43.—(1) The maximum fine which may be imposed under section 19(6) of the Magistrates' Courts Act 1952 (liability of adults summarily convicted of certain indictable offences to imprisonment and fine) shall be £400 instead of £100. General
power of
magistrates'
courts to
impose fines.

(2) In section 27(3) of the said Act of 1952 (power of a magistrates' court to fine an offender where the court would otherwise only have power to sentence him to imprisonment or other detention) for the words "twenty-five pounds" there shall be substituted the words "£100".

(3) Nothing in this section shall affect the amount of the fine which may be imposed on conviction of an offence committed before the commencement of this Act.

Enforcement of payment of fines, etc.

44.—(1) The following provisions of this section shall have effect with respect to the issue of a warrant of commitment under Part III of the Magistrates' Courts Act 1952 for default in paying a sum adjudged to be paid by a conviction of a magistrates' court; and accordingly sections 69 and 70(1) of that Act (existing restrictions on the power of magistrates' courts to issue such warrants) shall cease to have effect. Restriction on
magistrates'
courts' power
to impose
imprisonment
for default in
payment of
fines, etc.
1952 c. 55.

(2) A magistrates' court shall not on the occasion of convicting an offender of an offence issue a warrant of commitment for a default in paying any such sum unless—

- (a) in the case of an offence punishable with imprisonment, he appears to the court to have sufficient means to pay the sum forthwith;
- (b) it appears to the court that he is unlikely to remain long enough at a place of abode in the United Kingdom to enable payment of the sum to be enforced by other methods; or
- (c) on the occasion of that conviction the court sentences him to immediate imprisonment or detention in a detention centre for that or another offence or he is already serving a term of imprisonment or detention in a detention centre.

(3) A magistrates' court shall not in advance of the issue of a warrant of commitment fix a term of imprisonment which is to be served by an offender in the event of a default in paying a sum adjudged to be paid by a conviction, except where it has

PART II
1952 c. 55.

power to issue a warrant of commitment forthwith, but postpones issuing the warrant under section 65(2) of the Magistrates' Courts Act 1952 (power to fix a term and postpone the issue of a warrant).

(4) Where on the occasion of the offender's conviction a magistrates' court does not issue a warrant of commitment for a default in paying any such sum as aforesaid or fix a term of imprisonment under the said section 65(2) which is to be served by him in the event of any such default, it shall not thereafter issue a warrant of commitment for any such default or for want of sufficient distress to satisfy such a sum unless—

- (a) he is already serving a term of imprisonment or detention in a detention centre ; or
- (b) the court has since the conviction inquired into his means in his presence on at least one occasion.

(5) Where a magistrates' court is required by the last foregoing subsection to inquire into a person's means, the court may not on the occasion of the inquiry or at any time thereafter issue a warrant of commitment for a default in paying any such sum unless—

- (a) in the case of an offence punishable with imprisonment, the offender appears to the court to have sufficient means to pay the sum forthwith ; or
- (b) the court has considered or tried all other methods of enforcing payment of the sum and it appears to the court that they are inappropriate or unsuccessful.

(6) After the occasion of an offender's conviction by a magistrates' court, the court shall not, unless—

- (a) the court has previously fixed a term of imprisonment under section 65(2) of the Magistrates' Courts Act 1952 which is to be served by the offender in the event of a default in paying a sum adjudged to be paid by the conviction ; or
- (b) the offender is serving a term of imprisonment or detention in a detention centre ;

issue a warrant of commitment for a default in paying the sum or fix such a term except at a hearing at which the offender is present ; and subsections (2) to (5) of section 70 of that Act (process for securing appearance of offender at means inquiry) shall apply in relation to a hearing required to be held by this subsection as they apply in relation to an inquiry into a person's means.

(7) Where a magistrates' court issues a warrant of commitment on the ground that one of the conditions mentioned in

subsection (2) or (5) of this section is satisfied, it shall state that fact, specifying the ground, in the warrant.

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(8) A magistrates' court may, either before or on inquiring into a person's means under this section, and a justice of the peace acting for the same petty sessions area as that court may before any such inquiry, order him to furnish to the court within a period specified in the order such a statement of his means as the court may require.

(9) A person who fails to comply with an order under the last foregoing subsection shall be liable on summary conviction to a fine not exceeding £50.

(10) Where a fine has been imposed on conviction of an offender by a magistrates' court, the court may, on inquiring into his means or at a hearing under subsection (6) of this section, remit the whole or any part of the fine if the court thinks it just to do so having regard to any change in his circumstances since the conviction, and where the court remits the whole or part of the fine after a term of imprisonment has been fixed, it shall also reduce the term by an amount which bears the same proportion to the whole term as the amount remitted bears to the whole fine or, as the case may be, shall remit the whole term.

In calculating the reduction in a term of imprisonment required by this subsection any fraction of a day shall be left out of account.

(11) The last foregoing subsection shall not authorise a magistrates' court to remit the whole or any part of a sum ordered under section 95 of the National Insurance Act 1965 or section 69 of the National Insurance (Industrial Injuries) Act 1965 (recovery of unpaid contributions on prosecutions under those Acts) to be paid to the National Insurance Fund or the Industrial Injuries Fund and recoverable as a penalty by virtue of subsection (6) of either of those sections.

45.—(1) Subject to the provisions of the next following subsection, payment of a sum adjudged to be paid by a conviction of a magistrates' court may be enforced by the High Court or a county court (otherwise than by issue of a writ of fieri facias or other process against goods or by imprisonment) as if the sum were due to the clerk of the magistrates' court in pursuance of a judgment or order of the High Court or county court, as the case may be.

Enforcement
of payment
of fines by
High Court
and county
court.

(2) The foregoing subsection shall not be construed as authorising the enforcement by a county court of payment of a fine exceeding the limit for the time being in force under

PART II
1959 c. 22.

section 40 of the County Courts Act 1959 on the amount of any penalty recoverable by statute in a county court.

(3) The clerk of the magistrates' court shall not take proceedings by virtue of subsection (1) of this section to recover any sum adjudged to be paid by a conviction of the court from any person unless authorised to do so by the court after an inquiry under the last foregoing section into that person's means.

1949 c. 101.

(4) Any expenses incurred by the clerk of a magistrates' court in recovering any such sum shall be treated for the purposes of Part IV of the Justices of the Peace Act 1949 as expenses of the magistrates' courts committee.

Enforcement
of payment
of fines by
attachment of
earnings
orders.

1958 c. 39.

46.—(1) If it appears to a magistrates' court by which a sum has been adjudged to be paid by a conviction that the offender has defaulted in the payment of that sum and that he is a person to whom earnings fall to be paid, the court may, after inquiring into his means under section 44 of this Act, make one or more attachment of earnings orders within the meaning of the Maintenance Orders Act 1958.

(2) The provisions of Schedule 1 to this Act shall have effect for the purpose of applying, with modifications, provisions of the Maintenance Orders Act 1958 to attachment of earnings orders under this section and for the purpose of making a consequential amendment of that Act.

Fines
imposed and
recognizances
forfeited at
assizes and
quarter
sessions.
1948 c. 58.

47.—(1) A court of assize or quarter sessions by which a fine is imposed on any person or the recognizance of any person is forfeited shall, subject to the next following subsection, make an order under section 14(1) of the Criminal Justice Act 1948 (powers of courts of assize and quarter sessions in relation to fines and forfeited recognizances) fixing a term of imprisonment which that person is to undergo if the sum which he is liable to pay is not duly paid or recovered.

(2) No person shall on the occasion when a fine is imposed on him or his recognizance is forfeited by any such court be committed to prison in pursuance of such an order unless—

- (a) in the case of an offence punishable with imprisonment, he appears to the court to have sufficient means to pay the sum forthwith ;
- (b) it appears to the court that he is unlikely to remain long enough at a place of abode in the United Kingdom to enable payment of the sum to be enforced by other methods ; or
- (c) on the occasion when the order is made the court sentences him to immediate imprisonment or detention

in a detention centre for that or another offence, or sentences him as aforesaid for an offence in addition to forfeiting his recognizance, or he is already serving a term of imprisonment or detention in a detention centre.

(3) Subject to the provisions of subsection (8) of this section, a fine imposed or a recognizance forfeited by a court of assize or quarter sessions after the commencement of this Act shall be treated for the purposes of collection, enforcement and remission of the fine or other sum as having been imposed or forfeited—

- (a) by a magistrates' court specified in an order made by the former court ; or
- (b) if no such order is made, by the magistrates' court by which the offender was committed to the former court to be tried or dealt with ;

and in the case of a fine as having been so imposed on conviction by the magistrates' court in question.

(4) Accordingly no proceedings shall be taken or other thing done in relation to a fine imposed, or sum due under a recognizance forfeited, after the commencement of this Act by a court of assize or quarter sessions under the Levy of Fines Act 1822, the Levy of Fines Act 1823, the Fines Act 1833 or the Queen's Remembrancer Act 1859.

1822 c. 46.
1823 c. 37.
1833 c. 99.
1859 c. 21
(22 & 23 Vict.).

(5) Where a fine is imposed or a recognizance forfeited by a court of assize or quarter sessions, the clerk of the court shall—

- (a) as soon as practicable give particulars of the fine or recognizance to the clerk of the magistrates' court by which payment of the fine or the sum due under the recognizance is to be enforced ;
- (b) at the end of the assizes or sessions at which the fine or recognizance is imposed or forfeited give those particulars to the Secretary of State, specifying the magistrates' court by which payment of the fine or other sum is to be enforced.

(6) The term of imprisonment specified in any warrant of commitment issued by a magistrates' court on a default in the payment of a fine imposed, or sum due under a recognizance forfeited, by a court of assize or quarter sessions as the term which the offender is liable to serve shall be the term fixed by the latter court or, if that term has been reduced under section

PART II
1952 c. 55.

1952 c. 44.

67(2) of the Magistrates' Courts Act 1952 (part payment) or section 44(10) of this Act, that term as so reduced, notwithstanding that that term exceeds the period applicable to the case under Schedule 3 to that Act or section 285 of the Customs and Excise Act 1952 (maximum periods of imprisonment in default of payment of fines, etc.).

(7) The foregoing provisions of this section shall apply in relation to a fine imposed or recognizance forfeited by the criminal division of the Court of Appeal, or by the House of Lords on appeal from that division, as they apply in relation to a fine imposed or recognizance forfeited by a court of assize or quarter sessions, and references in those provisions to a court of assize or quarter sessions and the clerk of the court shall be construed accordingly.

(8) A magistrates' court shall not under section 44(10) of this Act or section 96 of the Magistrates' Courts Act 1952, as applied by subsection (3) of this section, remit the whole or any part of a fine imposed or a sum due under a recognizance forfeited by a court of assize or quarter sessions, without the consent of—

- (a) a judge of the Central Criminal Court, where the fine was imposed or the recognizance forfeited by that court;
- (b) a judge of the Crown Court at Liverpool or the Crown Court at Manchester, as the case may require, where the fine was imposed or the recognizance forfeited by one of those courts;
- (c) a judge of the High Court, where the fine was imposed or the recognizance forfeited by any court of assize (other than the Central Criminal Court or one of the said Crown Courts);
- (d) the chairman or any deputy chairman, or the recorder or any deputy recorder, as the case may be, of a court of quarter sessions, where the fine was imposed or the recognizance forfeited by that court;

and the said section 44(10) shall have effect accordingly.

(9) A fine imposed or a recognizance forfeited by the criminal division of the Court of Appeal on appeal from a court of assize or quarter sessions or by the House of Lords on appeal from that division shall be treated for the purposes of collection, enforcement and remission of the fine or other sum as having been imposed or forfeited by that court of assize or quarter sessions.

1949 c. 101. (10) Any fine or other sum the payment of which is enforceable by a magistrates' court by virtue of this section shall be treated for the purposes of the Justices of the Peace Act 1949

and, in particular, section 27 thereof (application of fines imposed by magistrates' courts) as having been imposed by a magistrates' court, or as being due under a recognizance forfeited by such a court, and as being Exchequer moneys.

(11) All rights granted by the Crown, by charter or otherwise, to fines imposed or sums due under recognizances forfeited after the commencement of this Act by the High Court or courts of assize or quarter sessions are hereby extinguished and any such fines or sums which apart from the foregoing provision would be paid to the holders of such rights shall be paid into and retained in the Exchequer.

(12) The Treasury shall out of moneys provided by Parliament pay by way of compensation to the holder of any such right who has received any payment as such a holder during the period of five years ending with 31st March 1967 an amount equal to three times the aggregate of the sums received by him in respect of fines imposed and recognizances forfeited in that period by the High Court or courts of assize or quarter sessions.

48.—(1) The power of a magistrates' court or of a court of summary jurisdiction in Scotland to make a transfer of fine order under section 72A of the Magistrates' Courts Act 1952 (transfer of fine orders to Scotland) or section 44 of the Summary Jurisdiction (Scotland) Act 1954 (transfer of fine orders and from Scotland) shall be exercisable in relation to a fine imposed on any person or a sum due from any person under a recognizance forfeited by a court of assize or quarter sessions the payment of which is enforceable by the magistrates' court or court of summary jurisdiction, notwithstanding that the court of assize or quarter sessions has in pursuance of the last foregoing section fixed a term of imprisonment which that person is to undergo if the fine or other sum is not duly paid or recovered.

(2) Section 24 of the Queen's Remembrancer Act 1859 (re-1859 c. 21) (covery of fines and other debts due to the Crown in other parts of the United Kingdom) shall cease to apply to the enforcement in Scotland of a fine imposed or a sum due under a recognizance forfeited by a court of assize or quarter sessions.

49. A fine imposed by a coroner after the commencement of this Act under section 19 of the Coroners Act 1887 shall be treated for purposes of its collection, enforcement and remission as having been imposed by the magistrates' court for the area in which the coroner's court was held, and the coroner shall as soon as practicable after imposing the fine give particulars of the fine to the clerk of that court.

PART II
Supplementary provisions as to payment of fines, etc.

1952 c. 55.
1961 c. 39.
1948 c. 58.

50. Sections 44 to 46 of this Act and Part III of the Magistrates' Courts Act 1952 shall have effect as if those sections were contained in that Part of that Act and in section 5(5) of the Criminal Justice Act 1961 (construction of references to terms of imprisonment) the reference to section 14 of the Criminal Justice Act 1948 shall be construed as including a reference to section 47 of this Act.

Probation and discharge

Combination of disqualification and endorsement for motoring offences with probation orders and orders for discharge.

1962 c. 59.

51.—(1) Notwithstanding anything in section 12(2) of the Criminal Justice Act 1948 (conviction of an offender placed on probation or discharged to be disregarded for the purposes of enactments relating to disqualification), a court which on convicting a person of an offence specified in Schedule 1 to the Road Traffic Act 1962 (offences involving disqualification) makes a probation order or an order discharging him absolutely or conditionally may on that occasion also exercise any power conferred, and shall also discharge any duty imposed, on the court by section 5 or 7 of the said Act of 1962 (disqualification and endorsement).

(2) A conviction in respect of which a court has ordered a person to be disqualified or of which particulars have been endorsed on any licence held by him shall, notwithstanding anything in section 12(1) of the said Act of 1948 (conviction of offender placed on probation or discharged to be disregarded for the purpose of subsequent proceedings), be taken into account in determining his liability to punishment or disqualification for any offence specified in the said Schedule 1 committed subsequently.

(3) In this section—

“disqualified” means disqualified for holding or obtaining a licence, and “disqualification” shall be construed accordingly;

“licence” means a licence to drive a motor vehicle granted under Part II of the Road Traffic Act 1960.

1960 c. 16.

Duration of conditions of discharge.

52. In section 7(1) of the Criminal Justice Act 1948 (power of a court on conviction of an offender to make an order discharging him absolutely or subject to the condition that he commits no offence during a specified period not exceeding twelve months) for the words “twelve months” there shall be substituted the words “three years”.

Substitution of conditional discharge for probation.

53.—(1) Where on an application made by the probationer or the probation officer it appears to the court having power to discharge a probation order made under section 3 of the Criminal Justice Act 1948 that the order is no longer appropriate in

the case of the probationer, the court may make, in substitution for the probation order, an order discharging him in respect of the original offence, subject to the condition that he commits no offence between the making of the order under this section and the expiration of the probation period.

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(2) A person in respect of whom an order is made under this section shall so long as the said condition continues in force be treated in all respects and in particular for the purposes of section 8 of the said Act of 1948 (commission of further offence by probationer or person subject to order for conditional discharge) as if the original order made in his case had been an order for conditional discharge made under section 7 of that Act by the court which made the original order and as if the period of conditional discharge were the same as the probation period.

(3) On the making of an order under this section the clerk of the court shall forthwith give copies thereof to the probation officer, who shall give a copy to the person in respect of whom the order is made and to the person in charge of any institution in which that person was required by the probation order to reside.

54.—(1) The power of discharging a probation order conferred by paragraph 1 of Schedule 1 to the Criminal Justice Act 1948 on the court by or before which the probationer is convicted shall, except where that court is a court of assize or quarter sessions and includes in the order a direction to the contrary, be exercised instead by the supervising court within the meaning of that Act.

Miscellaneous provisions as to probation orders.
1948 c. 58.

(2) The power of discharging such an order conferred by virtue of section 80(5) of the said Act of 1948, in a case where the order is made on appeal, on the court from which the appeal is brought shall, except where that court is a court of assize or quarter sessions and there is included in the order a direction that the power should be reserved to that court, be exercised instead by the supervising court within the meaning of that Act.

(3) Subsections (2) and (3) of section 5 of the said Act of 1948 (compulsory review of probation orders after six months) shall cease to have effect.

(4) Where a magistrates' court has committed a probationer in custody under section 6(3)(b) of the said Act of 1948 (committal to assizes or quarter sessions on breach of probation order), that court or any other magistrates' court acting for the same area as that court may at any time before the first sitting of the court of assize or quarter sessions to which he

PART II has been committed release him on bail (with or without sureties) until he can appear before the last-mentioned court.

(5) A court of assize or quarter sessions before which a probationer appears or is brought and which is satisfied that he has failed to comply with any of the requirements of the probation order may, instead of dealing with him under section 6(4)(b) of the said Act of 1948 for the offence in respect of which the probation order was made, impose on him a fine not exceeding £20, without prejudice, however, to the continuance of the probation order; and the maximum fine which may be imposed by a magistrates' court under section 6(3) of that Act for the like failure shall be £20 instead of £10.

1949 c. 94. (6) The maximum fine which may be imposed by a court in Scotland under section 5(2)(a) of the Criminal Justice (Scotland) Act 1949 on a probationer for failure to comply with any of the requirements of a probation order shall be £20 instead of £10.

1948 c. 58. (7) A probation order made or amended by virtue of section 9 of the Criminal Justice Act 1948 (probationers residing or intending to reside in Scotland) may, notwithstanding section 4(9) of that Act, include a requirement that the probationer shall submit to treatment for his mental condition, and—

(a) subsections (1), (3) and (7) of the said section 4 and section 3(2) of the Criminal Justice (Scotland) Act 1949 (all of which regulate the making of probation orders which include any such requirement) shall apply to the making of an order which includes any such requirement by virtue of this subsection as they apply to the making of an order which includes any such requirement by virtue of the said sections 4 and 3 respectively; and

(b) subsections (4) to (6) of the said section 3 (functions of probation officer and medical practitioner where such a requirement has been imposed) shall apply in relation to a probationer who is undergoing treatment in Scotland in pursuance of a requirement imposed by virtue of this subsection as they apply in relation to a probationer undergoing such treatment in pursuance of a requirement imposed by virtue of the said section 3.

(8) A probation order made or amended by virtue of section 7 of the Criminal Justice (Scotland) Act 1949 (Scottish probation orders relating to persons residing or intending to reside in England) may, notwithstanding section 3(9) of that

Act, include a requirement that the probationer shall submit to treatment for his mental condition, and— PART II

- (a) subsections (1), (3) and (7) of the said section 3 and section 4(2) of the Criminal Justice Act 1948 (all of which regulate the making of probation orders which include any such requirement) shall apply to the making of an order which includes any such requirement by virtue of this subsection as they apply to the making of an order which includes any such requirement by virtue of the said sections 3 and 4 respectively; and
- (b) subsections (4) to (6) of the said section 4 (functions of probation officer and medical practitioner where such a requirement has been imposed) shall apply in relation to a probationer who is undergoing treatment in England or Wales in pursuance of a requirement imposed by virtue of this subsection as they apply in relation to a probationer undergoing such treatment in pursuance of a requirement imposed by virtue of the said section 4.

55. A probation officer under whose supervision a woman or girl is placed in pursuance of an order under section 3 of the Criminal Justice Act 1948 or any provision of the Children and Young Persons Act 1933 may be a man or a woman, and accordingly paragraph 4(2) of Schedule 5 to the said Act of 1948 and paragraph 13 of Schedule 1 to the Children and Young Persons Act 1963 (which provide that the officer must be a woman) shall cease to have effect. Selection of probation officers. 1933 c. 12. 1963 c. 37.

Miscellaneous

56.—(1) Where a magistrates' court—

- (a) has convicted a person of an offence punishable with imprisonment or of an offence in respect of which the court has a power or duty to order him to be disqualified under section 5 of the Road Traffic Act 1962 (disqualification for certain motoring offences), or has power under section 41(1) of this Act to deal with a person in respect of a suspended sentence; and
- (b) commits that person in custody or on bail to a court of assize or quarter sessions under any enactment to which this section applies to be sentenced or otherwise dealt with in respect of another offence;

the magistrates' court may commit him in custody or on bail, as the case may require, to that court of assize or quarter sessions to be dealt with in respect of the offence mentioned in paragraph (a) of this subsection.

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1824 c. 83.

1948 c. 58.

1952 c. 55.

(2) The enactments to which this section applies are the Vagrancy Act 1824 (incorrigible rogues), section 8(4) of the Criminal Justice Act 1948 (probationer convicted of a subsequent offence), sections 28 and 29 of the Magistrates' Courts Act 1952 (committal for sentence) and sections 41(2) and 62(6) of this Act.

(3) The power of a magistrates' court under section 8(4) of the Criminal Justice Act 1948 to commit to a court of assize or quarter sessions a person subject to a probation order or an order for conditional discharge who has been convicted of an offence by the magistrates' court shall be exercisable notwithstanding that the magistrates' court has not dealt with him in respect of that offence; and accordingly in that subsection and subsection (5) of that section the words "and dealt with" shall cease to have effect.

(4) The power of a magistrates' court to commit an offender to quarter sessions under section 29 of the Magistrates' Courts Act 1952 shall be exercisable in accordance with the following provisions of this section; and accordingly in that section for the words "instead of dealing with him in any other manner" there shall be substituted the words "in accordance with section 56 of the Criminal Justice Act 1967".

(5) Where under subsection (1) of this section a magistrates' court commits a person to be dealt with by a court of assize or quarter sessions in respect of an offence, the latter court may after inquiring into the circumstances of the case deal with him in any way in which the magistrates' court might have dealt with him, and, without prejudice to the foregoing provision, where under that subsection or any enactment to which this section applies a magistrates' court so commits a person, any duty or power which, apart from this subsection, would fall to be discharged or exercised by the magistrates' court shall not be discharged or exercised by that court but shall instead be discharged or may instead be exercised by the court of assize or quarter sessions.

(6) Any duty imposed or power conferred by virtue of the last foregoing subsection on a court of quarter sessions, in a case where an offender has been committed to the court under section 28 of the Magistrates' Courts Act 1952, shall be discharged or may be exercised by the court notwithstanding that it sentences him to borstal training and in that or any other case shall be discharged or may be exercised notwithstanding anything in any other enactment and, in particular, in sections 5 and 7 of the Road Traffic Act 1962.

1962 c. 59.

(7) Where a magistrates' court has power under section 8(4) of the Criminal Justice Act 1948 or section 41 of this Act to

PART II

commit an offender to a court of assize to be dealt with in respect of an offence and has power under any other enactment to commit him to a court of quarter sessions to be dealt with in respect of another offence, the magistrates' court, if it commits him in respect of both offences, shall commit him to the court of quarter sessions.

(8) Where under subsection (1) of this section or any enactment to which this section applies a magistrates' court commits an offender to a court of assize or quarter sessions and by reason of the foregoing provisions of this section the magistrates' court does not exercise its power or discharge its duty under section 5 of the Road Traffic Act 1962 of ordering the offender to be disqualified, it may nevertheless order him to be disqualified until the court to which he is committed has dealt with him in respect of the offence. 1962 c. 59.

(9) Where a court makes an order under the last foregoing subsection in respect of any person, it shall require him to produce to the court any licence under Part II of the Road Traffic Act 1960, and any Northern Ireland licence, held by him and shall cause any such licence to be sent to the clerk of the court to which he is committed; and if he does not produce any such licence as required he shall be liable on summary conviction to a fine not exceeding £50. 1960 c. 16.

(10) Where a court makes any such order in respect of any person, sections 112 and 116(2) of the Road Traffic Act 1960 (supplementary provisions as to disqualification and endorsement) and section 7(1) of the Road Traffic Act 1962 (endorsements) shall not apply in relation to the order, but the court shall—

- (a) if he holds a licence under the said Part II, send notice of the order to the licensing authority by which the licence was granted and to the licensing authority in whose area he resides;
- (b) if he holds a Northern Ireland licence, send such a notice to the Minister of Transport;

and the court to which he is committed shall, if it determines not to order him to be disqualified under section 5 of the Road Traffic Act 1962, send notice of the determination to any such licensing authority or the Ministry of Transport, as the case may require.

(11) Where a person is committed to a court of assize or quarter sessions under this section or any enactment to which this section applies to be dealt with in respect of an offence specified in Part I or II of Schedule 1 to the Road Traffic Act 1962 (offences involving disqualification) and no order is made in his case under subsection (8) of this section, section 7(4) of that Act (duty to deliver licence to court) shall apply to him as if

PART II applies to a person who is prosecuted for such an offence and convicted before that court.

(12) A period of disqualification imposed on any person by virtue of subsection (5) of this section shall be treated as reduced by any period during which he was disqualified by reason only of an order made under subsection (8) thereof; but a period during which he was so disqualified shall not be taken into account under this subsection for the purpose of reducing more than one other period of disqualification.

(13) In this section—

- 1960 c. 16.
- “disqualified” means disqualified for holding or obtaining a licence under Part II of the Road Traffic Act 1960;
 - “licence” means a licence to drive a motor vehicle; and
 - “Northern Ireland licence” means a licence under any such provision as is mentioned in section 116(1) of the said Act of 1960 (use of Northern Ireland licences in Great Britain).

Social inquiry report before sentence.

57.—(1) The Secretary of State may by rules make provision requiring that in any case to which the rules apply a court of any prescribed class shall before passing on any person a sentence to which the rules apply consider a social inquiry report, that is to say a report about him and his circumstances, made by a probation officer or any other person authorised to do so by the rules.

(2) Rules under this section may apply to a sentence of imprisonment or detention of any class prescribed by the rules and may make different provision for different cases.

(3) No sentence shall be invalidated by the failure of a court to consider a social inquiry report in accordance with rules under subsection (1) of this section, but any other court on appeal from that court shall consider such a report in determining whether a different sentence should be passed on the appellant from the sentence passed on him by the court below.

- 1933 c. 12.
- (4) In this section “sentence of imprisonment or detention” means a sentence of imprisonment, borstal training or detention in a detention centre or a sentence of detention passed under section 53 of the Children and Young Persons Act 1933 (young offenders convicted of grave crimes).

Power to make recommendations for deportation.
1962 c. 21.

58. Notwithstanding any rule of practice restricting the matters which ought to be taken into account in dealing with an offender who is sentenced to imprisonment, a recommendation for deportation may be made under section 7 of the Commonwealth Immigrants Act 1962 in respect of an offender who is sentenced to imprisonment for life.

PART III

TREATMENT OF OFFENDERS

*Release of prisoners on licence and supervision
of prisoners after release*

59.—(1) For the purpose of exercising the functions conferred on it by this Part of this Act as respects England and Wales there shall be a body to be known as the Parole Board and for the purpose of exercising those functions as respects Scotland there shall be a body to be known as the Parole Board for Scotland, each body consisting of a chairman and not less than four other members appointed by the Secretary of State.

Constitution
and functions
of Parole
Board and
local review
committees.

(2) Any reference in the following provisions of this Part of this Act (including Schedule 2 thereto) to the Parole Board shall be construed as a reference to the Parole Board or the Parole Board for Scotland, as the case may require.

(3) It shall be the duty of the Board to advise the Secretary of State with respect to—

- (a) the release on licence under section 60(1) or 61, and the recall under section 62, of this Act of persons whose cases have been referred to the Board by the Secretary of State ;
- (b) the conditions of such licences and the variation or cancellation of such conditions ; and
- (c) any other matter so referred which is connected with the release on licence or recall of persons to whom the said section 60 or 61 applies.

(4) The following provisions shall have effect with respect to the proceedings of the Board on any case referred to it, that is to say—

- (a) the Board shall deal with the case on consideration of any documents given to it by the Secretary of State and of any reports it has called for and any information whether oral or in writing that it has obtained ; and
- (b) if in any particular case the Board thinks it necessary to interview the person to whom the case relates before reaching a decision, the Board may request one of its members to interview him and shall take into account the report of that interview by that member ;

and, without prejudice to the foregoing, the Secretary of State may by rules make provision with respect to the proceedings of the Board on cases referred to it, including provision authorising such cases to be dealt with by a prescribed number of members of the Board.

PART III

(5) The documents to be given by the Secretary of State to the Board under the last foregoing subsection shall include—

- (a) where the case referred to the Board is one of release under section 60 or 61 of this Act, any written representations made by the person to whom the case relates in connection with or since his last interview in accordance with rules under the next following subsection;
- (b) where the case so referred relates to a person recalled under section 62 of this Act, any written representations made under that section.

(6) The Secretary of State may by rules make provision—

- (a) for the establishment and constitution of local review committees having the duty of reviewing at such times or in such circumstances as may be prescribed by or determined under the rules the cases of persons who are or will become eligible for release under section 60 or 61 of this Act and reporting to the Secretary of State on their suitability for release on licence; and
- (b) for the interview of such persons by a member of any such committee (not being a prison officer);

and rules under this subsection may make different provision for different cases.

(7) The supplementary provisions contained in Schedule 2 to this Act shall have effect with respect to the Parole Board and local review committees.

Release on licence of persons serving determinate sentences.

60.—(1) The Secretary of State may, if recommended to do so by the Parole Board, release on licence a person serving a sentence of imprisonment, other than imprisonment for life, after he has served not less than one-third of his sentence or twelve months thereof, whichever expires the later.

(2) A person whose sentence falls to be reduced under section 67 of this Act shall, for the purpose of determining under the foregoing subsection whether he has served one-third of his sentence, be treated as if any period spent in custody between conviction and sentence and taken into account under that section were included in his sentence and as if he had served that period as part of that sentence.

(3) Without prejudice to his earlier release under subsection (1) of this section the Secretary of State may direct that—

- (a) a person serving a sentence of imprisonment in respect of whom an extended sentence certificate was issued when the sentence was passed; or

(b) a person serving a sentence of imprisonment for a term of eighteen months or more who was under the age of twenty-one when the sentence was passed ;

shall, instead of being granted remission of any part of his sentence under the prison rules, be released on licence at any time on or after the day on which he could have been discharged from prison if the remission had been granted.

(4) A person subject to a licence under this section shall comply with such conditions, if any, as may for the time being be specified in the licence.

(5) The Secretary of State shall consult the Board before including on release, or subsequently inserting, a condition in a licence under this section or varying or cancelling any such condition ; and for the purposes of this subsection the Secretary of State shall be treated as having consulted the Board about a proposal to include, insert, vary or cancel a condition in any case if he has consulted the Board about the implementation of proposals of that description generally or in that class of case.

(6) A licence granted to any person under this section shall, unless previously revoked under section 62 of this Act, remain in force until a date specified in the licence, being—

(a) in the case of a licence granted to a person in respect of whom an extended sentence certificate was issued when sentence was passed on him or to a person who was under the age of twenty-one when sentence was passed on him, the date of the expiration of the sentence ;

(b) in any other case, the date on which he could have been discharged from prison on remission of part of his sentence under the prison rules if, after the date of his release on licence, he had not forfeited remission of any part of the sentence under the rules.

(7) Section 20 of and Schedule 3 to the Criminal Justice Act 1961 (supervision of discharged prisoners) shall cease to have effect. 1961 c. 39.

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

(a) the expression “ prison rules ” means rules under section 35 of the Prisons (Scotland) Act 1952 ; 1952 c. 61.

(b) the expression “ imprisonment ” includes detention in a young offenders institution as defined in section 31(1)(d) of the Prisons (Scotland) Act 1952 ;

(c) subsection (3)(a) shall be omitted ;

(d) in paragraph (a) of subsection (6), the words from “ to a person ” where they first occur to “ or ” shall be omitted.

PART III
 Release on
 licence of
 persons
 sentenced to
 imprisonment
 for life, etc.
 1933 c. 12.

61.—(1) The Secretary of State may, if recommended to do so by the Parole Board, release on licence a person serving a sentence of imprisonment for life or a person detained under section 53 of the Children and Young Persons Act 1933 (young offenders convicted of grave crimes), but shall not do so in the case of a person sentenced to imprisonment for life or to detention during Her Majesty's pleasure or for life except after consultation with the Lord Chief Justice of England together with the trial judge if available.

(2) Subsections (4) and (5) of the last foregoing section shall apply in relation to a licence under this section as they apply in relation to a licence under that section.

(3) A licence granted under this section to any person sentenced under section 53(2) of the Children and Young Persons Act 1933 to be detained otherwise than for life shall, unless previously revoked under the next following section, remain in force until a date specified in the licence, being the date of the expiration of the sentence.

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

(a) for the references to section 53 and 53(2) of the Children and Young Persons Act 1933 there shall be substituted respectively references to section 57 and 57(2) of the Children and Young Persons (Scotland) Act 1937;

(b) in subsection (1), for the words " Lord Chief Justice of England " there shall be substituted the words " Lord Justice General ".

1937 c. 37.

Revocation of
 licences and
 conviction
 of prisoners
 on licence.

62.—(1) Where the Parole Board recommends the recall of any person who is subject to a licence under section 60 or 61 of this Act, the Secretary of State may revoke that person's licence and recall him to prison.

(2) The Secretary of State may revoke the licence of any such person and recall him as aforesaid without consulting the Board, where it appears to him that it is expedient in the public interest to recall that person before such consultation is practicable.

(3) A person recalled to prison under the foregoing provisions of this section may make representations in writing with respect to his recall and shall on his return to prison be informed of the reasons for his recall and of his right to make such representations.

(4) The Secretary of State shall refer to the Board the case of a person recalled under subsection (1) of this section who makes representations under the last foregoing subsection and

shall in any event so refer the case of a person returned to prison after being recalled under subsection (2) of this section.

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(5) Where the Board recommends the immediate release or licence of a person whose case is referred to it under this section, the Secretary of State shall give effect to the recommendation, and where it is necessary for that purpose to release that person under subsection (1) of the last foregoing section, the Secretary of State shall do so without the consultation required by that subsection.

(6) If a person subject to a licence under section 60 or 61 of this Act is convicted by a magistrates' court of an offence punishable on indictment with imprisonment, the court may commit him in custody or on bail to quarter sessions for sentence in accordance with section 29 of the Criminal Justice Act 1948 (power of quarter sessions to sentence persons convicted by magistrates' courts of indictable offences). 1948 c. 58.

(7) If a person subject to any such licence is convicted on indictment of such an offence as aforesaid or is committed to quarter sessions for sentence as aforesaid or under section 29 of the Magistrates' Courts Act 1952 (committal of persons convicted of indictable offences for sentence), the court by which he is convicted or to which he is committed, as the case may be, may, whether or not it passes any other sentence on him, revoke the licence. 1952 c. 55.

(8) If a person subject to a licence under section 60 or 61 of this Act is convicted by the High Court of Justiciary, or by a sheriff, whether summarily or on indictment, of an offence punishable on indictment with imprisonment, the court by which he is convicted may, whether or not it passes any other sentence on him, revoke the licence.

(9) On the revocation of the licence of any person under this section, he shall be liable to be detained in pursuance of his sentence, and, if at large, shall be deemed to be unlawfully at large.

(10) If in the case of a person subject to a licence under section 60 of this Act a court of assize or quarter sessions or the High Court of Justiciary or a sheriff revokes that licence under this section, the Secretary of State shall not thereafter release him under subsection (1) of that section before the expiration of one year from the date of revocation or before the expiration of one-third of the period during which the licence would have remained in force, whichever is the later; but the foregoing provision shall not affect any power to release him otherwise than under that subsection.

(11) This section shall have effect, in its application to a person sentenced to be detained under section 53 of the

PART III
1933 c. 12.
1937 c. 37.

Children and Young Persons Act 1933 or section 57 of the Children and Young Persons (Scotland) Act 1937 (young offenders convicted of grave crimes), as if for any reference to a prison there were substituted a reference to any place in which the Secretary of State directs that person to be detained.

Supervision
of young,
short-term
prisoners
after release.
1961 c. 39.

63.—(1) A person serving a sentence of imprisonment for a term of less than eighteen months who was under the age of twenty-one when the sentence was passed shall be subject after his release from prison to supervision under Schedule 1 to the Criminal Justice Act 1961 (supervision of persons released from detention centres) as if he had been released from a detention centre after being detained there in pursuance of an order under section 4 of that Act (detention centre order), and the provisions of that Schedule shall apply accordingly to any such person—

- (a) with the substitution for any reference to an order under the said section 4 of a reference to a sentence of imprisonment; and
- (b) with the substitution for any reference to a detention centre of a reference to a prison.

(2) A notice under the said Schedule 1 given to a person to whom the foregoing subsection applies shall state that he was under the age of twenty-one when the relevant sentence was passed on him.

Supplemental.

64.—(1) For the purposes of the foregoing provisions of this Part of this Act or any notice thereunder the age of any person at the time when sentence was passed on him shall be deemed to have been that which appears to the Secretary of State to have been his age at that time.

(2) The following powers, that is to say—

- (a) the power conferred on the Secretary of State by section 60 of this Act to insert or include conditions in the licence of any person released under that section after being transferred to either part of Great Britain from another part of the United Kingdom, the Channel Islands or the Isle of Man;
- (b) the power conferred on the Secretary of State by section 62 of this Act to revoke the licence of any such person and recall him to prison;
- (c) the power conferred on a court by the said section 62 to revoke any such licence;

shall be exercisable notwithstanding anything in section 26(6) of the Criminal Justice Act 1961 (exclusion of supervision of persons so transferred).

Miscellaneous

PART III

- 65.** Corporal punishment shall not be inflicted in any prison or other institution to which the Prison Act 1952 applies, and accordingly section 18 of that Act shall cease to have effect. Abolition of corporal punishment in prison. 1952 c. 52.
- 66.—(1)** Notwithstanding that a remand centre is provided under section 43 of the Prison Act 1952 for the detention of persons of or over the age of fourteen but under the age of twenty-one who are remanded or committed in custody for trial or sentence, any person required to be detained in an institution to which that Act applies may be detained in a remand centre for any temporary purpose or for the purpose of providing maintenance and domestic services for that centre. Miscellaneous amendments of the Prison Act 1952.
- (2) Section 15 of the said Act of 1952 (provision of separate buildings for male and female prisoners confined in the same prison) shall cease to have effect.
- (3) For sections 30 to 32 of the said Act of 1952 (discharged prisoners aid societies and allowances and expenses for discharged prisoners) there shall be substituted the following section :—
- “Payments for discharged prisoners. 30. The Secretary of State may make such payments to or in respect of persons released or about to be released from prison as he may with the consent of the Treasury determine ”.
- (4) Any statutory instrument containing rules made under section 47 of the said Act of 1952 (prison rules) shall be subject to annulment in pursuance of a resolution of either House of Parliament; and accordingly so much of section 52(2) of that Act as requires a draft of such an instrument to be laid before Parliament shall cease to have effect.
- (5) In section 47(4) of that Act (duty to include in prison rules provisions for the special treatment of certain classes of prisoners), paragraphs (b) and (c) (persons convicted of sedition, etc., and appellants) shall cease to have effect, and at the end of paragraph (d) (miscellaneous prisoners) there shall be added the words “or a person committed to custody on his conviction”.
- 67.—(1)** The length of any sentence of imprisonment imposed on an offender by a court shall be treated as reduced by any period during which he was in custody by reason only of having been committed to custody by an order of a court made in connection with any proceedings relating to that sentence or the offence for which it was passed or any proceedings from which those proceedings arose, but where the offender was Computation of sentences of imprisonment passed in England and Wales.

PART III

previously subject to a probation order, an order for conditional discharge or a suspended sentence in respect of that offence, any such period falling before the order was made or suspended sentence passed shall be disregarded for the purposes of this section.

(2) For the purposes of this section a suspended sentence shall be treated as a sentence of imprisonment when it takes effect under section 40 of this Act and as being imposed by the order under which it takes effect.

1962 c. 15.

(3) No period of custody, other than a period which would have been taken into account before the commencement of this Act under section 17(2) of the Criminal Justice Administration Act 1962 (duration of sentence) for the purpose of reducing a term of imprisonment, shall be taken into account for the like purpose under this section unless it falls after the commencement of this Act.

(4) Any reference in this Act or any other enactment (whether passed before or after the commencement of this Act) to the length of any sentence of imprisonment shall, unless the context otherwise requires, be construed as a reference to the sentence pronounced by the court and not the sentence as reduced by this section.

Consideration
of time spent
in custody in
passing
sentence in
Scotland.
1952 c. 61.

68. A court in Scotland, in passing a sentence of imprisonment or detention in a young offenders institution as defined in section 31(1)(d) of the Prisons (Scotland) Act 1952 on a person for any offence, shall, in determining the period of imprisonment or detention, have regard to any period of time spent in custody by that person on remand awaiting trial or sentence.

Extension of
enactments
relating to
persons
sentenced to
imprisonment
or detention
to young
offenders
sentenced to
detention.
1961 c. 39.

69.—(1) In section 38(3) of the Criminal Justice Act 1961 (construction of references to imprisonment or detention and sentence) at the end there shall be added the following paragraph—

“(c) any reference to a person serving a sentence of, or sentenced to, imprisonment or detention shall be construed as including a reference to a person who, under any enactment relating to children and young persons in force in any part of the United Kingdom or any of the Channel Islands or the Isle of Man, has been sentenced by a court to be detained for an offence and is liable to be detained in accordance with directions given by the Secretary of State, by the Minister of Home Affairs for Northern Ireland or by the Governor of the Isle of Man with the concurrence of the Secretary of State, and any other reference to a sentence of

imprisonment or detention shall be construed accordingly." PART III

(2) In section 49 of the Prison Act 1952, section 37 of the Prisons (Scotland) Act 1952 and section 38(2) of the Prison Act (Northern Ireland) 1953 (persons unlawfully at large) any reference to a person sentenced to imprisonment shall be construed as including a reference to any such person as is mentioned in the foregoing subsection. 1952 c. 52. 1952 c. 61. 1953 c. 18 (N.I.).

70.—(1) Where the Secretary of State, in the case of a person serving a sentence of imprisonment, corrective training or preventive detention in Scotland, is of the opinion that in the interests of security or of public safety that person ought to be transferred to a prison in England and Wales, he may make an order for his transfer to that prison : Prisoner transferred from Scotland to England for security.

Provided that the Secretary of State may at any time make an order for the transfer of that person back to a prison in Scotland.

(2) A person transferred to England and Wales or transferred back to Scotland under this section shall be treated for all purposes as if he had been transferred to England and Wales or, as the case may be, Scotland under section 26 of the Criminal Justice Act 1961. 1961 c. 39.

71. Any power conferred by or under any enactment to release a person from a prison or other institution to which the Prison Act 1952 applies or from an approved school may be exercised notwithstanding that he is not for the time being detained in that institution or school and a person released by virtue of this section shall, after his release, be treated in all respects as if he had been released from that institution or school. Exercise of powers of release.

72.—(1) On an information in writing being laid before a justice of the peace for any area in England and Wales or Northern Ireland and substantiated on oath, or on an application being made to a sheriff, magistrate or justice of the peace in Scotland, alleging that any person is— Power of magistrates to issue warrants for arrest of escaped prisoners and mental patients.

- (a) an offender unlawfully at large from a prison or other institution to which the Prison Act applies in which he is required to be detained after being convicted of an offence ; or
- (b) a convicted mental patient liable to be retaken under section 40 or 140 of the Mental Health Act 1959, section 36 or 106 of the Mental Health (Scotland) Act 1960 or section 30 or 108 of the Mental Health Act (Northern Ireland) 1961 (retaking of mental (N.I.)). 1959 c. 72. 1960 c. 61. 1961 c. 15.

PART III

patients who are absent without leave or have escaped from custody) ;

the justice, sheriff or magistrate may issue a warrant to arrest him and bring him before a magistrates' court for that area or, in Scotland, before any sheriff.

(2) Where a person is brought before a magistrates' court or sheriff in pursuance of a warrant for his arrest under this section, the court or sheriff shall, if satisfied that he is the person named in the warrant and if satisfied as to the facts mentioned in paragraph (a) or (b) of the foregoing subsection, order him to be returned to the prison or other institution where he is required or liable to be detained or, in the case of a convicted mental patient, order him to be kept in custody or detained in a place of safety pending his admission to hospital.

1959 c. 72.
1960 c. 61.
1961 c. 15
(N.I.).

(3) Section 139 of the Mental Health Act 1959, section 105 of the Mental Health (Scotland) Act 1960 and section 107 of the Mental Health Act (Northern Ireland) 1961 (custody, conveyance and detention of certain mental patients) shall apply to a convicted mental patient required by this section to be conveyed to any place or to be kept in custody or detained in a place of safety as they apply to a person required by or by virtue of the said Act of 1959, 1960 or 1961, as the case may be, to be so conveyed, kept or detained.

(4) In this section—

“ convicted mental patient ” means a person liable after being convicted of an offence to be detained under Part V of the Mental Health Act 1959, Part V of the Mental Health (Scotland) Act 1960 or Part III of the Mental Health Act (Northern Ireland) 1961 in pursuance of a hospital order or transfer direction together with an order or direction restricting his discharge ;

“ place of safety ” has the same meaning as in Part V of the said Act of 1959 or 1960 or Part III of the said Act of 1961, as the case may be ;

“ Prison Act ” means the Prison Act 1952, the Prisons (Scotland) Act 1952 or the Prison Act (Northern Ireland) 1953, as the case may be.

1952 c. 52.
1952 c. 61.
1953 c. 18.
(N.I.)
1914 c. 58.

(5) Section 27 of the Criminal Justice Administration Act 1914 (power to issue warrants for the arrest of persons who may be arrested without a warrant) shall cease to have effect.

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LEGAL AID IN CRIMINAL PROCEEDINGS

73.—(1) The following provisions of this section shall have effect with respect to the giving of legal aid in connection with criminal proceedings, but any power conferred by those provisions to give such aid shall be exercisable only in the circumstances mentioned in section 75(1), and subject to the provisions of section 75(2) to (4), of this Act.

Power to order legal aid to be given.

(2) Where a person is charged with an offence before a magistrates' court or appears or is brought before a magistrates' court to be dealt with, the court may order that he shall be given legal aid for the purpose of the proceedings before the court.

(3) Where a person convicted or sentenced by a magistrates' court desires to appeal to a court of quarter sessions, either of those courts may order that he shall be given legal aid for the purpose of the appeal and where any such person gives notice of appeal, either of those courts may order that the other party to the appeal shall be given legal aid for the purpose of resisting the appeal.

(4) Where a person is committed to or appears before a court of assize or quarter sessions for trial or sentence, or appears or is brought before a court of assize or quarter sessions to be dealt with, the court which commits him or to which he is committed, or before which he appears or is brought, may order that he shall be given legal aid for the purpose of the trial or other proceedings before the court of assize or quarter sessions.

(5) Where a person is convicted or sentenced by a court of assize or quarter sessions and desires to appeal to the Court of Appeal against his conviction or sentence, the criminal division of the Court of Appeal may order that he shall be given legal aid for the purpose of the appeal and any proceedings preliminary or incidental thereto.

(6) Where a person is convicted by a court-martial and desires to appeal to the Courts-Martial Appeal Court, the latter court may order that he shall be given legal aid for the purpose of the appeal and any proceedings preliminary or incidental thereto.

(7) Where either party to an appeal to the criminal division of the Court of Appeal or the Courts-Martial Appeal Court desires to appeal to the House of Lords from a decision of one of those Courts, the court which gave the decision may order that the person to whose conviction or sentence the appeal relates shall be given legal aid for the purpose of the appeal and any proceedings preliminary or incidental thereto.

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1964 c. 43.

(8) Where the criminal division of the Court of Appeal or the House of Lords orders a person to be retried by a court of assize or quarter sessions under section 1 of the Criminal Appeal Act 1964 (new trials in cases of fresh evidence), the former court or the House of Lords, as the case may be, or the latter court may order that he shall be given legal aid for the purpose of the retrial.

(9) In the following provisions of this Part of this Act "legal aid order" means an order made under any provision of this section and "legally assisted person" means a person to whom legal aid is ordered to be given by such an order.

Supplementary provisions as to legal aid orders.

74.—(1) For the purposes of this Part of this Act legal aid, in relation to any proceedings to which a person is a party, shall be taken, subject to the following provisions of this section, as consisting of representation by a solicitor and counsel assigned by the court, including advice on the preparation of that person's case for those proceedings.

(2) Notwithstanding anything in the last foregoing subsection legal aid ordered to be given for the purposes of any proceedings before a magistrates' court shall not include representation by counsel except in the case of any indictable offence where the court is of opinion that, because of circumstances which make the case unusually grave or difficult, representation by both counsel and solicitor would be desirable.

(3) Where a court of assize or quarter sessions makes a legal aid order under subsection (3) or (4) of the last foregoing section, the court may, in cases of urgency where it appears to the court that there is no time to instruct a solicitor, order that the legal aid to be given shall consist of representation by counsel only, and where a magistrates' court or court of quarter sessions makes a legal aid order under either of those subsections for the purpose of proceedings before a court of quarter sessions before which solicitors have a right of audience, the court may order that the legal aid to be given shall consist of representation by a solicitor only.

(4) Where a court makes a legal aid order under subsection (5) or (6) of the last foregoing section, the court may order that the legal aid to be given shall consist of representation by counsel only.

(5) A legal aid order under subsection (2) of the last foregoing section for the purpose of proceedings before a magistrates' court shall be authority for the solicitor assigned by the court to give advice on the question whether there appear to be reasonable grounds of appeal from any determination in those proceedings

and assistance by him in the giving of a notice of appeal or making of an application for a case to be stated, being a notice given or application made within the ordinary time for doing so.

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(6) Legal aid which may be ordered to be given to any person convicted or sentenced by a magistrates' court for the purpose of an appeal to a court of quarter sessions by a legal aid order under subsection (3) of the last foregoing section shall be authority for counsel or the solicitor assigned to him to give advice, in the event of the court confirming or varying his conviction or sentence, on the question whether there appear to be reasonable grounds of appeal from the decision of the court and, if such grounds appear to exist, assistance in the making of an application for a case to be stated.

(7) Legal aid which may be ordered to be given to any person for the purpose of any proceedings by a legal aid order under subsection (4) of the last foregoing section shall, in the event of his being convicted or sentenced in those proceedings, include advice on the question whether there appear to be reasonable grounds of appeal and—

- (a) if such grounds appear to exist, assistance in the preparation of an application for leave to appeal or in the giving of a notice of appeal ;
- (b) while that question is being considered, assistance in the making of a provisional application or the giving of a provisional notice.

(8) Legal aid which may be ordered to be given to any person for the purpose of any appeal by a legal aid order under subsection (5) or (6) of the last foregoing section may, without prejudice to subsection (1) of this section, consist in the first instance of advice, by counsel or a solicitor assigned by the court, on the question whether there appear to be reasonable grounds of appeal and assistance by that solicitor in the preparation of an application for leave to appeal or in the giving of a notice of appeal.

(9) A legal aid order under the said subsection (5) or (6) may, if the court thinks fit, include provision that the legal aid ordered to be given shall be deemed to include the like advice and assistance previously given by counsel or a solicitor not then assigned by the court.

(10) The reference in subsection (2) of the last foregoing section to a person charged with an offence before a magistrates' court includes a reference to a person summoned or arrested for an offence and under a duty to appear or a liability to be brought before a magistrates' court in respect of that offence ;

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and the power to make a legal aid order under that subsection shall, in the case of a person arrested for an offence who has not appeared or been brought before a magistrates' court, be exercisable by the magistrates' court to which an application for legal aid is made in pursuance of regulations under this Part of this Act.

1952 c. 55. (11) Any reference in the said subsection (2) to a person charged with an offence includes a reference to a person against whom proceedings are instituted under section 91 of the Magistrates' Courts Act 1952 (binding over) in respect of an actual or apprehended breach of the peace or other misbehaviour, and any such reference to a person brought before a magistrates' court to be dealt with includes a reference to a person brought before a metropolitan stipendiary magistrate to be dealt with under section 9 of the Extradition Act 1870 or section 5 of the Fugitive Offenders Act 1881 (hearing of extradition and similar proceedings).

1870 c. 52.
1881 c. 69.

(12) In the last foregoing section—

1948 c. 58. "dealt with" means dealt with under section 6 or 8 of the Criminal Justice Act 1948 or under section 40 of this Act, or dealt with for a failure to comply with a condition of a recognizance to keep the peace or be of good behaviour ;

"sentence" includes an order of a court in respect of which an appeal lies (with or without leave) to another court, and "sentenced" shall be construed accordingly.

Circumstances
in which
legal aid may
be given.

75.—(1) Subject to the following provisions of this section, the power to make a legal aid order shall be exercisable by a court having power under section 73 of this Act to do so where it appears to the court desirable to do so in the interests of justice, and a court having power to do so shall make such an order—

(a) where a person is committed for trial on a charge of murder ; or

(b) where the prosecutor appeals or applies for leave to appeal from the criminal division of the Court of Appeal or the Courts-Martial Appeal Court to the House of Lords.

(2) A court shall not make a legal aid order for the giving of aid to any person for the purpose of any criminal proceedings or any other purpose unless it appears to the court that his means are such that he requires assistance in meeting the costs which he may incur for that purpose.

(3) A court may refuse to make a legal aid order for the giving of aid to any person unless he first makes a payment

on account of any contribution towards costs which he may be liable to make under the next following section, but shall only refuse to do so if it appears to the court from a statement furnished by him under the next following subsection or otherwise that it is likely that he will be required to make such a contribution and that he has the means to make an immediate payment.

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(4) Without prejudice to subsection (2) of this section, before a court makes a legal aid order for the giving of aid to any person, the court shall require him to furnish a written statement of his means in a prescribed form.

(5) Where a doubt arises whether a legal aid order should be made for the giving of aid to any person, the doubt shall be resolved in that person's favour.

76.—(1) A person to whom legal aid has been ordered to be given for any purpose by a legal aid order may be ordered by a court having power to do so to make such contribution to the appropriate authority in respect of the costs incurred on his behalf for that purpose as appears to the court reasonable having regard to his resources and commitments or, if it so appears, to pay the whole amount of those costs to that authority. Liability for contributions.

(2) In this Part of this Act any reference to a contribution towards costs shall be construed as including a reference to a payment of the whole amount thereof.

(3) A person may be ordered under this section to make a contribution towards costs in one sum or by instalments.

(4) An order under this section may be made—

(a) where the legal aid was ordered to be given for the purpose of proceedings before a magistrates' court and the legally assisted person is not committed to a court of assize or quarter sessions for trial or sentence, by that magistrates' court after disposing of the case ;

(b) where the legal aid was ordered to be given for the purpose of proceedings before a magistrates' court and the legally assisted person is committed to a court of assize or quarter sessions as aforesaid, by the latter court, or any other court to which the legally assisted person was committed under section 16 of the Criminal Justice Administration Act 1962, after disposing of the case ; 1962 c. 15.

(c) where the legal aid was ordered to be given for the purpose of an appeal to, or a trial or other proceedings before, a court of assize or quarter sessions, by that court, or any other court to which the legally assisted

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person was committed under the said section 16, after disposing of the appeal or hearing as the case may be ;

- (d) where the legal aid was ordered to be given for the purpose of an appeal to the Court of Appeal, the Courts-Martial Appeal Court or the House of Lords, by the Court in question or that House, as the case may be, after disposing of the appeal.

Means inquiry by the Supplementary Benefits Commission.

77.—(1) At any time after a person has applied for legal aid a court having power to make a legal aid order under section 73 of this Act or an order under the last foregoing section may, and shall on an application made by a legally assisted person in the prescribed circumstances and within the prescribed time, request the Supplementary Benefits Commission to inquire into his means and the Commission shall comply with the request and report on his means to the court.

(2) Where the court receives a report under the foregoing subsection before making an order under the last foregoing section, the court shall in determining whether or not to make such an order and in determining the terms of the order have regard to the report.

(3) Where the court receives any such report after making an order under the last foregoing section, it shall reconsider the order and may vary its terms in the light of the report.

Computation of resources.

78.—(1) Regulations made by the Secretary of State with the consent of the Treasury may make provision as to the manner in which a person's resources and commitments are to be taken into account for the purpose of determining whether his means are such that he should be given legal aid under this Part of this Act and for the purpose of determining the amount of the contribution which he may be required to make towards the costs of the legal aid.

(2) Except in so far as regulations under the foregoing subsection otherwise provide, any resources and commitments of a person's wife or husband shall be treated for the purposes aforesaid as that person's resources and commitments, and the regulations may also—

- (a) make provision, in relation to infants, for taking into account the resources and commitments of other persons ; and
- (b) make provision as to the manner in which the resources and commitments of other persons are to be taken into account for those purposes.

79.—(1) Where a legally assisted person is given legal aid for the purposes of any proceedings, any sums due under an order for costs made in his favour with respect to those proceedings shall be paid into the fund out of which the costs of legal aid fall to be paid under section 81(1) of this Act or, in the case of appeals to or from the Courts-Martial Appeal Court, to the Secretary of State. PART IV
Supplementary provisions as to payment of contributions.

(2) If the total contribution made by a legally assisted person in respect of any costs is more than the difference between the costs incurred on his behalf and the sums due in respect of costs under such an order, the excess shall be repaid to him.

(3) Any sum due by way of contribution towards costs from a legally assisted person may be recovered summarily as a sum adjudged to be paid as a civil debt by order of a magistrates' court but section 74 of the Magistrates' Courts Act 1952 (arrears under affiliation orders) and sections 17 and 18 of the Maintenance Orders Act 1958 (not more than one committal for same arrears, and power to review committals) shall apply in relation to any such sum as they apply in relation to a sum ordered to be paid by an affiliation order. 1952 c. 55.
1958 c. 39.

(4) Without prejudice to the last foregoing subsection, payment of any sum so due may, subject to the provisions of the next following subsection, be enforced by the High Court or a county court as if it were due in pursuance of a judgment or order of the High Court or county court, as the case may be.

(5) The last foregoing subsection shall not be construed as authorising the enforcement by a county court of payment of a sum exceeding the limit for the time being in force under section 40 of the County Courts Act 1959 on the amount of any penalty recoverable by statute in a county court. 1959 c. 22.

(6) If on the application of the appropriate authority it appears to a magistrates' court that at the time of the application payment of a contribution towards costs by a legally assisted person or any instalment thereof has been due for not less than four weeks, and that he is a person to whom earnings fall to be paid, the court may make one or more attachment of earnings orders within the meaning of the Maintenance Orders Act 1958 to secure the payment of the whole of the unpaid amount of the contribution.

(7) The provisions of Schedule 1 to this Act shall have effect for the purpose of applying, with modifications, provisions of the said Act of 1958 to attachment of earnings orders under this section and for the purpose of making a consequential amendment of that Act.

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1949 c. 101.

(8) Any sum paid by way of contribution towards costs to a clerk of a magistrates' court shall be paid by him to the Secretary of State, and section 27(1) of the Justices of the Peace Act 1949 (application of fines, fees, etc.) shall not apply to any such sum, but section 27(9) of that Act (regulations as to accounts) shall apply to any such sum as it applies to a sum payable under the said subsection (1).

Amendment
and revocation
of legal aid
orders.

80.—(1) A court having power to make a legal aid order may on the application of the legally assisted person or otherwise amend any such order by substituting for any legal representative or representatives previously assigned to him any legal representative or representatives whom the court could have assigned to him if it had then been making the legal aid order.

(2) A court having power to make a legal aid order may revoke any such order—

- (a) on the application of the legally assisted person ; or
- (b) if the only legal representative or all the legal representatives for the time being assigned to him withdraws or withdraw from the case and it appears to the court that, because of his conduct, it is not desirable to amend the order under the foregoing subsection.

(3) The amendment or revocation of a legal aid order under this section shall not affect the right of any legal representative previously assigned to the legally assisted person to remuneration for work done before the date of the amendment or revocation as the case may be, but where a court revokes such an order, the court may make an order under section 76 of this Act as if it had disposed of the case.

Payment
of costs of
legal aid.

81.—(1) Where a legal aid order has been made for the giving of aid to a legally assisted person, the costs of the legal aid given to him shall be paid by whichever of the following methods is appropriate, that is to say—

- (a) in the case of proceedings in a magistrates' court, they shall be paid out of the legal aid fund ;
- (b) in the case of appeals to quarter sessions, they shall be paid out of the general rate fund of the borough where the court appealed from was acting for a county borough, the general fund of the Greater London Council where it was acting for a London Commission area and in any other case the county fund ;
- (c) in the case of appeals to or from the Courts-Martial Appeal Court, they shall be paid by the Secretary of State ; and

(d) in the case of any proceedings not falling within any of the foregoing paragraphs, they shall be paid out of the local funds out of which the costs of those proceedings are payable under the Costs in Criminal Cases Act 1952. PART IV
1952 c. 48.

(2) Subject to regulations under section 83 of this Act, the costs of legal aid ordered to be given to a legally assisted person for the purpose of any proceedings shall include sums on account of the fees payable to any counsel or solicitor assigned to him and disbursements reasonably incurred by any such solicitor for or in connection with those proceedings.

(3) Costs required by this section to be paid in respect of any proceedings shall not include any sum in respect of allowances to witnesses attending to give evidence in those proceedings in any case where such allowances are payable under the provisions of any other enactment.

(4) Costs required by this section to be paid out of the legal aid fund shall be paid in like manner as costs which fall to be so paid under Part I of the Legal Aid and Advice Act 1949 and— 1949 c. 51.

(a) the functions of the Law Society under that Part of that Act shall include securing the payment of costs so required and the recovery of sums due to the legal aid fund under this Part of this Act; and

(b) references to that Part of that Act in sections 8(3) to (5), 9(2) to (9) and 11 of that Act (administration and financing of the legal aid scheme under that Part of that Act) shall be construed as including references to this Part of this Act, so far as it relates to the payment of costs and the recovery of sums as aforesaid.

(5) The costs of any proceedings before a court, or any matters preliminary or incidental to any such proceedings, which are required by this section to be paid out of any fund mentioned in subsection (1)(b) or (d) of this section shall be treated for the purpose of the Costs in Criminal Cases Act 1952 as if they had been ordered by that court to be paid out of local funds.

(6) Costs required by this section to be paid out of any fund mentioned in the said subsection (1)(b) or (d) shall be repaid by the Secretary of State, in accordance with arrangements made by him with the approval of the Treasury, to the local authority by which the fund is maintained.

(7) A local authority shall not be entitled to any payment under this section on account of sums included in an order for payment of costs which is enforceable by the authority, except in so far as the Secretary of State is satisfied that those sums cannot be recovered by virtue of that order.

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Solicitors and
counsel.

82.—(1) Any practising barrister or solicitor may be assigned to act for a legally assisted person unless he is for the time being excluded by virtue of the next following subsection as being unfit so to act by reason of his conduct when acting for legally assisted persons or his professional conduct generally.

(2) The Lord Chancellor may make rules—

(a) empowering a tribunal established under the rules—

(i) to hear and determine complaints against a barrister or solicitor ;

(ii) to exclude from acting for legally assisted persons (whether permanently or temporarily) any barrister or solicitor against whom a complaint is proved and, in the case of a member of a firm of solicitors, any other person who is for the time being a member of the same firm ;

(iii) to reduce or cancel the remuneration otherwise payable to any such barrister or solicitor or to his firm under a legal aid order ;

(iv) to order any such barrister or solicitor to pay all or any of the costs of the proceedings on any such complaint ;

(b) regulating the making of complaints to that tribunal and the disposal by the tribunal of complaints so made ; and

(c) providing for the notification of the decisions of that tribunal to all courts which have power under section 73 of this Act to make a legal aid order.

(3) Where a barrister or solicitor is aggrieved by any decision of the tribunal excluding him (whether permanently or temporarily) from acting for legally assisted persons, he may appeal against the decision to the High Court, and the High Court (whose decision shall be final) may confirm or quash the decision appealed against or may substitute such other decision as the court thinks fit.

(4) Provision shall be made by rules of court for regulating appeals to the High Court under the last foregoing subsection, and those rules shall provide for limiting the time within which appeals may be brought.

(5) The expenses of any tribunal established by virtue of this section shall be defrayed out of the legal aid fund and—

(a) the functions of the Law Society under Part I of the Legal Aid and Advice Act 1949 shall include securing the payment of such expenses ; and

- (b) references to that Part of that Act in sections 8(3) to (5), 9(2) to (9) and 11 of that Act (administration and financing of the legal aid scheme under that Part of that Act) shall be construed as including references to this subsection. PART IV

83.—(1) Without prejudice to any other provision of this Part Regulations. of this Act authorising the making of regulations or rules, the Secretary of State may make such regulations as appear to him necessary or desirable for giving effect to this Part of this Act or for preventing abuses thereof and, in particular, any such regulations may—

- (a) make provision as to the manner of making applications for legal aid under this Part of this Act and the time when such applications may be made and disposed of ;
- (b) provide for the exercise of the powers of any court under this Part of this Act by a person entitled to sit as a member of the court or any officer of the court ;
- (c) confer on any person aggrieved by a decision of any such officer exercising those powers a right to have the matter determined by the court or, if it is so prescribed, by a person entitled to sit as a member of the court ;
- (d) require any officer of a prescribed court to report to the court or any person entitled to sit as a member of the court any case in which it appears to him that, although no application has been made for the purpose, a legal aid order ought to be made under section 73 of this Act ;
- (e) make provision with respect to the manner in which counsel and solicitors are to be assigned to legally assisted persons in pursuance of legal aid orders ;
- (f) prescribe the rates or scales of payment of any costs payable in accordance with section 81(1) of this Act and the conditions under which such costs may be allowed ;
- (g) provide for the assessment and taxation of such costs and for the review of any assessment made or taxation carried out under the regulations ;
- (h) provide for the giving of information, by courts by which, or officers by whom, legal aid orders or orders for the payment of costs under the Costs in Criminal Cases Act 1952 are made, to persons responsible for the administration of funds mentioned in section 81(1)

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of this Act, and for the giving of information as afore-said, where an order is made under section 76(1) of this Act, to the appropriate authority ; and

(i) prescribe the forms to be used for the purposes of this Part of this Act.

(2) The Secretary of State in making regulations under this section as to the amounts payable to counsel or a solicitor assigned to give legal aid under this Part of this Act, and any person by whom any such amount falls to be assessed, taxed or reviewed under the regulations, shall have regard to the principle of allowing fair remuneration according to the work actually and reasonably done.

(3) Regulations under this section may make different provision for different cases.

Interpretation
of Part IV.

84. In this Part of this Act, except so far as the context otherwise requires—

“ appropriate authority ” means—

(a) in relation to legal aid ordered to be given for the purpose of or in connection with an appeal to or from the Courts-Martial Appeal Court, the Secretary of State ;

(b) in any other case, the clerk of the magistrates' court (if any) by which the legally assisted person was tried or dealt with or from which an appeal was brought, or by which he was committed to a court of assize or quarter sessions for trial or sentence, or, where he was tried or dealt with otherwise than after being committed by a magistrates' court, the clerk of the magistrates' court nominated for the purposes of this paragraph by the court by which he was tried or dealt with ;

“ committed for sentence ” means committed under the Vagrancy Act 1824, section 6 or 8 of the Criminal Justice Act 1948, section 28 or 29 of the Magistrates' Courts Act 1952, section 67 of the Mental Health Act 1959 or section 41 or 62(6) of this Act ;

1824 c. 83.
1948 c. 58.
1952 c. 55.
1959 c. 72.

“ legal aid fund ” means the legal aid fund established under the Legal Aid and Advice Act 1949 ;

1949 c. 51.

“ prescribed ” means prescribed by regulations made under this Part of this Act.

PART V

FIREARMS

85.—(1) Subject to any exemption having effect by virtue of this section any person who has in his possession or purchases or acquires a shot gun without holding a certificate authorising him to possess shot guns shall be guilty of an offence.

Prohibition on possessing or acquiring shot gun without a certificate.

(2) Any such certificate (hereafter in this Part of this Act referred to as a shot gun certificate) shall be granted by the chief officer of police unless he has reason to believe that the applicant—

(a) is prohibited by the Firearms Act 1937 from possessing a shot gun ; or

(b) cannot be permitted to possess a shot gun without danger to the public safety or to the peace ;

and a shot gun certificate may be revoked by the chief officer of police for the area in which the holder resides if the officer is satisfied that the holder is so prohibited or cannot be permitted to possess a shot gun as aforesaid.

(3) A shot gun certificate shall—

(a) be in the prescribed form ;

(b) be granted or renewed subject to any prescribed conditions and no others ; and

(c) specify the conditions, if any, subject to which it is granted or renewed.

(4) Any person who fails to comply with any condition subject to which a shot gun certificate is held by him shall be guilty of an offence.

(5) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding £200 or both.

(6) In Scotland, a contravention of this section which, if it had been triable on indictment, could competently have been libelled as an additional or alternative charge in an indictment charging a person with an offence involving any injury or attempted injury of, or any threat or intent to injure, any person or property by the use or attempted use of a firearm, may, notwithstanding anything in this section, be so libelled and tried.

(7) The following provisions of the Firearms Act 1937, that is to say, sections 2(1), (4) and (8) to (10), 3(1), 4, 5, 6, 11(1), (3) and (4), 14, 15, 25 and Schedule 2 (provisions relating to firearms to which Part I of that Act applies, that is to say firearms other than shot guns and air weapons) shall apply in

PART V

relation to shot guns and shot gun certificates as they apply in relation to firearms to which the said Part I applies and firearm certificates, but shall so apply subject to the following modifications and exceptions:—

(a) the reference in section 2(4) of that Act to the foregoing provisions of that section shall be construed as including a reference to subsection (2) of this section;

(b) the following paragraph shall be added at the end of section 11(1) of that Act (prohibition on transferring firearm to person not producing certificate):—

“(c) a person returning to another a shot gun which he has lawfully undertaken to repair, test or prove for the other.”

(8) Any person who has been in Great Britain for not more than thirty days in all in the preceding twelve months may have in his possession, or purchase or acquire, a shot gun without holding a shot gun certificate.

(9) A person may without holding a shot gun certificate use a shot gun at a time and place approved for shooting at artificial targets by the chief officer of police for the area in which that place is situated.

(10) A person may without holding a shot gun certificate borrow a shot gun from the occupier of private premises and use the shot gun on those premises in the presence of the occupier.

(11) Subsection (1) of this section shall not apply to a person holding a firearm certificate issued in Northern Ireland authorising him to possess a shot gun.

1937 c. 12.

(12) Without prejudice to section 30(d) of the Firearms Act 1937 (rules for delegating the functions of a chief officer of police in specified circumstances) the functions of a chief officer of police under that Act, the Firearms Act 1965 or this Part of this Act shall be exercisable on any occasion by a person, or a person of any particular class, authorised by the chief officer of police to exercise that function on that occasion or on occasions of that class or on all occasions.

1965 c. 44.

(13) Notwithstanding anything in section 2(4) of the Firearms Act 1937 (duration of firearms certificate), a shot-gun certificate issued before the expiration of six months from the date of the commencement of this Act shall continue in force for such period from that date or from the date when it is granted, whichever is the later, as may be specified in the certificate by the chief officer of police (being a period of not less than one year but not more than five years).

86.—(1) No person shall make a gift of any shot gun or ammunition for a shot gun to any person under the age of fifteen. PART V
Restrictions
on gifts of
shot guns.

(2) Any person who contravenes the foregoing subsection shall be liable on summary conviction to a fine not exceeding £50; and the court by which he is convicted may make such order as to the forfeiture or disposal of the shot gun or ammunition in respect of which the offence was committed as the court thinks fit.

(3) In any proceedings for an offence under this section committed by making a gift of a shot gun or ammunition to a person under the age of fifteen it shall be a defence to prove that the defendant believed the other person to be of or over that age and had reasonable ground for the belief.

87.—(1) In section 2(4) of the Firearms Act 1937 (period of validity and renewal of a firearm certificate) after the words “three years” where they first occur there shall be inserted the words “or such shorter period as may be prescribed” and after those words in the second place where they occur there shall be inserted the words “or a further prescribed period”. Amendment
of enactments
relating to
firearms.
1937 c. 12.

(2) In section 8(1) of the said Act of 1937 (registration of firearms dealers), in paragraph (a) of the proviso, for the words from “or subsection (5)” to “the said subsection (5)” there shall be substituted the words “or by order of a court in Northern Ireland made under section 8(5) of the Firearms Act 1920”. 1920 c. 43.

(3) In section 12(3) of the said Act of 1937 (power of constables and others to call for and inspect register of firearms transactions kept by a dealer), paragraph (c) and the words “in each case” shall be omitted.

(4) In section 16(1)(a) of the said Act of 1937 as amended by section 9(1) of the Firearms Act 1965 (exemption of shot guns from the provisions of Part I of the said Act of 1937) at the end there shall be added the words “not being an air gun”; and accordingly those words shall also be added at the end of the definitions of shot gun in section 4 of the Air Guns and Shot Guns, etc., Act 1962 and section 10 of the said Act of 1965. 1965 c. 44.
1962 c. 49.

(5) In section 19 of the said Act of 1937 (provisions to prevent minors from having firearms)—

(a) for subsection (2) there shall be substituted the following subsection:—

“(2) No person shall make a gift of or lend any firearm or ammunition to which Part I of this Act applies to any person under the age of fourteen.”

PART V

- (b) for the words in subsection (1) from “to any other person” to the end, and for the words in subsection (3) “to any other person whom he knows or has reasonable ground for believing to be under the age of fourteen years” there shall be substituted in each case the words “to any person under that age”;

and at the end of the section there shall be added the following subsection:—

“(4A) In any proceedings for an offence—

- (a) under subsection (1) of this section committed by selling or letting on hire a firearm or ammunition to a person under the age of seventeen years; or
- (b) under subsection (2) committed by making a gift of or lending a firearm or ammunition to a person under the age of fourteen years; or
- (c) under subsection (3) committed by parting with the possession of a firearm or ammunition to a person under the age of fourteen years,

being in any of those cases an offence committed after the coming into force of section 86(3) of the Criminal Justice Act 1967, it shall be a defence to prove that the person charged with the offence believed the other person to be of or over the age of seventeen years or, as the case may be, fourteen years and had reasonable ground for the belief.”

(6) In section 24 of the said Act of 1937 (shortening shot guns and converting imitation firearms into real) for references to a smooth bore gun there shall be substituted references to a shot gun; and in subsection (4) of the section for the words “or a firearm which has been converted as aforesaid” there shall be substituted the words “contrary to subsection (1) of this section, or a firearm which has been converted contrary to subsection (2)”.

(7) Rules under section 30 of the said Act of 1937 (general power to make rules)—

- (a) may require any application for a firearm certificate or shot gun certificate to be accompanied by a photograph of the applicant;
- (b) may require the verification in the prescribed manner of any prescribed particulars and of the likeness of any such photograph to the applicant;
- (c) may make different provision for different cases.

(8) In section 32(1) of the said Act of 1937 (interpretation) after the definition of "offence under this Act" there shall be inserted the following definition:— PART V

" 'premises' includes any land ".

(9) For subsection 1(1) of the Air Guns and Shot Guns, etc., 1962 c. 49. Act 1962 (restrictions upon the use and possession of air weapons) there shall be substituted the following subsection:—

" (1) No person shall make a gift of any air weapon or ammunition for an air weapon to any person under the age of fourteen ".

(10) In section 3(1) of the said Act of 1962 (penalties for offences under that Act) for the words from "imprisonment for a term" to "fine or both" there shall be substituted the words "a fine not exceeding £50 ".

(11) Any reference in the said Act of 1962 to a person's having any description of firearm or ammunition in his possession shall be construed as a reference to his having it with him.

(12) In section 7 of the Firearms Act 1965 (increase of penalties for offences under the Act of 1937) after the words "offence under" there shall be inserted the words "or punishable under ".

88.—(1) In this Part of this Act "shot gun" means a weapon specified in section 16(1)(a) of the Firearms Act 1937. Supplemental.
1937 c. 12.

(2) Any reference in Part III of the said Act of 1937 to that Act shall be construed as including a reference to this Part of this Act.

PART VI

MISCELLANEOUS AND GENERAL

Offences

89.—(1) If any person in a written statement tendered in evidence in criminal proceedings by virtue of section 2 or 9 of this Act wilfully makes a statement material in those proceedings which he knows to be false or does not believe to be true, he shall be liable on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both. False written
statements
tendered in
evidence.

(2) The Perjury Act 1911 shall have effect as if this section were contained in that Act. 1911 c. 6.

PART VI
False
statements
as to means.

90.—(1) If a person in furnishing any statement in pursuance of an order under section 44(8) or a requirement under section 75(4) of this Act makes a statement which he knows to be false in a material particular or recklessly furnishes a statement which is false in a material particular, or knowingly fails to disclose any material fact, he shall be liable on summary conviction to imprisonment for a term not exceeding four months or a fine not exceeding £100 or both.

1952 c. 55. (2) Proceedings in respect of an offence under the foregoing subsection may, notwithstanding anything in section 104 of the Magistrates' Courts Act 1952 (limitation of time), be commenced at any time within two years from the date of the commission of the offence or within six months from its first discovery by the prosecutor, whichever period expires the earlier.

1954 c. 48. (3) The last foregoing subsection shall not apply to Scotland, but notwithstanding anything in section 23 of the Summary Jurisdiction (Scotland) Act 1954, proceedings for an offence under subsection (1) of this section relating to a statement furnished in pursuance of a requirement made under section 75(4) of this Act by the Courts-Martial Appeal Court when sitting in Scotland may be commenced at any time within two years from the date of the commission of the offence or within six months from the date when evidence sufficient in the opinion of the Lord Advocate to justify proceedings comes to his knowledge, whichever period expires the earlier; and for the purposes of this subsection a certificate by the Lord Advocate as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence thereof.

(4) In relation to a statement made in pursuance of a requirement made under section 75(4) of this Act by the Courts-Martial Appeal Court when sitting in Northern Ireland, for the reference to section 104 of the Magistrates' Courts Act 1952 there shall be substituted a reference to any corresponding provision of the law of Northern Ireland.

Drunkenness
in a public
place.

91.—(1) Any person who in any public place is guilty, while drunk, of disorderly behaviour may be arrested without warrant by any person and shall be liable on summary conviction to a fine not exceeding £50.

1872 c. 94.
1839 c. 47.
1839 c. xciv.
1847 c. 89. (2) The foregoing subsection shall have effect instead of any corresponding provision contained in section 12 of the Licensing Act 1872, section 58 of the Metropolitan Police Act 1839, section 37 of the City of London Police Act 1839, and section 29 of the Town Police Clauses Act 1847 (being enactments which authorise the imposition of a short term of imprisonment or of

a fine not exceeding £10 or both for the corresponding offence) and instead of any corresponding provision contained in any local Act.

PART VI

(3) The Secretary of State may by order repeal any provision of a local Act which appears to him to be a provision corresponding to subsection (1) of this section or to impose a liability to imprisonment for an offence of drunkenness or of being incapable while drunk.

(4) In this section "public place" includes any highway and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise.

(5) An order under section 106 of this Act appointing a day for the coming into force of the foregoing provisions of this section shall not be made unless the Secretary of State is satisfied that sufficient suitable accommodation is available for the care and treatment of persons convicted of being drunk and disorderly.

Increase of Fines, etc.

92.—(1) The enactments specified in column 1 of Part I of Schedule 3 to this Act, (being enactments creating the offences broadly described in column 2 of that Part of that Schedule) shall each have effect as if the maximum fine which may be imposed on summary conviction of any offence specified in that enactment were a fine not exceeding the amount specified in column 4 of that Schedule instead of a fine of, or not exceeding, the amount specified in column 3 of that Schedule. Increase of fines.

(2) The enactments specified in column 1 of Part II of the said Schedule 3 (being enactments which confer power to include in subordinate instruments a provision imposing a fine on summary conviction of any offence described in column 2 of that Part of that Schedule) shall each have effect as if the maximum amount of the fine which may be imposed by any provision contained in such an instrument and made under that enactment for any offence under the instrument were that specified in column 4 of that Schedule instead of that specified in column 3 of that Schedule.

(3) Any subordinate provision in force immediately before the commencement of this Act under an enactment specified in the said Part II shall, if it provides that the maximum amount of the fine which may be imposed on summary conviction of an offence specified in the provision shall be the amount specified in column 3 of the said Part II, have effect as if the said maximum amount were the amount specified in column 4 of the said Part II.

PART VI

(4) The last foregoing subsection shall have effect subject to any subordinate provision made under any enactment specified in the said Part II after the commencement of this Act.

(5) The foregoing provisions of this section shall not affect the power of a court to impose a penalty for a continuing offence under any enactment specified in Part I of the said Schedule 3 or any subordinate provision made under an enactment specified in Part II of that Schedule except where such a penalty is expressly mentioned in column 3 of that Schedule; nor shall they affect the power of a court to award imprisonment under any such enactment or provision.

(6) In this section “subordinate provision” means a provision contained in an instrument made under an enactment.

1897 c. 38. (7) Part III of the said Schedule 3 shall have effect for the purpose of amending section 24 of the Public Health (Scotland) Act 1897.

(8) There shall be no limit on the amount of the fine which may be imposed on conviction on indictment of an offence under any of the following enactments:—

- 1889 c. 69. (a) section 2 of the Public Bodies Corrupt Practices Act 1889 (giving or receiving bribes in respect of a public servant’s performance of his duties),
- 1906 c. 34. (b) section 1 of the Prevention of Corruption Act 1906 (giving or receiving bribes in respect of an agent’s functions in relation to his principal’s affairs, etc.),
- 1925 c. 86. (c) section 36 of the Criminal Justice Act 1925 (forgery of a passport and false statements in procuring a passport), and
- 1953 c. 14. (d) section 1(1) of the Prevention of Crime Act 1953 (carrying an offensive weapon in a public place without lawful authority or reasonable excuse).

(9) Nothing in this section shall affect the amount of the fine which may be imposed on conviction of an offence committed before the commencement of this Act.

Alteration of maximum periods of imprisonment in default of payment of fines, etc.
1952 c. 55.

93.—(1) For the Table in paragraph 1 of Schedule 3 to the Magistrates’ Courts Act 1952 (maximum periods of imprisonment in default of payment of fines, etc.) there shall be substituted the following Table:—

“TABLE

| | | | | |
|---|-----|-----|-----|---------------|
| An amount not exceeding £2 | ... | ... | ... | seven days |
| An amount exceeding £2 but not exceeding £5 | ... | ... | ... | fourteen days |
| An amount exceeding £5 but not exceeding £20 | ... | ... | ... | thirty days |
| An amount exceeding £20 but not exceeding £50 | ... | ... | ... | sixty days |
| An amount exceeding £50 | ... | ... | ... | ninety days” |

(2) In paragraph 3 of the said Schedule 3 (maximum periods of imprisonment in default of payment of sums due on summary conviction of a revenue offence) for the references to £20 and £50 there shall be substituted references to £50 and £100 respectively and for the reference to three months there shall be substituted a reference to ninety days.

(3) For the table in section 49(1) of the Summary Jurisdiction (Scotland) Act 1954 (maximum period of imprisonment in default of payment of fines, etc.) there shall be substituted the following table:—

| <i>“Amount of sum imposed</i> | <i>Period of Imprisonment</i> |
|---|-------------------------------|
| Not exceeding £2... .. | seven days |
| Exceeding £2 but not exceeding £5 ... | fourteen days |
| Exceeding £5 but not exceeding £20 ... | thirty days |
| Exceeding £20 but not exceeding £50 ... | sixty days |
| Exceeding £50 | ninety days” |

(4) For the scale in section 285(1) of the Customs and Excise Act 1952 (maximum periods of imprisonment in default of payment of fines etc., or in default of sufficient distress to satisfy fines, etc., imposed on summary conviction under the customs or excise Acts) there shall be substituted the following scale:—

| | |
|--|---|
| <p>“Where the amount of the sum adjudged to be paid by the conviction—</p> <p>exceeds £50 but does not exceed £100</p> <p>exceeds £100 but does not exceed £250</p> <p>exceeds £250 but does not exceed £500</p> <p>exceeds £500</p> | <p>The said period shall be a period not exceeding—</p> <p>ninety days.</p> <p>six months.</p> <p>nine months.</p> <p>twelve months.”</p> |
|--|---|

Fees

94.—(1) No fees shall be chargeable by a justice’s clerk in respect of any criminal matter.

(2) The foregoing subsection shall not prevent any such clerk from charging a fee for supplying, for use in connection with a matter which is not a criminal matter, a copy of a document prepared for use in connection with a criminal matter.

Administration of probation and after-care services

95.—(1) The designations “probation area” and “probation committee” are hereby changed to “probation and after-care area” and “probation and after-care committee” respectively and the new designations shall be substituted for the former

PART VI designations in every enactment relating to any such area or committee.

1948 c. 58 (2) Subject to the next following subsection, each probation and after-care committee constituted under paragraph 2 of Schedule 5 to the Criminal Justice Act 1948 and each case committee so constituted, which is not such a committee as aforesaid, shall co-opt a suitable number of persons (not being justices of the peace) having knowledge or experience of the after-care of discharged offenders, and if it appears to the Secretary of State that any such committee has failed to carry out the foregoing requirement, he may appoint to the committee such number of such persons as aforesaid as he thinks fit.

(3) Without prejudice to the proviso to sub-paragraph (3) of the said paragraph 2 (limit on the number of co-opted members of any such committee), the number of persons who may be co-opted or appointed to any such committee under that sub-paragraph and the last foregoing subsection shall not exceed one-third of the number of members of the committee.

(4) In sub-paragraph (1)(a) of the said paragraph 2 (qualification of justices holding any of the offices of chairman, deputy chairman, assistant chairman or recorder of quarter sessions for the area for appointment to a probation and after-care committee for an area comprising more than the petty sessions area) for the words from "additional" to "appointed" there shall be substituted the words "number of additional justices who are members of a court of quarter sessions having jurisdiction in the area as may be specified".

(5) Where a probation and after-care area is a borough having a separate court of quarter sessions, the recorder of the borough shall by virtue of his office be a member of the probation and after-care committee for that area.

Financial provisions.

96.—(1) For section 77(3)(e) of the Criminal Justice Act 1948 (Exchequer grants towards the expenditure of any society engaged in supervising or assisting persons released from a prison, borstal institution or detention centre) there shall be substituted the following paragraph:—

“(e) towards the expenditure of any society or individual engaged in supervising or assisting persons convicted of offences with a view to their rehabilitation”.

(2) In paragraph 5(1) of Schedule 5 to the Criminal Justice Act 1948, the proviso (which enables the Secretary of State to relieve the local authority of their liability under that sub-paragraph to defray the expenses of an inefficient probation committee) shall cease to have effect.

Criminal appeals

PART VI

97.—(1) This section has effect for providing rights of appeal against sentence when a person is dealt with by a court of assize or quarter sessions (otherwise than on appeal from a magistrates' court) for an offence of which he was not convicted on indictment.

New provision as to appeal against sentence passed at assizes or quarter sessions.

(2) The proceedings from which an appeal against sentence lies under this section are those where an offender convicted of an offence by a magistrates' court—

- (a) is committed by the court to be dealt with for his offence at assizes or quarter sessions; or
- (b) having been made the subject of a probation order or an order for conditional discharge or given a suspended sentence, appears or is brought before a court of assize or quarter sessions to be further dealt with for his offence.

(3) An offender who, after the commencement of this section, is dealt with for an offence at assizes or quarter sessions in a proceeding to which subsection (2) of this section applies may appeal against sentence in any of the following cases:—

- (a) where, either for that offence alone or for that offence and other offences for which sentence is passed in the same proceeding, he is sentenced to imprisonment for a term of six months or more; or
- (b) where the sentence is one which the court convicting him had not power to pass; or
- (c) where the court in dealing with him for the offence makes in respect of him—
 - (i) a recommendation for deportation; or
 - (ii) an order disqualifying him for holding or obtaining a licence to drive a motor vehicle under Part II of the Road Traffic Act 1960; or 1960 c. 16.
 - (iii) an order under section 40 of this Act.

(4) An appeal under this section lies to the criminal division of the Court of Appeal, but only with the leave of that court.

(5) The following enactments, that is to say—

- (a) sections 7(1), 9, 11, 14(2), 15(1) and 17 of the Criminal Appeal Act 1907 c. 23. Appeal Act 1907 (being provisions as to procedure and other incidental matters arising on an appeal); and
- (b) sections 5 (evidence) and 6 (computation of sentence) of the Criminal Appeal Act 1966; 1966 c. 31.

PART VI shall apply with the necessary modifications in relation to an appeal under this section as they apply in relation to an appeal against sentence passed on conviction on indictment.

1907 c. 23.

(6) Where a court of assize or quarter sessions, in dealing with an offender either on his conviction on indictment or in a proceeding to which subsection (2) of this section applies, has passed on him two or more sentences in the same proceeding, being sentences against which an appeal lies under section 3 of the Criminal Appeal Act 1907 or this section, an appeal or application for leave to appeal against any one of those sentences shall be treated as an appeal or application in respect of both or all of them ; and for the purposes of this section two or more sentences shall be treated as passed in the same proceeding if—

- (a) they are passed on the same day ; or
- (b) they are passed on different days, but the court in passing any one of them states that it is treating that one together with the other or others as substantially one sentence.

(7) On an appeal against sentence under this section or section 3 of the Criminal Appeal Act 1907, the Court of Appeal, if it considers that the appellant should be sentenced differently for any offence for which he was dealt with by the court below, may—

- (a) quash any sentence or order which is the subject of the appeal ; and
- (b) in place of it pass such sentence or make such order as it thinks appropriate for the case and as the court below had power to pass or make when dealing with him for the offence ;

but the court shall so exercise its powers under this subsection that, taking the case as a whole, the appellant is not more severely dealt with on appeal than he was dealt with by the court below.

(8) The power of the Court of Appeal under the last foregoing subsection to pass a sentence which the court below had power to pass for an offence shall, notwithstanding that the court below made no order under section 40(1) of this Act in respect of a suspended sentence previously passed on the appellant for another offence, include power to deal with him in respect of that suspended sentence, where the court below—

- (a) could have so dealt with him if it had not passed on him a sentence of borstal training quashed by the Court of Appeal under paragraph (a) of the last foregoing subsection ; or

(b) did so deal with him in accordance with paragraph (d) of the said subsection (1) by making no order in respect of the suspended sentence. PART VI

(9) The term of any sentence passed by the Court of Appeal under this section or under section 5 of the Criminal Appeal Act 1907 (special powers of Court on appeal against conviction) shall, unless the court otherwise directs, begin to run from the time when it would have begun to run if passed in the proceedings from which the appeal lies. 1907 c. 23.

(10) In this section “sentence” has the same meaning as in the Criminal Appeal Act 1907, and “recommendation for deportation” means a recommendation made by a court under Part II of the Commonwealth Immigrants Act 1962 or under an order made under the Aliens Restriction Act 1914. 1962 c. 21.
1914 c. 12.

98.—(1) The following enactments in the Criminal Appeal Act 1907 (being enactments which are obsolete or not in use, or relate to matters which can be dealt with by rules of court) shall cease to have effect:— Amendment of enactments relating to criminal appeals.

(a) section 8 (judge’s notes to be furnished to Court of Appeal);

(b) section 9(d) and (e) (power of Court of Appeal to order new evidence to be taken on commission and to appoint an assessor to sit with them); and

(c) section 15(3) (documents and exhibits to be retained in court of trial pending appeal).

(2) Section 12 of the said Act of 1907 (duty of Director of Public Prosecutions) shall cease to have effect; but, without prejudice to section 2 of the Prosecution of Offences Act 1879 (general duty of Director), it shall be the duty of the Director of Public Prosecutions to appear for the Crown or the prosecutor, when directed by the court to do so, on any appeal under the Criminal Appeal Act 1907 or section 1 of the Administration of Justice Act 1960 or section 97 of this Act. 1879 c. 22.
1960 c. 65.

In this subsection “the court” means, in the case of an appeal to or from the criminal division of the Court of Appeal, that division, and, in the case of an appeal from a divisional court of the Queen’s Bench Division, the divisional court.

(3) Section 18 of the said Act of 1907 (rules of court) shall cease to have effect; but rules made under section 99 of the Supreme Court of Judicature (Consolidation) Act 1925 may make provision with respect to any matter for which provision by rules of court is to be made under the said Act of 1907 or the enactments amending it, and may regulate generally the practice and procedure of the criminal division of the Court of Appeal; 1925 c. 49.

PART VI

and, without prejudice to the generality of the foregoing, rules so made may require courts from which an appeal lies to that division to furnish the said division with any assistance or information which the division may require for the purpose of exercising its jurisdiction.

(4) The Lord Chancellor may appoint two persons appearing to him to have special experience in criminal procedure, one being a practising barrister and one a practising solicitor, to be members of the Rule Committee of the Supreme Court (that is to say, the authority for the time being empowered to make rules under section 99 of the said Act of 1925) for the purpose of the Committee's power to make rules by virtue of subsection (3) of this section.

(5) Section 29 of the said Act of 1925 (under which an appeal against conviction for obstruction of a highway, etc., lies to the civil, and not the criminal, division of the Court of Appeal) shall cease to have effect.

(6) The enactments specified in Schedule 4 to this Act shall have effect subject to the amendments shown in that Schedule (being minor amendments to remove doubts and anomalies, and otherwise to facilitate the consolidation of the enactments relating to criminal appeals in England and Wales, the corresponding enactments applying to Northern Ireland and the enactments relating to appeals from courts-martial).

1930 c. 45.
1951 c. 46.
1960 c. 65.
1964 c. 43.

(7) In the Criminal Appeal (Northern Ireland) Act 1930, sections 13A(5) and 17 of the Courts-Martial (Appeals) Act 1951, the Administration of Justice Act 1960 and Schedule 1 to the Criminal Appeal Act 1964 any reference to an enactment of the Parliament of Northern Ireland shall include a reference to an enactment corresponding thereto and for the time being in force in Northern Ireland.

Miscellaneous

Evidence
with respect
to offences
punishable
in Scotland.

99. For the purposes of this Act a certificate purporting to be signed by or on behalf of the Lord Advocate that an offence is punishable in Scotland with imprisonment or is punishable in Scotland on indictment with imprisonment for a term specified in the certificate shall be evidence of the matter so certified.

Regulations,
rules and
orders.

100.—(1) Any power conferred by this Act on a Minister of the Crown to make regulations, rules or orders other than orders under section 70(1) of this Act shall be exercisable by statutory instrument.

(2) Any regulations or rules under this Act, except rules under section 82 of this Act, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Any order made under any provision of this Act by statutory instrument may be varied or revoked by a subsequent order made under that provision. PART VI

101. There shall be defrayed out of moneys provided by Parliament— Expenses.

- (a) any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other enactment ;
- (b) any sums required by the Secretary of State for making payments under section 81(1)(c) and (6) of this Act.

102. Schedule 5 to this Act shall have effect for the purpose of the transition to the provisions of this Act from the law in force before the commencement of those provisions and with respect to the application of this Act to things done before the commencement of those provisions. Transitional provisions and savings.

103.—(1) The enactments specified in Schedule 6 to this Act shall have effect subject to the amendments set out in that Schedule, being minor amendments and amendments consequential on the foregoing provisions of this Act. Minor and consequential amendments and repeals.

(2) The enactments specified in Schedule 7 to this Act (which include enactments which were obsolete or unnecessary before the passing of this Act) are hereby repealed to the extent specified in the third column of that Schedule.

104.—(1) In this Act, except so far as the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them ; that is to say— General provisions as to interpretation.

“ the clerk of the court ” means—

(a) in relation to a court of quarter sessions, the clerk of the peace ;

(b) in relation to a court of assize, the clerk of assize ;

“ court ” does not include a court-martial ;

“ explosive ” has the same meaning as in the Explosives Act 1875 ; 1875 c. 17.

“ extended sentence certificate ” has the meaning assigned to it by section 37 of this Act ;

“ firearm ” has the same meaning as in the Firearms Act 1937 c. 12. 1937 ;

“ imitation firearm ” has the same meaning as in the Firearms Act 1965 ; 1965 c. 44.

PART VI
1953 c. 14.
1952 c. 52.

“offensive weapon” has the same meaning as in section 1 of the Prevention of Crime Act 1953 ;

“prison rules” means rules under section 47 of the Prison Act 1952 ;

“sentence of imprisonment” does not include a committal in default of payment of any sum of money, or for want of sufficient distress to satisfy any sum of money, or for failure to do or abstain from doing anything required to be done or left undone ;

“suspended sentence” means a sentence to which an order under section 39(1) of this Act relates.

(2) For the purposes of any reference in this Act, however expressed, to the term of imprisonment or other detention to which a person has been sentenced or which, or part of which, he has served, consecutive terms and terms which are wholly or partly concurrent shall be treated as a single term.

(3) Any reference in this Act however expressed to a previous conviction or sentence shall be construed as a reference to a previous conviction by a court in any part of Great Britain and to a previous sentence passed by any such court.

(4) Any reference in this Act to an offence punishable with imprisonment shall be construed, in relation to any offender, without regard to any prohibition or restriction imposed by or under any enactment on the imprisonment of offenders of his age.

(5) Any reference in this Act to any other enactment is a reference thereto as amended, and includes a reference thereto as extended or applied, by or under any other enactment, including this Act.

Northern
Ireland.
1920 c. 67.

105.—(1) No limitation on the powers of the Parliament of Northern Ireland imposed by the Government of Ireland Act 1920 shall apply in relation to legislation for purposes similar to the purposes of Part IV of this Act so as to preclude that Parliament from enacting a provision corresponding to some provision of that Part, other than a provision relating to courts-martial and appeals therefrom.

(2) For the purposes of section 6 of the Government of Ireland Act 1920 this Act shall, so far as it relates to matters within the powers of the Parliament of Northern Ireland, be deemed to be an Act passed before the appointed day within the meaning of that section.

(3) Any reference in this Act to an enactment of the Parliament of Northern Ireland, or to an enactment which that Parliament has power to amend, shall be construed, in relation to

Northern Ireland, as a reference to that enactment as amended by any Act of that Parliament, whether passed before or after this Act, and to any enactment of that Parliament passed after this Act and re-enacting the said enactment with or without modifications.

PART VI

106.—(1) This Act may be cited as the Criminal Justice Act 1967. Short title,
extent and com-
mencement.

(2) The following provisions of this Act shall extend to Scotland, that is to say—

- (a) so much of this Act as relates to courts-martial and appeals therefrom ;
- (b) sections 3, 38(7), 42(3) and (6), 48, 54(6) to (8), 93(3) and (4) and 102 and paragraphs 7, 10 to 12 and 14 of Schedule 5 ;
- (c) Part III (except sections 63, 65, 66, 67 and 71) and Schedule 2 ;
- (d) Part V ;
- (e) section 92 and Schedule 3 so far as they amend any enactment which extends to Scotland ;
- (f) so much of section 103(1) and Schedule 6 as amends the Summary Jurisdiction (Scotland) Act 1954, the Geneva Conventions Act 1957, the Criminal Justice Act 1961 and the Criminal Justice (Scotland) Act 1963 ; and
- (g) Part II of Schedule 7 and so much of section 103(2) as relates thereto ;

but except as provided by this subsection and except so far as it relates to the interpretation or commencement of the said provisions this Act shall not extend to Scotland.

(3) The following provisions of this Act shall extend to Northern Ireland, that is to say—

- (a) so much of this Act as relates to courts-martial and appeals therefrom ;
- (b) sections 38(7), 69 and 72 ;
- (c) so much of section 92 and Parts I and II of Schedule 3 as is extended to Northern Ireland by Part IV of that Schedule ;
- (d) so much of section 98(6) and (7) and Schedule 4 as amends the Criminal Appeal (Northern Ireland) Act 1930, the Administration of Justice Act 1960, as it extends to Northern Ireland, sections 7 and 12(5) of the Criminal Appeal Act 1966 and section 16 of the Criminal Justice Act (Northern Ireland) 1966 ;

PART VI
1957 c. 52.
1961 c. 39.

- (e) so much of section 103(1) and Schedule 6 as amends the Geneva Conventions Act 1957 and the Criminal Justice Act 1961 ;
- (f) section 105 ; and
- (g) Part III of Schedule 7 and so much of section 103(2) as relates thereto ;

but except as provided by this subsection and except so far as it relates to the interpretation or commencement of the said provisions this Act shall not extend to Northern Ireland.

(4) Sections 69(1) and 92 of, and Schedule 3 to, this Act, so far as they amend any enactment which extends to the Channel Islands or the Isle of Man, shall extend to the Channel Islands or the Isle of Man, as the case may be.

(5) This Act shall come into force on such day as the Secretary of State may by order appoint, and different days may be so appointed for different purposes of this Act, and any reference in any provision of this Act to the commencement of this Act shall be construed as a reference to the day so appointed for the coming into force of that provision, and any such reference to the commencement of a provision of this Act shall be construed as a reference to the day appointed for the coming into force of the provision referred to.

(6) Without prejudice to Schedule 5 to this Act, any order under this section may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions or any provisions of this Act then in force as appear to him to be necessary or expedient in consequence of the partial operation of this Act (whether before or after the day appointed by the order).

SCHEDULES

SCHEDULE 1

Sections 46, 79.

APPLICATION OF THE MAINTENANCE ORDERS ACT 1958 TO
ATTACHMENT OF EARNINGS ORDERS UNDER SECTION 46 OR 79

1958 c. 39.

1. The provisions of Part II of the Maintenance Orders Act 1958 and so much of Part III of that Act as relates to the said Part II shall apply in relation to an attachment of earnings order under section 46 or 79 of this Act as they apply in relation to an attachment of earnings order under section 6(1) of that Act, subject, however, to the exceptions and modifications specified in the following provisions of this Schedule.

2. Sections 6(1) and (2), 7, 8, 9(3) to (5) and 13(1) and (2) of that Act shall not apply in relation to an attachment of earnings order under section 46 or 79 of this Act.

3. Section 6(3) of that Act shall have effect in relation to any such order as if—

- (a) it required the order to specify, in addition to the matters required to be specified by that subsection, the amount payment of which is to be secured by means of the order; and
- (b) the normal deduction rate required by paragraph (a) of that subsection to be specified in an order under that section were the rate at which the court making or varying the order thinks it reasonable that the earnings to which the order relates should be applied from time to time in order to pay the said amount.

4. Section 9(1) of that Act shall have effect in relation to any such order as if for the reference to a person entitled to receive payments under the related maintenance order there were substituted a reference to the clerk of the court.

5. Section 9(2) of that Act shall have effect in relation to an attachment of earnings order under section 46 or 79 of this Act as if for paragraphs (a) to (e) there were substituted the words "upon the payment of the whole of the amount payment of which is to be secured by means of the order or the issue of a warrant committing the offender to prison for default in paying it."

6. In section 10(2) of that Act the reference to attachment of earnings orders shall be construed as including a reference to attachment of earnings orders under section 46 or 79 of this Act.

7. Section 20(5)(i) of that Act shall have effect in relation to an attachment of earnings order under section 46 or 79 of this Act as if for the reference to a sum due under the related maintenance order there were substituted a reference to a sum due to the clerk of the court and as if the subsection required the clerk to give to the person to whom the order is directed notice of any variation determined by a magistrates' court thereunder.

Section 59.

SCHEDULE 2

PROVISIONS AS TO PAROLE BOARD AND LOCAL
REVIEW COMMITTEES*The Parole Board*

1. The Parole Board shall include among its members—
 - (a) a person who holds or has held judicial office ;
 - (b) a registered medical practitioner who is a psychiatrist ;
 - (c) a person appearing to the Secretary of State to have knowledge and experience of the supervision or after-care of discharged prisoners ; and
 - (d) a person appearing to the Secretary of State to have made a study of the causes of delinquency or the treatment of offenders.

2. A person appointed to be a member of the Parole Board shall hold and vacate office under the terms of the instrument by which he is appointed, but may at any time resign his office ; and a person who ceases to hold office as a member of the Board shall be eligible for reappointment.

1957 c. 20.

3. In Part II of Schedule 1 to the House of Commons Disqualification Act 1957 (bodies of which all members are disqualified under that Act), in its application to the House of Commons of the Parliament of the United Kingdom, there shall be inserted (at the appropriate point in alphabetical order) the entry "The Parole Board constituted under section 59 of the Criminal Justice Act 1967".

4. There shall be paid to the members of the Board such remuneration and allowances as the Secretary of State may with the consent of the Treasury determine.

5. The expenses of the Board under the last foregoing paragraph and any other expenses incurred by the Board in discharging its functions under section 59 of this Act shall be defrayed by the Secretary of State out of moneys provided by Parliament.

6. The Board shall as soon as practicable after the end of each year make to the Secretary of State a report on the performance of its functions during that year, and the Secretary of State shall lay a copy of each report so made before Parliament.

Local Review Committees

7. The Secretary of State may out of moneys provided by Parliament pay to members of local review committees, and to persons assisting in or concerned with the carrying out of the functions of any such committee, travelling or other allowances in accordance with such scales as may be determined by him with the consent of the Treasury, and may out of such moneys defray any other expenses of such committees to such amount as may be so determined.

SCHEDULE 3

Section 92.

INCREASE OF FINES

PART I

INCREASE OF FINES FIXED BY ENACTMENTS

| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> |
|---|---|---------------------------------|--|
| The London Hackney Carriage Act 1831, c. 22. | | | |
| Section 35 ... | Cab driver refusing to go with any person desirous of hiring. | £2 | £10 |
| The Act 1 & 2 Wm.4. c. 43 as incorporated by, and set out in, Schedule C to the Road and Bridges (Scotland) Act 1878. | | | 1878 c. 51. |
| Section 81 ... | Interfering with repair or use of turnpike road by taking away materials therefor from quarry or otherwise. | £5 | £10 |
| Section 90 ... | Obstructing drainage of or encroaching upon turnpike road or damaging road surface by drains, etc. | £5 | £20 for a first offence and £50 for a second or subsequent offence. |
| Section 96 (both as originally enacted and as modified by section 264 of, and Schedule 17 to, the Road Traffic Act 1960). | Miscellaneous offences of misusing, damaging or obstructing turnpike road, including riding or driving on footways. | £2 10s. | £20 for a first offence and £50 for a second or subsequent offence. 1960 c. 16. |
| Section 97 ... | Waggon-driver riding without control over reins, failing to keep to the left, and other offences. | £5 | £20 |
| Section 103 ... | Allowing cattle to stray on turnpike road. | 5s. for each animal. | £20 for a first offence and £50 for a second or subsequent offence, irrespective of number of animals. |
| Section 108 ... | Failure to have name and address of carriage, etc., and to permit name to be read. | £2 | £20 |

3 H* 4

SCH. 3

| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> |
|---|---|--|--------------------------|
| The Game (Scotland) Act 1832, c. 68. | | | |
| Section 1 ... | Day trespass in pursuit of game, etc. | £2, or £5 if in disguise or in group of five or more | £20 or £50 respectively. |
| The Highway Act 1835, c. 50. | | | |
| Section 72 ... | Miscellaneous offences on the highway, including riding on the footpath, tethering animals and damaging or obstructing the highway. | £2 | £10 |
| Section 78 ... | Miscellaneous offences by drivers of carriages on the highway, including negligent and furious driving and failing to keep to the left. | £5 where the driver is not the owner, and £10 where he is the owner. | £20 |
| The Metropolitan Police Act 1839, c. 47. | | | |
| Section 44 ... | Keepers of refreshment houses permitting drunkenness, disorderly conduct, etc., on the premises. | £5 | £20 |
| Section 54 ... | Miscellaneous offences in thoroughfares, including furious driving, obstructing a thoroughfare and discharging firearms. | £2 | £20 |
| The City of London Police Act 1839, c. xciv. | | | |
| Section 35 ... | Miscellaneous offences in thoroughfares, including furious driving, obstructing a thoroughfare and discharging firearms. | £2 | £20 |
| The Pound Breach Act 1843, c. 30. | | | |
| Section 1 ... | Releasing impounded cattle or damaging a pound. | £5 | £20 |

| <i>Enactment</i> | | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> | SCH. 3 |
|---|-----|--|---|---|--------|
| The London Hackney Carriages Act 1843, c. 86. | | | | | |
| Section 10 | ... | Persons acting as drivers without licences and tickets, transferring or lending licences and tickets and proprietors suffering unlicensed persons to act as drivers. | £5 except for offences by proprietors and £10 for offences by proprietors. | £20 for a first offence and £50 for a second or subsequent offence. | |
| Section 14 | ... | False representations, etc., in connection with applications for licences. | £5 | £50 | |
| Section 17 | ... | Failure by driver to wear ticket. | £2 | £10 | |
| Section 33 | ... | Miscellaneous offences by cab drivers including loitering, causing obstruction and overcharging. | £1 | £10 | |
| The Railways Clauses Consolidation Act 1845, c. 20. | | | | | |
| Section 75 | ... | Failure to fasten gates on either side of railway. | £2 | £20 | |
| The Railways Clauses Consolidation (Scotland) Act 1845, c. 33. | | | | | |
| Section 68 | ... | Failure to fasten gates on either side of railway. | £2 | £20 | |
| The Harbours, Docks, and Piers Clauses Act 1847, c. 27. | | | | | |
| Section 28 | ... | Unjustified claims for exemption from harbour rates. | £10 | £50 | |
| Section 38 | ... | Masters of ships giving no account, or false account, of cargo unshipped. | £10 | £50 | |
| Section 39 | ... | Shippers of goods giving no account, or false account, of cargo shipped. | £10 | £50 | |

SCH. 3

| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> |
|---|---|---------------------------------|---|
| The Towns Improvement Clauses Act 1847, c. 34. | | | |
| Section 65 ... | Occupier failing after notice to mark house with approved number or to renew approved number thereon. | £2 | £20 |
| The Cemeteries Clauses Act 1847, c. 65. | | | |
| Section 58 ... | Wilful damage, daubing, etc., walls or posting bills in cemetery. | £5 | £20 |
| Section 59 ... | Playing games, etc., discharging firearms, disturbing persons assembled for burial, or committing nuisance in cemetery. | £5 | £10 |
| The Town Police Clauses Act 1847, c. 89. | | | |
| Section 21 ... | Contravention of orders made for regulating traffic and preventing obstruction in streets. | £2 | £20 |
| Section 28 ... | Miscellaneous offences in thoroughfares, including obstruction, furious driving and discharging firearms. | £2 | £20 |
| Section 35 ... | Keepers of refreshment houses harbouring prostitutes and thieves. | £5 | £20 |
| Section 40 ... | Mis-statements and omissions in applications for hackney carriage licences. | £10 | £20 |
| Section 45 ... | Plying for hire without a licence. | £2 | £20 for a first offence and £50 for a second or subsequent offence. |
| Section 47 ... | Persons acting as cab drivers without a licence, lending licences and proprietors employing unlicensed drivers. | £1 | £20 for a first offence and £50 for a second or subsequent offence. |

| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> | SCH. 3 |
|---|--|---------------------------------|-------------------------|---------------|
| The Town Police Clauses Act 1847, c. 89.—cont. | | | | |
| Section 53 ... | Cab driver refusing to drive. | £2 | £10 | |
| Section 58 ... | Cab proprietor or driver overcharging. | £2 | £10 | |
| The London Hackney Carriage Act 1853, c. 33. | | | | |
| Section 11 ... | Failure by drivers and others to hand in property left in cabs and omnibuses. | £10 | £20 | |
| Section 17 ... | Miscellaneous offences by drivers and conductors, including overcharging and refusing passengers or luggage. | £2 | £10 | |
| Section 19 ... | Offences for which no specific penalty is imposed. | £2 | £10 | |
| The Inclosure Act 1857, c. 31. | | | | |
| Section 12 ... | Damaging or causing nuisances on town and village greens. | £2 | £20 | |
| The Ecclesiastical Courts Jurisdiction Act 1860, c. 32. | | | | |
| Section 2 ... | Riotous or indecent behaviour in churches, burial grounds, etc., and harassing authorised preachers. | £5 | £20 | |
| The Malicious Damage Act 1861, c. 97. | | | | |
| Section 37 ... | Tampering with telegraphs or obstructing communications. | £10 | £100 | |
| Section 38 ... | Attempts to tamper with telegraphs, etc. | £10 | £100 | |
| The Offences Against the Person Act 1861, c. 100. | | | | |
| Section 42 (as amended by section 39 of the Criminal Justice Act 1925). | Common assault or battery. | £5 | £50 | 1925 c. 86. |
| Section 43 (as so amended). | Aggravated assault or battery. | £50 | £100 | |

| SCH. 3 | <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> |
|--------|--|---|--|---|
| | The Poaching (Prevention) Act 1862, c. 114. | | | |
| | Section 2 ... | Simple poaching ... | £5 | £50 |
| | The Telegraph Act 1863, c. 112. | | | |
| | Section 45 ... | Post Office employee failing to transmit, etc., or delaying or preventing transmission of, or improperly disclosing, message. | £20 | £100 |
| | The Trespass (Scotland) Act 1865, c. 56. | | | |
| | Section 4 ... | Miscellaneous offences of trespass. | £1 for a first offence and £2 for a second or subsequent offence. | £10 |
| | The Metropolitan Streets Act 1867, c. 134. | | | |
| | Section 6 ... | Obstruction by unnecessary deposit of goods, etc., on footways, etc. | £2 | £20 for a first offence and £50 for a second or subsequent offence. |
| | Section 9 ... | Displaying unapproved advertisements. | 10s. 0d. | £10 |
| | The Metropolitan Public Carriage Act 1869, c. 115. | | | |
| | Section 7 ... | Unlicensed hackney carriage plying for hire or using cab stand. | £5 for every day when carriage plies for hire or for every occasion when found on the stand. | £20 for a first offence and £50 for a second or subsequent offence. |
| | Section 8 ... | Driving hackney or stage carriage when unlicensed. | £2 | £20 for a first offence and £50 for a second or subsequent offence. |
| | The Tramways Act 1870, c. 78. | | | |
| | Section 51 ... | Non-payment of fares ... | £2 | £20 |

| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> | SCH. 3 |
|--|--|--|-------------------------|--------|
| The Explosives Act 1875, c. 17. | | | | |
| Section 31 ... | Sale of gunpowder to child apparently under thirteen. | £5 | £20 | |
| Section 33 ... | Contravention of general rules as to packing of gunpowder for conveyance. | £20 | £100 | |
| Section 80 ... | Throwing fireworks in the street. | £5 | £20 | |
| The Post Office (Protection) Act 1884, c. 76. | | | | |
| Section 11 ... | (a) Forgery, etc., of telegram. (b) Improper disclosure of telegram by employee of telegraphic company. | £10 £20 | £100 £100 | |
| The Indecent Advertisements Act 1889, c. 18. | | | | |
| Section 3 ... | Affixing, inscribing or exhibiting indecent or offensive matter in the public view. | £2 | £20 | |
| Section 4 ... | Delivering such matter to another with intent that it should be so affixed, etc. | £5 | £50 | |
| The Infectious Diseases (Notification) Act 1889, c. 72. | | | | |
| Section 3(2) ... | Failure to notify notifiable disease. | £2 | £10 | |
| The Public Health Acts Amendment Act 1890, c. 59. | | | | |
| Section 51(5) ... | Keeping or using a place for public music or dancing without a licence. | £5 for each day on which the offence is committed. | £200 | |
| Section 51(9) ... | Contravention etc., of conditions of entertainment licence. | £20 and in addition £5 for each day on which the offence is committed. | £200 | |

SCH. 3

| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> |
|---|---|---------------------------------|---|
| The Military Lands Act 1892, c. 43. | | | |
| Section 17 ... | Contravention of byelaws | £5 | £20 |
| The Burgh Police (Scotland) Act 1892, c. 55. | | | |
| Section 114 ... | Persons other than scavengers removing rubbish, filth, etc. | £2 | £10 |
| Section 186 ... | Using street closed for roadworks and extinguishing warning light. | £5 | £100 |
| Section 304(1) ... | Letting for hire any pleasure boat without a licence or contravening terms of licence. | £5 | £50 |
| Section 381 ... | Miscellaneous offences in streets and public places. | £2 | £20 |
| Section 386 ... | Allowing cattle to stray unattended in any street. | £2 | £20 for a first offence and £50 for a second or subsequent offence. |
| Schedule 5 (Offences against regulations for hackney carriages). | | | |
| Paragraph 2(b) | Making a false statement in application for a licence. | £10 | £20 |
| Paragraph 2(g) | Failure by licensee to notify change of address. | £2 | £20 |
| Paragraph 2(h) | Driver plying for hire in unlicensed carriage or without disclosing licence number and owner of such carriage employing driver. | £2 | £20 for a first offence and £50 for a second or subsequent offence. |
| Paragraph 3(c) | Persons driving hackney carriages without a licence, lending licences, and proprietors employing unlicensed drivers. | £1 | £20 for a first offence and £50 for a second or subsequent offence. |
| Paragraph 9 ... | Driver refusing to drive. | £2 | £10 |

| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> | SCH. 3 |
|---|--|---|-------------------------|-------------|
| The Burgh Police (Scotland) Act 1892, c. 55.—cont. | | | | |
| Paragraphs 4, 8, 10 to 13 and 15. | Miscellaneous offences by licensees of carriages and drivers, including overcharging and refusing to carry or exceeding the authorised number of passengers. | £2 | £10 | |
| Paragraph 19 ... | Driver obstructing street or other carriage or preventing hire of another driver by force. | £1 | £10 | |
| The Uniforms Act 1894, c. 45. | | | | |
| Section 2 ... | Wearing a military uniform, etc., without authority. | £5 | £50 | |
| Section 3 ... | Wearing a military or naval uniform, etc., without authority in a manner likely to bring contempt on the uniform, or employing another for that purpose. | £10 | £50 | |
| The Friendly Societies Act 1896, c. 25. | | | | |
| Section 89 ... | Offence for which no express penalty is provided. | £5 | £10 | |
| The London Cab Act 1896, c. 27. | | | | |
| Section 1 ... | Hirer defrauding cab driver. | £2 | £10 | |
| The Public Health (Scotland) Act 1897, c. 38. | | | | |
| Section 22 (as extended by section 1(5) of the Noise Abatement Act 1960). | Causing or negligently allowing nuisances. | £5 | £20 | 1960 c. 68. |
| Section 40 ... | Failure to comply with notice requiring houses in filthy state to be purified. | 10s. 0d. for each day on which offence continues. | £20 | |

| SCH. 3 | <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> |
|--------|--|---|---------------------------------|---|
| | The Public Health (Scotland) Act 1897, c. 38— <i>cont.</i> | | | |
| | Section 56 ... | Exposure by any person of others to risk of infection by himself or by a person in his care, and transmitting or exposure of infectious articles. | £5 | £10 |
| | Section 163 ... | Offences for which no pecuniary penalty is provided, obstruction of persons executing Act, and contravention of regulations. | £5 | £10 for a first offence and £20 for a second or subsequent offence. |
| | The Dogs Act 1906, c. 32. | | | |
| | Section 6 ... | Allowing carcasses of cattle to lie unburied in field to which dogs have access. | £2 | £10 |
| | The Prevention of Corruption Act 1906, c. 34. | | | |
| | Section 1 ... | Giving or receiving bribes in respect of an agent's functions in relation to his principal's affairs, etc. | £50 | £200 |
| | The Public Health Acts Amendment Act 1907, c. 53. | | | |
| | Section 94 ... | Letting for hire or carrying passengers in an unlicensed pleasure boat or exceeding authorised number of passengers. | £2 | £50 |
| | The Commons Act 1908, c. 44. | | | |
| | Section 1(2) ... | Owner turning out animal on a common in contravention of regulations and any person obstructing execution of regulations. | £2 | £20 |

| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> | SCH 3 |
|--|--|--|---|------------|
| The Cinematograph Act 1909, c. 30. | | | | |
| Section 3 ... | Use of apparatus or premises in contravention of the Act or regulations thereunder, etc. | £20 and in addition £5 for each day on which the offence is committed. | £200 | |
| The Perjury Act 1911, c. 6. | | | | |
| Section 3 (as extended and amended by section 28(1) and (3) of the Criminal Justice Act 1925). | Making false oaths and statements with reference to marriages. | £50 | £100 | 1925 c. 86 |
| Section 4 (as amended by section 28(2) and (3) of the Criminal Justice Act 1925). | Making false statements with reference to births and deaths. | £50 | £100 | |
| The Fabrics (Misdescription) Act 1913, c. 17. | | | | |
| Section 1 ... | Selling fabrics with misleading description as to inflammability. | £10 for a first offence and £50 for a second or subsequent offence. | £100 for a first offence and £400 for a second or subsequent offence. | |
| The Ancient Monuments Consolidation and Amendment Act 1913, c. 32. | | | | |
| Section 14 ... | Damaging ancient monuments. | £5 | £20 | |
| The Criminal Justice Administration Act 1914, c. 58. | | | | |
| Section 14(1)(b) | Wilful or malicious damage where amount of damage is £5 or less. | £5 | £20 | |
| The Ferries (Acquisition by Local Authorities) Act 1919, c. 75. | | | | |
| Section 4 ... | Fraudulent claims for exemption from payment of tolls. | £10 | £20 | |

SCH. 3

| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> |
|--|---|--|-------------------------|
| The Land Settlement (Scotland) Act 1919, c. 97. | | | |
| Section 22(2) ... | Damaging crops in allotments. | £5 | £20 |
| The Census Act 1920, c. 41. | | | |
| Section 8(1) ... | Miscellaneous offences including making a false declaration, delivering a false document and giving a false answer. | £10 | £50 |
| The Allotments Act 1922, c. 51. | | | |
| Section 19 ... | Damaging allotments ... | £5 | £20 |
| The Law of Property Act 1925, c. 20 | | | |
| Section 193(4) ... | Unauthorised driving, camping, etc., on common land. | £2 | £20 |
| The Guardianship of Infants Act 1925, c. 45. | | | |
| Section 8(1) ... | Failure to notify change of address by person liable to make maintenance payments. | £2 | £10 |
| The Criminal Justice Act 1925, c. 86. | | | |
| Section 37 ... | Unlawful possession of pension documents as securities for debts. | £20 | £100 |
| Section 38(1) ... | Making or using imitation bank notes. | £5 | £20 |
| Section 38(2) ... | Refusal by person whose name appears on an imitation bank note to give name and address of printer. | £10 | £20 |
| The Home Counties (Music and Dancing) Licensing Act 1926, c. 31. | | | |
| Section 3(7) ... | Keeping a place for entertainment purposes without a licence. | £5 for each day on which the offence is committed. | £200 |

| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> | SCH. 3 |
|--|---|--|-------------------------|--------|
| The Home Counties (Music and Dancing) Licensing Act 1926, c. 31. — <i>cont.</i> | | | | |
| Section 3(11) ... | Contravention, etc., of conditions of entertainment licence. | £20 and in addition £5 for each day on which the offence continues after conviction thereof. | £200 | |
| The Parks Regulations (Amendment) Act 1926, c. 36. | | | | |
| Section 2(1) ... | Contravention of regulations. | £5 | £20 | |
| The Births and Deaths Registration Act 1926, c. 48. | | | | |
| Section 1 ... | Disposal of body without a registrar's certificate or coroner's order. | £10 | £20 | |
| Section 4 ... | Removal of body out of England without complying with the relevant requirements. | £10 | £50 | |
| Section 11 ... | Contravention of other provisions of Act. | £2 | £10 | |
| The Auctions (Bidding Agreements) Act 1927, c. 12. | | | | |
| Section 1 ... | Dealer giving or any person accepting reward for abstention from bidding. | £100 | £400 | |
| The Superannuation and Other Trust Funds (Validation) Act 1927, c. 41. | | | | |
| Section 7 ... | Default in complying with requirements of Act, including requirements as to accounts and reports. | £5 | £10 | |
| The Agricultural Produce (Grading and Marking) Act 1928, c. 19. | | | | |
| Section 2(3) ... | Forgery of grade designation marks and similar offences. | £20 | £100 | |

| SCH. 3 | <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> |
|-------------|---|--|--|---|
| | The Agricultural Produce (Grading and Marking) Act 1928, c. 19— <i>cont.</i> | | | |
| | Section 2(4) ... | Unauthorised use of grade designation marks. | £20 | £100 |
| | Section 3 ... | Selling or exposing for sale unmarked preserved eggs. | £5 for a first offence and £20 for a second or subsequent offence. | £20 for a first offence and £100 for a second or subsequent offence. |
| 1963 c. 11. | Section 4(2) as amended by section 23 of the Agriculture (Miscellaneous Provisions) Act 1963. | Miscellaneous offences connected with the storage and marking of eggs. | £5 for a first offence and £20 for a second or subsequent offence. | In the case of an offence under paragraph (c) £20, and in any other case £20 for a first offence and £100 for a second or subsequent offence. |
| | The Slaughter of Animals (Scotland) Act 1928, c. 29. | | | |
| | Section 4 ... | Preventing or obstructing inspection of slaughterhouse, etc. by authorised person. | £5 | £20 |
| | The Petroleum (Consolidation) Act 1928, c. 32. | | | |
| | Section 1(2) ... | Keeping petroleum-spirit without a licence. | £20 for each day on which the offence continues. | £100 |
| | Section 1(3) ... | Keeping petroleum-spirit in contravention of conditions of licence. | £20 for each day on which the offence continues. | £100 |

| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> | SCH. 3 |
|--|--|--|-------------------------|--------|
| The Petroleum (Consolidation) Act 1928, c. 32—cont. | | | | |
| Section 2(4) ... | Failure of occupier of licensed premises to post notice of conditions of licence on premises, interference with notice, and contravention by employee of conditions set out in notice. | £5 for each day on which the failure continues, and £5 for each other offence. | £20 | |
| Section 5(2) ... | Keeping, selling, etc., petroleum-spirit without proper labelling. | £5 | £20 | |
| Section 6(2) ... | Contravention of regulations as to carriage of petroleum-spirit by road. | £20 for each day on which the offence continues. | £100 | |
| Section 7(6) ... | Contravention of harbour authority's by-laws as to loading and carrying of petroleum-spirit. | £50 for each day on which the offence continues. | £100 | |
| Section 8 ... | Failure to give notice to harbour authority that cargo consists of petroleum-spirit. | £50 | £100 | |
| Section 9(3) ... | Contravention of canal byelaws as to loading and carrying of petroleum-spirit. | £20 for each day on which the offence continues. | £100 | |
| Section 10(2) ... | Contravention of regulations as to keeping and use of petroleum-spirit for purpose of motor vehicles, etc. | £20 for each day on which the offence continues. | £100 | |
| The Ancient Monuments Act 1931, c. 16. | | | | |
| Section 7(2) ... | Contravening regulations about access to monuments. | £5 | £20 | |
| The Agricultural Produce (Grading and Marking) Amendment Act 1931, c. 40. | | | | |
| Section 4(1) ... | Use of mark or description calculated to deceive because of resemblance to grade designation mark. | £20 | £100 | |

| SCH. 3 | <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> |
|-------------|---|--|--|---|
| | The Grey Seals Protection Act 1932, c. 23. Section 2(1) ... | Killing, wounding or taking grey seals during close season and related offences. | £5 for an offence under paragraph (a) and £10 for an offence under paragraph (b) or (c). | £20 for an offence under paragraph (a) and £50 for an offence under paragraph (b) or (c). |
| | The Children and Young Persons Act 1933, c. 12. Section 5 ... | Giving intoxicating liquor, or causing it to be given, to a child under five. | £3 | £10 |
| 1944 c. 31. | Section 10(1) (as amended by Schedule 8 to the Education Act 1944). | Vagrant preventing child or young person from receiving education. | £1 | £10 |
| 1963 c. 37. | Section 23 (as amended by section 64(1) and Schedule 3 paragraph 5 to the Children and Young Persons Act 1963). | Any person procuring or parent allowing person under sixteen to take part in dangerous public performances. | £10 for a first offence and £50 for a second or subsequent offence. | £50 for a first offence and £100 for a second or subsequent offence. |
| | Section 24(1) ... | Any person procuring or parent allowing person under twelve or unlicensed person under sixteen to be trained for dangerous performances. | £5 for a first offence and £20 for a second or subsequent offence. | £20 for a first offence and £50 for a second or subsequent offence. |
| | Section 72(5) ... | Failure to comply with summons to produce a child or young person to be sent to an approved school. | £5 | £20 |
| | Section 82(5) ... | Failure to comply with summons to produce a child or young person who has escaped from approved school. | £5 | £20 |
| | Section 88(2)(c) | Failure by putative father to notify change of address. | £2 | £10 |

| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> | SCH. 3 |
|--|---|--|--|-------------|
| The Local Government Act 1933, c. 51. | | | | |
| Section 289 ... | Interference with local authority notice board, notice, etc. | £5 | £20 | |
| The Public Health Act 1936, c. 49. | | | | |
| Section 76(3) ... | Sorting over or disturbing dustbins or material deposited on a refuse tip. | £5 | £10 | |
| Section 83(2) ... | Failure to comply with notice requiring cleansing of filthy or verminous premises. | £5 | £20 | |
| Section 94(2) ... | Failure to abate or to remove danger of recurrence of nuisance. | £5 | £20 | |
| Section 95(1) (both as originally enacted and as applied by s. 16(1) of the Clean Air Act 1956). | Contravention, etc., of nuisance order, including a smoke nuisance order. | £5 and in addition £2 for each day on which the offence continues after conviction thereof under the section as originally enacted, and £10 and £5 respectively under the section as so applied. | £50 and in addition £5 for each day on which the offence continues after conviction thereof. | 1956 c. 52. |
| Section 144(2) ... | Failure to notify notifiable disease. | £2 | £10 | |
| Section 148 ... | Exposure by any person of others to risk of infection by himself or by a person in his care, and transmitting or exposure of infectious articles. | £5 | £10 | |
| Section 149 ... | Carrying on of any trade or business by a person suffering from a notifiable disease. | £5 | £10 | |

SCH. 3

| | <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> |
|-------------|--|---|---------------------------------|-------------------------|
| | The Public Health Act 1936, c. 49.— <i>cont.</i> | | | |
| | Section 152(4) ... | Sending articles which have been exposed to infection to laundry or cleaners, and failure of an occupier of a building in which a person is suffering from a notifiable disease to furnish address of cleaners or laundry to local authority. | £5 | £10 |
| 1961 c. 64. | Section 154(2) as extended by section 42 of the Public Health Act 1961). | Sale or delivery of food or living things, or of any article whatever to children under 14, by rag dealers and others from their shops or in the course of collection. | £5 | £10 |
| | Section 159(3) ... | Entering or permitting another to travel in a public conveyance knowing that the person entering or travelling is suffering from a notifiable disease. | £5 | £10 |
| | Section 160(4) ... | Offences by an owner, driver or conductor of a public conveyance in connection with the carriage of persons suffering from a notifiable disease. | £5 | £10 |
| | Section 170(3) ... | Contravention by a person suffering from a notifiable disease of an order not to leave hospital. | £5 | £10 |
| | Section 246 ... | Offences in connection with common lodging houses, including failure to keep premises suitably equipped and false statements in application for registration. | £5 | £10 |
| | Section 269(7) ... | Contravention of provisions and conditions of licences as to keeping and use of movable dwellings. | £5 | £20 |

| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> | SCH. 3 |
|---|--|---|--|-------------|
| The Public Health Act 1936, c. 49.— <i>cont.</i> | | | | |
| Section 288 ... | Obstruction of persons executing Act or subordinate instruments. | £5 and in addition £5 for each day on which the offence continues after conviction thereof. | £10 for a first offence and £20 for a second or subsequent offence. | |
| The Children and Young Persons (Scotland) Act 1937, c. 37. | | | | |
| Section 16 ... | Giving intoxicating liquor, or causing it to be given, to a child under five. | £3 | £10 | |
| Section 21(1) (as amended by Schedule 4 to the Education (Scotland) Act 1945). | Vagrant preventing child or young person from receiving education. | £1 | £10 | 1945 c. 37. |
| Section 33 (as amended by Schedule 3 to the Children and Young Persons Act 1963). | Any person procuring or parent allowing person under sixteen to take part in dangerous public performances. | £10 for a first offence and £50 for a second or subsequent offence. | £50 for a first offence and £100 for a second or subsequent offence. | 1963 c. 37. |
| Section 34(1) ... | Any person procuring or parent allowing person under twelve or unlicensed person under sixteen to be trained for dangerous performances. | £5 for a first offence and £20 for a second or subsequent offence. | £20 for a first offence and £50 for a second or subsequent offence. | |
| Section 76(5) ... | Failure to comply with order to produce a child or young person to be sent to an approved school. | £5 | £20 | |
| Section 86(5) ... | Failure to comply with order to produce a child or young person who has escaped from an approved school. | £5 | £20 | |

SCH. 3

| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> |
|---|--|---|---|
| The Children and Young Persons (Scotland) Act 1937, c. 37.—cont. | | | |
| Section 91(7) ... | Failure of person making payments under a contribution order to notify change of address to recipient. | £2 | £10 |
| Section 92(2)(b) | Failure to notify change of address by a father making payments under a decree for aliment to a person entitled by virtue of a contribution order. | £2 | £10 |
| The Trade Marks Act 1938, c. 22. | | | |
| Section 60 ... | Falsely representing that a trade mark is registered and similar offences. | £5 | £50 |
| The Nursing Homes Registration (Scotland) Act 1938, c. 73. | | | |
| Section 8 ... | Offences under the Act for which no express penalty is provided. | £5 | £20 |
| The Education Act 1944, c. 31. | | | |
| Section 34(1) ... | Parent's failure to comply with requirement to submit child for medical examination. | £5 | £10 |
| Section 40(1) ... | Offence against section 37 or 39 (parent's failure to comply with school attendance order or to secure child's regular attendance at school). | £1 for a first offence against the relevant section, £5 for a second offence against that section and £10 for a third or subsequent offence against that section. | £10 for a first offence against the relevant section and £20 for a second or subsequent offence against that section. |
| Section 48(2) ... | Parent's failure to comply with requirement to submit child for medical examination. | £5 | £10 |

| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> | SCH. 3 |
|---|---|--|---|-------------|
| The Education Act 1944, c. 31.— <i>cont.</i> | | | | |
| Section 57(2), as set out in Schedule 2 to the Mental Health Act 1959. | Parent's failure to comply with requirement to submit child for medical examination. | £5 | £10 | 1959 c. 72. |
| Section 69(2) ... | Parent's failure to comply with requirement to submit child for medical examination, and county college pupil's failure to submit himself for such examination. | £5 | £10 | |
| The Fire Services Act 1947, c. 41. | | | | |
| Section 31(1) ... | Giving a false fire alarm. | £25 | £50 | |
| The National Assistance Act 1948, c. 29. | | | | |
| Section 40(3) (both as originally enacted and as applied by section 19 of the Mental Health Act 1959 or section 19 of the Mental Health (Scotland) Act 1960). | Contravention of regulations as to conduct of disabled or old persons' homes. | £5 for a first offence and £20 for a second or subsequent offence. | £20 | 1960 c. 61. |
| Section 55 ... | Obstruction | £5 for a first offence and £20 for a second or subsequent offence. | £10 for a first offence and £20 for a second or subsequent offence. | |
| The Children Act 1948, c. 43. | | | | |
| Section 10(4) ... | Parent's failure to give address for time being to local authority having his child in care. | £5 | £10 | |
| The Employment and Training Act 1948, c. 46. | | | | |
| Section 2(7) ... | Making a false statement for the purpose of obtaining employment or procuring employees. | £10 | £20 | |

SCH. 3

| | <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> |
|-------------|---|---|---------------------------------|-------------------------|
| | The Marriage Act 1949, c. 76. | | | |
| | Section 76(2) ... | Refusal or failure to make and deliver a copy of entries in the marriage register book or a certificate that no entries have been made. | £10 | £20 |
| | The Patents Act 1949, c. 87. | | | |
| | Section 91(1) ... | False claim or implication of patent rights in respect of article sold. | £5 | £50 |
| | The Registered Designs Act 1949, c. 88. | | | |
| | Section 35 ... | False claim or implication of registration in respect of design applied to article sold. | £5 | £50 |
| | The National Parks Act 1949, c. 97. | | | |
| | Section 57 ... | Erecting a misleading notice likely to deter the public from using a public footpath. | £5 | £20 |
| | The Army Reserve Act 1950, c. 32. | | | |
| 1955 c. 20. | Section 14(4) (as amended by Schedule 2 to the Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955). | Failure to report for permanent service or annual training. | £25 | £50 |
| | Section 15(1) ... | Inducing desertion or concealing or employing deserter, etc. | £30 | £50 |
| | Section 15(2) ... | Inducing, etc., absence without leave. | £20 | £50 |
| | Section 17(2) (as so amended). | Miscellaneous offences including insubordinate conduct and failure to comply with orders and regulations under the Act. | £25 | £50 |

| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> | SECT. 3 |
|---|---|---|--|----------------|
| The Air Force Reserve Act 1950, c. 33. | | | | |
| Section 14(4) (as amended by Schedule 2 to the Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955). | Failure to report for permanent service or annual training. | £25 | £50 | |
| Section 15(1) ... | Inducing desertion or concealing or employing deserter, etc. | £30 | £50 | 1955 c. 20. |
| Section 15(2) ... | Inducing, etc., absence without leave. | £20 | £50 | |
| Section 17(2) as so amended). | Miscellaneous offences including insubordinate conduct and failure to comply with orders and regulations under the Act. | £25 | £50 | |
| The Diseases of Animals Act 1950, c. 36. | | | | |
| Section 79(1) ... | Various offences under the Act. | £50 under paragraph (a), £5 for each animal under paragraph (b), £50 and in addition £10 for each half ton after the first under paragraph (c). | £200 under paragraph (a), £20 for each animal under paragraph (b), £200 and in addition £50 for each half ton after the first under paragraph (c). | |
| The Midwives Act 1951, c. 53. | | | | |
| Section 8 ... | Falsely using title of, or implying certification as, midwife. | £5 | £10 for a first offence and £50 for a second or subsequent offence. | |
| Section 15(4) ... | Omission to give notice of intention to practise as midwife, and false statements in any such notice. | £5 | £10 for a first offence and £50 for a second or subsequent offence. | |

SCH. 3

| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> |
|--|---|---------------------------------|---|
| The Midwives (Scotland) Act 1951, c. 54. | | | |
| Section 9 ... | Falsely using title of, or implying certification as, midwife. | £5 | £10 for a first offence and £50 for a second or subsequent offence. |
| Section ... | Omission to give notice of intention to practise as midwife, and false statements in any such notice. | £5 | £10 for a first offence and £50 for a second or subsequent offence. |
| The Prison Act 1952, c. 52. | | | |
| Section 40 ... | Unlawful introduction of liquor or tobacco into prison. | £20 | £50 |
| Section 41 ... | Unlawful conveyance of letters or other articles into prison. | £10 | £50 |
| The Prisons (Scotland) Act 1952, c. 61. | | | |
| Section 30 ... | Unlawful introduction of tobacco, spirits or other articles into prison. | £5 | £50 |
| The Prevention of Crime Act 1953, c. 14. | | | |
| Section 1(1) ... | Carrying an offensive weapon in a public place without lawful authority or reasonable excuse. | £50 | £200 |
| The Births and Deaths Registration Act 1953, c. 20. | | | |
| Section 36 ... | Failure to give information and similar offences. | £2 | In the case of an offence under paragraph (c), £20 and in any other case £10. |

| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> | SCH. 3 |
|---|--|---|---|--------|
| Dogs (Protection of Livestock) Act 1953, c. 28. | | | | |
| Section 1 ... | Owning or keeping a dog which worries livestock. | £10 for a first offence and £50 for a second or subsequent offence. | £20 for a first offence and £50 for a second or subsequent offence. | |
| The Post Office Act 1953, c. 36. | | | | |
| Section 11 ... | Sending prohibited articles through the post. | £10 | £100 | |
| Section 60 ... | Damaging, committing nuisances and placing injurious substances, etc., in or against letter boxes or telephone kiosks. | £10 | £100 | |
| Section 61 ... | Fixing things on, painting or tarring, and disfiguring letter boxes and other property of the Postmaster General. | £2 | £10 | |
| Section 62 ... | Imitating post office stamps, envelopes, forms, marks, etc. | £2 | £10 | |
| Section 64 ... | Unauthorised use of descriptions likely to mislead the public, such as "post office", "letter box", and "Royal Mail". | £2 | £10 | |
| Section 66 ... | Sending offensive messages or false telegrams, and making unnecessary telephone calls, for the purpose of causing annoyance. | £10 | £50 | |
| The Auxiliary Forces Act 1953, c. 50. | | | | |
| Section 27(2) ... | Inducing desertion or concealing or employing deserter, etc. | £30 | £50 | |
| Section 31 ... | An offence under section 27(1) of failing to report for assembling on embodiment or for home defence service. | £20 | £50 | |

SCH. 3

| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> |
|--|--|---------------------------------|-------------------------|
| The Pharmacy Act 1954, c. 61. | | | |
| Section 19(3) ... | Unlawful use by an unqualified person of title "pharmaceutical chemist" or "chemist" or of a title, emblem, or description implying possession of a qualification which he does not possess. | £20 | £100 |
| Section 20(2) ... | Forgery or imitation of a certificate issued under the Pharmacy Acts. | £20 | £100 |
| Section 20(3) ... | Failure to surrender certificate of registration. | £5 | £10 |
| Food and Drugs Act 1955, c. 16. | | | |
| Section 18(4) ... | Failure of incoming occupier of registered premises to give notice of change of occupiers. | £5 | £10 |
| Section 22(1) ... | Failure of dealer in ice-cream or other food to which the section applies to display his name on stall, vehicle or container from which the food is sold. | £2 | £10 |
| Section 23(1) ... | Failure of manufacturer of or dealer in ice cream to notify disease. | £5 | £10 |
| Section 23(3) ... | Using or removing ice cream in contravention of a notice. | £10 | £20 |
| Section 27(1) ... | Using or removing food in contravention of a notice. | £10 | £20 |
| Section 55 ... | Selling specified articles near a market in market hours without a hawker's licence. | £2 | £10 |
| Section 69(2) ... | Failure to display sign indicating licensed slaughterhouse or knacker's yard. | £2 | £10 |

| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> | SCH. 3 |
|--|--|---------------------------------|-------------------------|--------|
| Food and Drugs Act 1955, c. 16.—cont. | | | | |
| Section 105 (1) other than proviso. | Obstruction of persons executing Acts or subordinate instruments. | £5 | £20 | |
| Section 105 (1) proviso. | Obstruction with intent to prevent the discovery of some other offence, or obstruction within twelve months of previous conviction of obstruction. | £20 | £50 | |
| Section 105(3)... | Failure to give assistance or information, and making false statements. | £5 | £20 | |
| The Clean Air Act 1956, c. 52. | | | | |
| Section 27(1) ... | Allowing emission of dark smoke from chimney of private dwelling. | £10 | £20 | |
| Section 27(2) ... | Offences under section 3(3) (installation of smoke emitting furnaces without proper notice) and section 11 (contravention of smoke control order). | £10 | £20 | |
| The Affiliation Proceedings Act 1957, c. 55. | | | | |
| Section 9(2) ... | Failure by putative father to notify change of address. | £2 | £10 | |
| The Matrimonial Proceedings (Children) Act 1958, c. 40. | | | | |
| Section 10(6) ... | Parent's failure to give address for time being to local authority having his child in care. | £5 | £10 | |

SCH. 3

| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> |
|--|---|---|--|
| The Agricultural Marketing Act 1958, c. 47. | | | |
| Section 6(6) ... | Sale of regulated product by producer in contravention of a scheme under the section. | £5 and an additional fine not exceeding half the price at which the product was sold subject to a limit of £100 on the fines which may be imposed for any one offence under the subsection. | £20 and an additional fine not exceeding half the price at which the product was sold subject to a limit of £200 on the fines which may be imposed for any one offence under the subsection. |
| Section 45(6) ... | Failing to give information or giving false information to an agricultural marketing board. | £20 | £50 |
| The Slaughter of Animals Act 1958, c. 8. | | | |
| Section 8(2) ... | Obstructing inspection of slaughterhouse, etc., by authorised person. | £5 | £20 |
| The County Courts Act 1959, c. 22. | | | |
| Section 30(1) ... | Assaulting an officer of the court. | £20 | £50 |
| The Highways Act 1959, c. 25. | | | |
| Section 117 ... | Miscellaneous offences involving damage to or interference with a highway or its ancillary equipment. | £2 | £20 for a first offence and £50 for a second or subsequent offence. |
| Section 119(4)(a) | Failure to give notice to highway authority of intention to plough footpath. | £2 | £10 |
| Section 119(4)(b) | Failure to make good surface of footpath after ploughing. | £10 | £50 |

| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> | SCH. 3 |
|--|---|---|---|--------|
| The Highways Act 1959, c. 25.—cont. | | | | |
| Section 121(1)... | Wilfully obstructing a highway. | £2 | £50 | |
| Section 122 ... | Erecting a building or fence, or planting a hedge, in a highway without lawful authority. | £2 | £50 | |
| Section 127 ... | Depositing things, pitching booths, etc., or camping on a highway. | £2 | £50 | |
| Section 130(3)... | Failure to comply with notice requiring execution of works to prevent soil, etc., being washed into street. | £5 | £20 for a first offence and £50 for a second or subsequent offence. | |
| Section 135(2)... | Allowing animals to stray or lie on or at the side of a highway. | 5s. 0d. for each animal found straying or lying subject to a maximum of 30s. 0d. in any one case. | £20 for a first offence and £50 for a second or subsequent offence. | |
| Section 140(1)... | Causing injury or danger by depositing things on highway. | £2 | £100 | |
| Section 140(2) ... | Causing injury, interruption or danger by lighting fires or discharging firearms or fireworks on a highway. | £2 | £20 for a first offence and £50 for a second or subsequent offence. | |
| Section 140(3) ... | Playing games on a highway to annoyance of user. | £2 | £10 | |
| Section 140(4) ... | Allowing offensive matter to run on to a highway. | £2 | £10 | |
| Section 142(4) ... | Failure to comply with notice requiring construction and maintenance of gutters, etc. | £5 | £20 | |

SCH. 3

| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> |
|--|--|---|---|
| The Highways Act 1959, c. 25.—cont. | | | |
| Section 147 ... | Failure to comply with requirements about erection of hoardings around building or demolition works, provision of footways for pedestrians, etc. | £5 | £100 |
| Section 149 ... | Altering or removing a barrier, or extinguishing a light, erected to prevent danger from street works. | £5 | £100 |
| The Mental Health Act, 1959, c. 72. | | | |
| Section 12(3) ... | Parent's failure to comply with notice requiring child's daily attendance or residence at a training centre. | £1 for a first offence, £5 for a second offence, and £10 for a third or subsequent offence. | £10 for a first offence and £20 for a second or subsequent offence. |
| Section 15(3) ... | Breach of a condition of the registration of a mental nursing home. | £5 for a first offence and £20 for a second or subsequent offence. | £20 |
| Section 16(2) ... | Offences against regulations as to conduct of mental nursing homes. | £5 for a first offence and £20 for a second or subsequent offence. | £20 |
| Section 20(2) ... | Breach of a condition of the registration of a residential home. | £5 for a first offence and £20 for a second or subsequent offence. | £20 |
| The Road Traffic Act 1960, c. 16. | | | |
| Section 147(2) ... | Contravention, etc., of regulations as to conduct of passengers in public service vehicles. | £5 | £20 |

| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> | SCH. 3 |
|---|---|---|---|--------|
| The Indecency with Children Act 1960, c. 33. | | | | |
| Section 1(1) ... | Indecent conduct with or towards child under fourteen. | £100 | £400 | |
| The Matrimonial Proceedings (Magistrates' Courts) Act 1960, c. 48. | | | | |
| Section 3(5) ... | Parent's failure to notify change of address to local authority having his child in care under a matrimonial order. | £5 | £10 | |
| Section 13(4) ... | Failure of person making payments under an order to notify change of address to recipient. | £5 | £10 | |
| The Mental Health (Scotland) Act 1960, c. 61. | | | | |
| Section 13(3) ... | Parent's failure to comply with notice requiring child's daily attendance or residence at a training centre. | £1 for a first offence, £5 for a second offence, and £10 for a third or subsequent offence. | £10 for a first offence and £20 for a second or subsequent offence. | |
| Section 22(2) ... | Offences under Part III of the Act (regulation of private hospitals and residential homes). | £5 and in addition £2 for each day on which the offence continues after conviction thereof. | £20 | |
| The Public Health Act 1961, c. 64. | | | | |
| Section 39(2) ... | Failure to give information, or giving false information, about notifiable diseases or food poisoning. | £5 | £10 | |

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| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> |
|--|---|---|---|
| The Education (Scotland) Act 1962, c. 47. | | | |
| Section 43(1) ... | Offence under section 35, 41 or 42 (parent's failure without reasonable excuse to secure child's regular attendance at school or to comply with a school attendance order). | £1 for a first offence under the relevant section, £5 for a second offence under that section and £10 for a third or subsequent offence under that section. | £10 for a first offence under the relevant section and £20 for a second or subsequent offence under that section. |
| Section 58(2) ... | Parent's failure to comply with requirement to submit child for medical examination, and junior college pupil's failure to submit himself for such examination. | £5 | £10 |
| Section 63(2) ... | Parent's failure to comply with requirement to submit child for medical examination. | £5 | £10 |
| Section 69 ... | Parent's failure to comply with requirement to submit child for medical examination, and junior college pupil's failure to submit himself for such examination. | £5 | £10 |
| The Nursing Homes Act 1963, c. 13. | | | |
| Section 1(2) ... | Offences against regulations as to the conduct of nursing homes. | £5 for a first offence and £20 for a second or subsequent offence. | £20 |

| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> | SCH. 3 |
|--|---|---------------------------------|--|--------|
| The Weights and Measures Act 1963, c. 31. | | | | |
| Section 52(1) ... | Minor offences under the Act, including offences under section 31 (failure to have road vehicle check-weighed) and section 49(1) (obstruction, etc., of inspector). | £20 | £50 for an offence under section 31 or 49(1) and £20 for an offence against any other section specified. | |
| The Children and Young Persons Act 1963, c. 37. | | | | |
| Section 14 ... | Failure of parent of child in approved school, etc., to notify that school of his address. | £5 | £10 | |
| Section 30(5) ... | Failure of person liable to make payments under arrears order to notify address to recipient. | £5 | £10 | |
| The Industrial and Provident Societies Act 1965, c. 12. | | | | |
| Section 61 ... | Failing to give required notices, etc., or to furnish required information, and making false returns. | £5 | £10 | |
| The Matrimonial Causes Act 1965, c. 72. | | | | |
| Section 36(6) ... | Parent's failure to give address for time being to local authority having his child in care. | £5 | £10 | |
| The Forestry Act 1967, c. 10. | | | | |
| Section 30(5) ... | Failure to give information or making misstatement as to interests in land. | £5 | £10 | |

SCH. 3

| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old fine or maximum fine</i> | <i>New maximum fine</i> |
|---|--|--|-------------------------|
| The Forestry Act 1967, c. 10.— <i>cont.</i> | | | |
| Section 46(5) ... | Offences against byelaws. | £10 in the case of byelaws for the New Forest and £5 in other cases. | £20 in all cases. |
| Section 48(3) ... | Obstruction of officers of Forestry Commissioners. | £5 | £20 |

PART II

INCREASE OF LIMIT ON FINES WHICH MAY BE IMPOSED BY
SUBORDINATE INSTRUMENTS

| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old maximum fine</i> | <i>New maximum fine</i> |
|--|--|-------------------------|-------------------------|
| The Harbours, Docks and Piers Clauses Act 1847, c. 27. | | | |
| Section 84 ... | Contravention of byelaws. | £5 | £50 |
| The Dockyard Port Regulation Act 1865, c. 125. | | | |
| Section 6 ... | Offences against port regulations. | £10 | £50 |
| The Metropolitan Public Carriage Act 1869, c. 115. | | | |
| Section 10 ... | Contravention of regulations as to hackney and stage carriages. | £2 | £20 |
| The Tramways Act 1870, c. 78. | | | |
| Section 47 ... | Contravention of byelaws regulating tramways and prohibiting nuisances on trams. | £2 | £20 |

| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old maximum fine</i> | <i>New maximum fine</i> | SCH. 3 |
|--|---|-------------------------|-------------------------|--------|
| The Explosives Act 1875, c. 17. | | | | |
| Sections 11 and 19. | Breach of special rules for regulation of workmen in gunpowder factories and stores. | £2 | £20 | |
| Section 34 ... | Contravention of harbour authorities' byelaws as to conveyance, loading and unloading of gunpowder. | £20 | £100 | |
| Section 35 ... | Contravention of railway byelaws as to conveyance, loading and unloading of gunpowder. | £20 | £100 | |
| Section 36 ... | Contravention of wharf byelaws as to loading and unloading of gunpowder. | £20 | £100 | |
| Section 37 ... | Contravention of byelaws as to conveyance by road, etc., and loading and unloading of gunpowder. | £20 | £100 | |
| The Public Health Act 1875, c. 55. | | | | |
| Section 183 ... | Contravention of local authority's byelaws. | £5 | £20 | |
| The Commons Act 1876, c. 56. | | | | |
| Section 16 ... | Contravention of byelaws for management, etc., of regulated pastures. | £2 | £10 | |
| The Local Government Act 1933, c. 51. | | | | |
| Section 251 ... | Contravention of local authority's byelaws. | £5 | £20 | |
| The Harbours, Piers and Ferries (Scotland) Act 1937, c. 28. | | | | |
| Section 11(2) ... | Contravention of byelaws relating to marine works, made under section 83 of the Harbours, Docks and Piers Clauses Act 1847, as applied by section 10 of the said Act of 1937. | £5 | £50 | |

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| <i>Enactment</i> | <i>Description of Offence</i> | <i>Old maximum fine</i> | <i>New maximum fine</i> |
|---|---|---|---|
| The Local Government (Scotland) Act 1947, c. 43. | | | |
| Section 302 ... | Contravention of local authority's byelaws. | £5 | £20 |
| The Harbours Act 1964, c. 40. | | | |
| Section 22(2) ... | Contravention of byelaws for securing that a scheme for the safe movement of ships in a harbour is not impeded. | £20 | £50 |
| The Plant Health Act 1967, c. 8. | | | |
| Section 3(4)(a)... | Contravention of orders made under section 3 for preventing the spread in Great Britain of the Colorado beetle. | £100 for an offence against any such order of keeping or distributing live specimens of the beetle and £50 for other offences. | £100 or, for an offence committed after a previous conviction of an offence against any such order, £200. |
| Section 3(4)(b)... | Contravention of other orders under section 3. | £10 for a first offence against any such order and £50 for an offence committed after a previous conviction of an offence against that order. | £100 or, for an offence committed after a previous conviction of an offence against any such order, £200. |

PART III

SCH. 3

AMENDMENT OF SECTION 24 OF THE PUBLIC HEALTH (SCOTLAND)
ACT 1897 (C. 38)

In section 24 of the Public Health (Scotland) Act 1897 (failure to comply with decree and knowing infringement of interdict relating to nuisances under section 16, including nuisances under subsections (6) and (8) of that section arising from the conduct of factories, businesses, etc.) the provision imposing a penalty for such a failure or infringement shall have effect as if £20 were substituted for five pounds and £50 for ten pounds in the case of nuisances under the said subsection (6) or (8) of section 16, and as if £2 were substituted for ten shillings in respect of such a failure and £5 for twenty shillings in respect of such an infringement in the case of any other nuisance under that section.

PART IV

AMENDMENTS EXTENDING TO NORTHERN IRELAND

Section 92 and Parts I and II of this Schedule shall extend to Northern Ireland so far as they amend the following enactments:—

| | |
|--|--------------|
| section 45 of the Telegraph Act 1863 ; | 1863 c. 112. |
| section 6 of the Dockyard Ports Regulation Act 1865 ; | 1865 c. 125. |
| section 11 of the Post Office (Protection) Act 1884 ; | 1884 c. 76. |
| section 17 of the Military Lands Act 1892 ; | 1892 c. 43. |
| sections 2 and 3 of the Uniforms Act 1894 ; | 1894 c. 45. |
| section 60 of the Trade Marks Act 1938 ; | 1938 c. 22. |
| section 91(1) of the Patents Act 1949 ; | 1949 c. 87. |
| section 35 of the Registered Designs Act 1949 ; | 1949 c. 88. |
| sections 14(4), 15(1) and (2), and 17(2) of the Army Reserve Act 1950 ; | 1950 c. 32. |
| sections 14(4), 15(1) and (2), and 17(2) of the Air Force Reserve Act 1950 ; | 1950 c. 33. |
| sections 11, 60, 61, 62, 64 and 66 of the Post Office Act 1953 ; | 1953 c. 36. |
| sections 27(2) and 31 of the Auxiliary Forces Act 1953 ; | 1953 c. 50. |
| sections 6(6) and 45(6) of the Agricultural Marketing Act 1958. | 1958 c. 47. |

SCHEDULE 4

Section 98.

MISCELLANEOUS AMENDMENTS OF ENACTMENTS
RELATING TO CRIMINAL APPEAL

THE CRIMINAL APPEAL ACT 1907 (C. 23)

1. In section 4(2) (consequence of appeal being allowed), the words "and direct a judgment and verdict of acquittal to be entered" shall be omitted, and the following shall be added at the end of the subsection:—

"An order of the criminal division of the Court of Appeal quashing a conviction shall, except when under section 1 of the Criminal Appeal Act 1964 the appellant is ordered to 1964 c. 43.

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be retried, operate as a direction to the court before whom the appellant was convicted to enter, instead of the record of conviction, a judgment and verdict of acquittal."

2. In section 5 (powers of court in special cases of wrong conviction, etc.) the following subsection shall be substituted for subsection (1):—

"(1) Where a person appeals under this Act against conviction on an indictment containing two or more counts, and the criminal division of the Court of Appeal allow the appeal in respect of part of the indictment, they may in respect of any count on which he remains convicted pass such sentence, in substitution for any sentence passed thereon at the trial, as they think proper and is authorised by law for the offence of which he remains convicted on that count, subject however to section 4(2) of the Criminal Appeal Act 1966 (which restricts the power to increase sentence on appeal)."

1966 c. 31.

3. In section 6 (re-vesting and restitution of property), for the word "after", where occurring in paragraph (a) and (b) there shall be substituted the word "from"; and in paragraph (b) for the words "leave to appeal" there shall be substituted the words "of application for leave to appeal".

4. In section 7(1) (time for appealing and applying for leave to appeal), for the words from "within twenty-eight days" to "considered by the court" there shall be substituted the words "within twenty-eight days from the date of the conviction, verdict or finding appealed against, or in the case of appeal against sentence, from the date on which sentence was passed, or in the case of an order made or treated as made on conviction, from the date of the making of the order".

5. In section 9 (supplemental powers of court),

(a) for the words "at the trial" where first occurring in paragraph (b) of the section there shall be substituted the words "in the proceedings from which the appeal lies", and for those words where occurring for the second time in that paragraph there shall be substituted the words "in those proceedings";

(b) for the words "at the trial" in paragraph (c) of the section there shall be substituted the words "in the proceedings from which the appeal lies"; and

(c) the words from "and exercise in relation to" to the end of the section shall be omitted.

6. In section 11(1) (right of appellant to be present at hearing), the words "rules of court provide that he shall have the right to be present, or where" shall be omitted.

7. In section 15 (duties of registrar with respect to appeals), the following subsection shall be substituted for subsections (3) and (4):—

"(3) Rules of court may enable an appellant to obtain from the registrar any documents or things, including copies or reproductions of documents, required for his appeal and may

authorise the registrar to make charges for them in accordance with scales and rates fixed from time to time by the Treasury.”

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8. For section 21 (definitions) there shall be substituted the following section :—

“21. In this Act, unless the context otherwise requires,—

‘appellant’ includes a person who has given notice of application for leave to appeal ; and

‘sentence’ in relation to an offence, includes any order made by a court when dealing with an offender (including a hospital order under Part V of the Mental Health Act 1959, with or without an order restricting discharge) and also includes a recommendation for deportation made under Part II of the Commonwealth Immigrants Act 1962 or under any order made under the Aliens Restriction Act 1914 ”.

1959 c. 72.

1962 c. 21.

1914 c. 12.

THE CRIMINAL APPEAL (NORTHERN IRELAND) ACT 1930 (C. 45)

9. In section 3(2) (consequences of appeal against conviction being allowed) for the words “direct a judgment and verdict of acquittal to be entered” there shall be substituted the words “an order of the Court quashing a conviction shall, except when under section 17 of the Criminal Justice Act (Northern Ireland) 1966 the appellant is ordered to be retried, operate as a direction to the clerk of the Crown and peace acting for the court before whom the appellant was convicted to enter, instead of the record of conviction, a judgment and verdict of acquittal”.

1966 c. 20 (N.I.).

10. In section 4 (powers of court on appeal in special cases) the following shall be substituted for subsection (1) :—

“(1) Where a person appeals under this Act against conviction on an indictment containing two or more counts and the Court allow the appeal in respect of part of the indictment, they may in respect of any count on which he remains convicted pass such sentence, in substitution for the sentence passed thereon at the trial, as they think proper and is authorised by law for the offence of which he remains convicted on that count”.

11. In section 5(1) (re-vesting and restitution of property) for the words (in paragraph (a)) “ten days after” there shall be substituted the words “twenty-eight days from”; and for the words (in paragraph (b)) “leave to appeal is given within ten days after” there shall be substituted the words “of application for leave to appeal is given within twenty-eight days from”.

12. In section 7(1) (time for appealing or applying for leave to appeal), the word “convicted” shall be omitted and for the words from “within ten days” to “against sentence” there shall be substituted the words “within twenty-eight days from the date of the conviction, verdict or finding appealed against or, in the case of appeal against sentence, from the date on which sentence was passed or, in the case of an order made or treated as made on conviction, from the date of the making of the order.”

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13. In section 12 (costs of appeal)—

(a) the following shall be substituted for subsection (1):—

“(1) Except as may be provided by any enactment of the Parliament of Northern Ireland, no costs shall be allowed on the hearing or determination of an appeal under this Act, or of any proceedings preliminary or incidental to such an appeal”;

(b) in subsection (2), for the words “in the same manner as the expenses of a prosecution in cases of felony” there shall be substituted the words “by the Ministry”.

14. In section 13(4) (time spent on bail pending appeal not to count as part of sentence) for the words from “and subject to” to the end of the subsection there shall be substituted the words “shall not count as part of any term of imprisonment under his sentence”.

15. In section 20 (definitions) for the words “a person who has been convicted and desires to appeal under this Act” there shall be substituted the words “a person who has given notice of application for leave to appeal”.

THE COURTS-MARTIAL (APPEALS) ACT 1951 (C. 46)

16. In section 3 (right of appeal) the following shall be added as a proviso to subsection (2):—

“Provided that if a person presents a petition for the purposes of paragraph (a) of this subsection but fails to do so within the period prescribed for those purposes, and subsequently applies for leave to appeal, the Court may direct that he be treated as not having thereby lost his right of appeal if they think there is a reasonable explanation of the failure and that it is in the interests of justice that he should be so treated”.

17. In section 11 (appeal to be heard in absence of appellant) the words “rules of court provide that he shall have the right to be present or” shall be omitted.

18. In section 17 (removal of prisoners for purposes of appeal from courts-martial) the following shall be substituted for paragraph (f):—

“(f) section 13 of the Prison Act (Northern Ireland) 1953”.

19. In section 21 (powers of single judge of Courts-Martial Appeal Court), the following paragraph shall be inserted after paragraph (a):—

“(aa) to give a direction under the proviso to section 3(2) of this Act that a person be treated as not having lost his right of appeal”.

THE COSTS IN CRIMINAL CASES ACT 1952 (C. 48)

20.—(1) In section 3 (costs on appeal to criminal division of Court of Appeal), the following shall be inserted at the end of subsection (1):—

“Any amount ordered to be paid under this subsection shall,

except where it is a specific amount ordered to be paid towards the said costs as a whole, be ascertained as soon as practicable by the registrar of criminal appeals and shall be payable to such person as may be named in the order."

(2) In section 3(2) after the word "payment" there shall be inserted the words "to the appellant" and for the words from "The amount" to the end of the subsection there shall be substituted the following:—

"Any amount ordered to be paid under this subsection shall, except where it is a specific amount ordered to be paid towards the appellant's expenses as a whole, be ascertained as soon as practicable by the registrar of criminal appeals";

(3) For section 3(3) there shall be substituted the following subsection—

"(3) Where an appellant who is not in custody appears before the criminal division of the Court of Appeal, either on the hearing of his appeal or in any proceedings preliminary or incidental thereto, the Court may direct that there be paid to him out of local funds the expenses of his appearance; and any amount ordered to be paid to him under this subsection shall be ascertained as soon as practicable by the registrar of criminal appeals."

21. In section 4 (costs on appeal to House of Lords in criminal cases)—

(a) in subsection (1), after the word "payment" there shall be inserted the words "to the accused"; and

(b) in subsection (2), for the words from the beginning to "shall" there shall be substituted the words "Any amount ordered to be paid under this section shall, except where it is a specific amount ordered to be paid towards the accused's expenses as a whole".

22. In section 8 (payment of costs from local funds), at the end of subsection (1) there shall be added the following:—

"In relation to costs ordered to be paid out of local funds under section 3(2) of this Act, 'the proper officer' in this subsection means the registrar of criminal appeals."

23. In section 16 (savings, with exclusion of Act in relation to offence of highway obstruction etc.) subsection (3) shall be omitted.

THE ADMINISTRATION OF JUSTICE ACT 1960 (C. 65)

24. In section 4 (power to grant bail pending appeal to the House of Lords) as it applies to England and Wales,—

(a) in subsection (1), after the word "appellant" there shall be inserted the words "under section 1 of this Act, or a person applying for leave to appeal thereunder"; and

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- (b) in subsection (2) for the words "an appellant pending an appeal under section one of this Act in such proceedings" there shall be substituted the words "an appellant under section 1 of this Act, or a person applying for leave to appeal thereunder, pending the appeal".

25. In section 4, as it applies to Northern Ireland—

- (a) in subsection (1) after the word "appellant", there shall be inserted the words "under section 1 of this Act, or a person applying for leave to appeal thereunder"; and

(b) in subsection (2)—

(i) for the words "seeking to appeal" there shall be substituted the words "appealing or applying for leave to appeal";

1857 c. 43.
1964 c. 21
(N.I.).

(ii) for the words "section three of the Summary Jurisdiction Act 1857" there shall be substituted the words "section 148 of the Magistrates' Courts Act (Northern Ireland) 1964"; and

1935 c. 13
(N.I.).

(iii) for the words "section twenty-six of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland) 1935" there shall be substituted the words "section 4 of the County Courts Appeals Act (Northern Ireland) 1964".

1964 c. 3
(N.I.).

26. In section 5 (power to order detention of defendant pending appeal by Crown) as it applies to England and Wales and also as it applies to Northern Ireland,—

- (a) in subsection (1) after the word "bail" there shall be inserted the words "(which may be granted by the court as under section 4 above)"; and

(b) subsection (2) shall be omitted.

27. In section 5(4) as it applies to Northern Ireland, for the reference to the enactments for the time being in force in Northern Ireland with respect to prisoners or other persons suffering from mental illness or other mental disorder there shall be substituted a reference to the Mental Health Act (Northern Ireland) 1961.

1961 c. 15
(N.I.).

28. In section 8(3) (costs on application for leave to appeal to House of Lords), as it applies to England and Wales, after the word "payment" in paragraph (a) there shall be inserted the words "to the defendant"; and the following shall be added at the end of the subsection:—

"Any amount ordered to be paid under this subsection shall, except where it is a specific amount ordered to be paid towards the defendant's expenses as a whole or, as the case may be, towards the costs of his application as a whole, be ascertained as soon as practicable—

- (i) where the order is made by the criminal division of the Court of Appeal, by the registrar of criminal appeals: and

- (ii) where it is made by the House of Lords, by such officer or officers, and in such manner, as may be prescribed by order of that House ;

and, in the case of an order under paragraph (b), the said amount shall be payable to such person as may be named in the order."

29. In section 8, as it applies to Northern Ireland by virtue of section 18(4) of, and Schedule 2 to, the Act,—

- (a) for subsection (3) there shall be substituted the following subsection :—

"(3) Where the Court of Criminal Appeal in Northern Ireland or the House of Lords dismiss an application for leave to appeal from that Court, that Court or the House may, if it thinks fit—

- (a) where the application was made by the prosecutor, order the payment to the defendant by the Ministry of Home Affairs of such sums as appear to it reasonably sufficient to compensate the defendant for any expenses properly incurred by him in resisting the application ;

- (b) where the application was made by the defendant, order him to pay the whole or any part of the costs of the application.

Any amount ordered to be paid under this subsection shall, except where it is a specific amount ordered to be paid towards the defendant's expenses as a whole or, as the case may be, towards the costs of his application as a whole, be ascertained as soon as practicable—

- (i) where the order is made by the Court of Criminal Appeal in Northern Ireland, by that court ; and

- (ii) where it is made by the House of Lords, by such officer or officers, and in such manner, as may be prescribed by order of that House ;

and, in the case of an order under paragraph (b), the said amount shall be payable to such person as may be named in the order."

- (b) at the end of subsection (3A) there shall be added the following :—

"The amount of any costs ordered to be paid under this subsection shall, except where it is a specific amount ordered to be paid towards the costs as a whole, be ascertained as soon as practicable by such officer or officers, and in such manner, as may be prescribed by order of the House of Lords".

30. In section 9(3) (provision as to presence of defendant on hearing of appeal), as it applies to England and Wales, for the words "or rules of court as the case may be authorise" there shall be substituted the word "authorises".

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31. In section 10 (application of provisions giving right of appeal to House of Lords from decisions of Courts-Martial Appeal Court), after the words "provisions of this Act" there shall be inserted the words "except section 4"; and at the end of the section there shall be added the following three subsections:—

"(2) When a person to whom this subsection applies appeals, or applies for leave to appeal, under section 1 of this Act to the House of Lords from a decision of the Courts-Martial Appeal Court or is the subject of an order of that Court under section 5(1) of this Act as applied by this section, the Court shall have power to grant him bail pending the appeal.

(3) Subsection (2) above applies to any person who,—

1957 c. 53.

(a) not being subject to the Naval Discipline Act 1957, to military law or to air force law, is liable by virtue of any provision of the said Act of 1957, or the Army Act 1955 or the Air Force Act 1955 to be tried as if he were so subject; or

1955 c. 18.

1955 c. 19.

(b) is subject to the said Act of 1957 by virtue only of section 119(1) of it (sentenced offenders).

(4) In sections 1 to 9 of this Act as applied by this section 'the accused' means, in relation to an appeal from the Courts-Martial Appeal Court, the person who was the accused in the court-martial proceedings from which the appeal lay to that court".

32. In Schedule 1 (modifications of sections 1 to 9 in relation to appeals from courts-martial),—

(a) the following paragraphs shall be substituted for paragraph 1:—

"1.—(1) In section 1(1), for the words 'at the instance of the defendant or the prosecutor' there shall be substituted the words 'at the instance of the accused or the Defence Council'.

(2) In sections 2(3) and 5(3) and (5), for the words 'the defendant' there shall be substituted the words 'the accused'.

(3) In section 9(3), for the words 'A defendant who is detained pending an appeal under section one of this Act' there shall be substituted the words 'Where the accused is detained pending an appeal under section 1 of this Act, he'.

1A.—(1) In section 5, the following shall be substituted for subsection (1):—

'(1) Where the accused would, but for the decision of the Courts-Martial Appeal Court, be liable to be detained and immediately after that decision the Defence Council are granted, or give notice that they intend to apply for, leave to appeal, the Court may make an order providing for the detention of the accused or directing that he shall not be released except on bail (which may

in the case of a person to whom section 10(2) of this Act applies, be granted as under that subsection) so long as any appeal under section 1 of this Act is pending.

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- (2) In section 5(4), for the words "a defendant" there shall be substituted the words "a person", and the references to any provision of the Mental Health Act 1959 shall include references to any provision of the Mental Health (Scotland) Act 1960 or the Mental Health Act (Northern Ireland) 1961'". 1959 c. 72.
1960 c. 61.
1961 c. 15
(N.I.).
- (b) in paragraph 2(3), for the words "the Admiralty" there shall be substituted the words "the Defence Council"; and
- (c) in paragraph 3(3), for the words "the defendant" (wherever occurring) there shall be substituted the words "the accused", and for the words from the beginning of paragraph (a) to "may require" there shall be substituted the words "where the application was made by the Secretary of State, direct the payment by him".

THE CRIMINAL PROCEDURE (INSANITY) ACT 1964 (C. 84)

33. In section 3 (sentence where appeal against verdict of not guilty by reason of insanity is allowed),—

- (a) in subsection (1)(a), for the words "and shall have" there shall be substituted the words "and, subject to subsection (1A) below, shall have";
- (b) the proviso to subsection (1) shall be omitted; and
- (c) the following subsections shall be added after subsection (1):—

"(1A) The criminal division of the Court of Appeal shall not by virtue of subsection (1)(a) of this section sentence any person to death; but where under that paragraph they substitute a verdict of guilty of an offence for which apart from this subsection they would be required to sentence the appellant to death, their sentence shall (whatever the circumstances) be one of imprisonment for life.

(1B) An order of the criminal division of the Court of Appeal allowing an appeal in accordance with section 2 of this Act shall operate as a direction to the court before which the appellant came for trial to amend the record to conform with the order."

34. In section 4(6) (application of appeal provisions in section 2 to finding of unfitness to plead), after the words "such a finding" there shall be inserted the words "and references to a person's trial were references to the determination of a question of his fitness to be tried".

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THE CRIMINAL APPEAL ACT 1966 (C. 31)

35. In section 4 (powers of Court of Appeal on determination of appeals) the following shall be substituted for subsection (2) :—

“(2) Section 5(1) of the 1907 Act shall not authorise the Court of Appeal to pass any sentence such that the appellant’s sentence on the indictment as a whole will, in consequence of the appeal, be of greater severity than the sentence (taken as a whole) which was passed at the trial for all offences of which he was convicted on the indictment.”

36. In section 5 (duty to admit evidence on appeal) for the words “at the trial” where they occur in paragraph (a) of the section there shall be substituted the words “in the proceedings from which the appeal lies”; and for those words where they occur in paragraph (b) of the section there shall be substituted the words “in those proceedings”.

37. In section 7 (record of proceedings at trial)—

(a) in subsection (1) the words “at assizes or quarter sessions” shall be omitted; and

(b) in subsection (3) for the words “at a court of assize or quarter sessions” there shall be substituted the words “at any court”.

38. In section 8(2) (ascertainment of witnesses’ expenses) for the words “the proper officer” there shall be substituted the words “the registrar of criminal appeals”.

39. In section 12(5) (construction of Act as applying to Northern Ireland), after the word “Ireland” there shall be inserted the words “and proceedings from which such appeals lie”.

40. In paragraph 8(2) of Schedule 1 (witnesses’ costs on appeal to Courts-Martial Appeal Court), for the words “the proper officer” there shall be substituted the words “the registrar”.

THE CRIMINAL JUSTICE ACT (NORTHERN IRELAND) 1966 (C. 20)

41. At the end of section 16 (provisions relating to disposal of appeal against verdict of not guilty on the ground of insanity) there shall be added the following subsection—

“(5) An order of the Court of Criminal Appeal allowing an appeal in accordance with subsection (4) shall operate as a direction to the clerk of the Crown and peace acting for the court before which the appellant was tried to amend the record to conform with the order”.

Section 102.

SCHEDULE 5

TRANSITIONAL PROVISIONS AND SAVINGS

Juries

1. Section 13 of this Act shall not apply to the verdict of a jury on the trial of any person who was arraigned before the commencement of that section.

2. Section 14 of this Act shall not apply to any person summoned to serve on a jury in any criminal proceedings before the commencement of that section.

SCH. 5

Prisoners sentenced to corrective training or preventive detention

3. A person sentenced to corrective training or preventive detention in England and Wales who was or ought to have been detained in pursuance of his sentence immediately before the commencement of section 60 of this Act shall be treated for purposes of detention, release, recall and otherwise as having been sentenced to a term of imprisonment of the same length as the term of his original sentence and, if he was originally sentenced to preventive detention, he shall also be so treated as if an extended sentence certificate had been issued in respect of him.

4. A person sentenced to corrective training who immediately before the commencement of the said section 60 was subject to a licence under section 26 of the Prison Act 1952 (release on licence of prisoner sentenced to corrective training or preventive detention) shall be treated for all purposes as if his sentence had expired. 1952 c. 52.

5. A person sentenced to preventive detention who immediately before the commencement of the said section 60 was subject to a licence as aforesaid shall be treated for the purposes of Part III of this Act as if he had been released on licence under subsection (3)(a) of that section and as if the requirements specified in the licence under the said section 26 were conditions specified in a licence under the said paragraph (a).

Release of prisoners, etc. on licence

6. A person serving any part of a sentence of imprisonment after the commencement of section 67 of this Act, being a sentence which fell to be reduced under section 17(2) of the Criminal Justice Administration Act 1962 (duration of sentence), shall, for the purpose of determining under section 60(1) of this Act whether he has served one-third of his sentence, be treated as if any period spent in custody between conviction and sentence and taken into account under the said section 17(2) were included in his sentence and as if he had served that period as part of that sentence. 1962 c. 15.

7. A person sentenced to a term of imprisonment within the meaning of section 60 of this Act for eighteen months or more and subject immediately before the commencement of that section to a licence under section 25 of the Prison Act 1952 or section 20 of the Prisons (Scotland) Act 1952 (release on licence instead of remission in the case of prisoners under twenty-one) shall be treated as if he had been released on licence under section 60(3)(b) of this Act and as if the requirements specified in the licence under the said section 25 or 20 were conditions specified in a licence under the said paragraph (b). 1952 c. 61.

SCH. 5

1961 c. 39.

8. A person sentenced to a term of imprisonment for less than eighteen months and subject immediately before the commencement of the said section 60 to a licence under the said section 25 shall be subject to supervision under Schedule 1 to the Criminal Justice Act 1961 (supervision of persons released from detention centres) until the expiration of the period for which he would have been subject to supervision under the said section 25 and as if the requirements specified in the licence under the said section 25 had been specified in a notice given to him under that Schedule ; and that Schedule and section 63(2) of this Act shall apply to any such person as they apply to a person mentioned in section 63(1) of this Act with the substitution for any reference in that Schedule to a period of twelve months from the date of a person's release of a reference to the period between his release and the expiration of the time for which he would have been subject to supervision as aforesaid.

9. Where a person was sentenced to a term of imprisonment for less than eighteen months and was immediately before the commencement of section 60 of this Act in prison by reason of having been recalled under the said section 25, the said Schedule 1 and section 63(2) shall apply to him as they apply to a person mentioned in the said section 63(1) subject to the modification mentioned in the last foregoing paragraph, and he shall be treated for the purposes of that Schedule as if he had been recalled thereunder.

1952 c. 52.

1952 c. 61.

1933 c. 12.

1937 c. 37.

10. A person subject immediately before the commencement of section 61 of this Act to a licence under any of the following enactments, that is to say, section 27 of the Prison Act 1952, section 21 of the Prisons (Scotland) Act 1952 (persons serving imprisonment for life), section 53(4) of the Children and Young Persons Act 1933 or section 57(4) of the Children and Young Persons (Scotland) Act 1937 (young offenders convicted of grave crimes), shall be treated as if he had been released on licence under the said section 61 and as if the conditions contained in a licence under any of the said enactments had been specified in a licence under the said section 61 and, in the case of a person released after being sentenced under section 53(2) of the said Act of 1933 or section 57(2) of the said Act of 1937 to be detained otherwise than for life, as if a licence granted to him under the said section 61 had specified the date of the expiration of his sentence as the date until which the licence is to remain in force.

11. Where any person sentenced to imprisonment for life or sentenced under section 53 of the Children and Young Persons Act 1933 or section 57 of the Children and Young Persons (Scotland) Act 1937 to be detained was notified before the commencement of section 61 of this Act that the Secretary of State proposed to release him under any enactment mentioned in the last foregoing paragraph, the Secretary of State may release him on licence under the said section 61, whether or not recommended to do so by the Parole Board or the Parole Board for Scotland.

12. Any person who immediately before the commencement of sections 60 to 62 or section 69 of this Act was unlawfully at large

or liable to be arrested without warrant under any enactment superseded by any provision of those sections shall, so long as he is at large, be (or continue to be) unlawfully at large.

SCH. 5

Non-payment of fines, etc.

13. Notwithstanding anything in this Act, sections 69 and 70 of the Magistrates' Courts Act 1952, as in force immediately before the commencement of sections 44 to 46 of this Act, shall continue to apply, and the last-mentioned sections shall not apply, to a sum adjudged to be paid by a conviction of a magistrates' court if before the commencement of the last-mentioned sections a magistrates' court has fixed a term of imprisonment for default in paying that sum. 1952 c. 55.

14. Section 93 of this Act shall not apply to a term of imprisonment to be served by a defaulter which has been fixed or imposed before the commencement of that section.

Legal aid

15. Where free legal aid has been granted in connection with any criminal proceedings under the enactments superseded by Part IV of this Act, those enactments shall continue to apply, and the said Part IV shall not apply, in relation to those proceedings and the legal aid so granted:

Provided that section 74(7) of this Act shall apply in relation to free legal aid granted under any enactment so superseded as it applies in relation to legal aid ordered to be given under section 73(4) of this Act.

16. Where legal aid is ordered to be given under Part IV of this Act to a person who applied for it before the commencement of the said Part IV, so much of that Part as relates to contributions towards costs of legal aid shall not apply to the legal aid so ordered, and the court which orders legal aid to be so given shall not be obliged to require him under section 75(4) of this Act to furnish a written statement of his means.

Criminal appeals

17. The repeal by this Act of sections 20(5)(d) and 29(3)(d) of the Criminal Justice Act 1948 and section 69 of the Mental Health Act 1959 shall be without prejudice to appeals thereunder in the case of persons dealt with at quarter sessions before the commencement of section 97 of this Act. 1948 c. 58. 1959 c. 72.

SCHEDULE 6

Section 103.

MINOR AND CONSEQUENTIAL AMENDMENTS

THE VAGRANCY ACT 1824 (C. 83)

1. In section 5 (committal of incorrigible rogues to quarter sessions) for the words from "to the house of correction" onwards there shall be substituted the words "to quarter sessions, either in custody or on bail".

SCH. 6

THE PROSECUTION OF OFFENCES ACT 1879 (c. 22)

1960 c. 65. 2. In section 2 (duty of Director of Public Prosecutions), for the words "(whether in the Court for Crown Cases Reserved, before sessions of oyer and terminer of the peace, before magistrates, or otherwise)" there shall be substituted the words "(whether in the criminal division of the Court of Appeal or in the House of Lords on appeal under section 1 of the Administration of Justice Act 1960 from the criminal division or from a Divisional Court of the Queen's Bench Division of the High Court, or at assizes or quarter sessions or before a magistrates' court, or otherwise)".

THE CORONERS ACT 1887 (c. 71)

3. In section 19(5) for the words "this section" in the first and third places where they occur there shall be respectively substituted the words "section 49 of the Criminal Justice Act 1967".

THE CRIMINAL APPEAL ACT 1907 (c. 23)

4. In section 3(c) (right of appeal against sentence) for the words "against the sentence passed on his conviction, unless the sentence is one fixed by law" there shall be substituted the words "against any sentence (not being a sentence fixed by law) passed on him for the offence of which he was convicted, whether passed on his conviction or in subsequent proceedings".

THE CHILDREN AND YOUNG PERSONS ACT 1933 (c. 12)

5. In section 55(4) (manner in which fine, etc., ordered to be paid by parent or guardian of young offender may be recovered) the words "by distress or imprisonment" shall be omitted.

THE CRIMINAL JUSTICE ACT 1948 (c. 58)

1952 c. 55. 6. In section 29(2) after the words "1952" (being words inserted by the Magistrates' Courts Act 1952) there shall be inserted the words "or section 62 of the Criminal Justice Act 1967".

THE LEGAL AID AND ADVICE ACT 1949 (c. 51)

7. In section 1(1) (proceedings excluded from the provisions of the Act relating to legal aid), for the words from "free legal aid" onwards there shall be substituted the words "legal aid may be given under Part IV of the Criminal Justice Act 1967".

THE PRISON ACT 1952 (c. 52)

8. In section 43(4)(a) (application of provisions of that Act) for the words from "subsections", where it first occurs to "thirty" there shall be substituted the words "section twenty-eight".

THE MAGISTRATES' COURTS ACT 1952 (c. 55)

9. In section 14(3) (adjournment for inquiries after conviction and before sentence) after the word "so" there shall be inserted the words "the adjournment shall not be for more than four weeks at a time unless the court remands the accused in custody and where it so remands him".

10. In section 26(1) (remand for medical examination) at the end there shall be inserted the words "where the court remands him in custody nor for more than four weeks at a time where it remands him on bail".

11. In section 28 (committal for borstal sentence), in subsection (1) after the word "custody" there shall be inserted the words "or on bail" and in subsection (4) after the word "committed" where it first occurs, there shall be inserted the words "in custody".

12. In section 29 (committal for sentence for indictable offence tried summarily) after the word "custody" there shall be inserted the words "or on bail".

13. In section 70(2) (summons requiring appearance of offender at means inquiry or warrant for his arrest), for the words "this section" there shall be substituted the words "section 44 of the Criminal Justice Act 1967".

14. In section 72A(2) (court of summary jurisdiction in Scotland to be specified in a transfer of fine order) for the words "twenty pounds or more" there shall be substituted the words "more than fifty pounds or is a fine originally imposed by a court of assize or quarter sessions".

15. In section 72A(3) (termination of functions of convicting court) for the words "convicting court" there shall be substituted the words "court which made the order".

16. In section 72B (powers of magistrates' court under transfer of fine order from Scotland) there shall be added the following subsection:—

"(3) Where a transfer of fine order under section 44 of the Summary Jurisdiction (Scotland) Act 1954 provides for the enforcement in a petty sessions area in England and Wales of a fine originally imposed by a court of assize or quarter sessions, a magistrates' court acting for that area shall have all the like functions under this Part of this Act, exercisable subject to the like restrictions, as if it were the magistrates' court by which payment of the fine fell to be enforced by virtue of section 44(3) of the Criminal Justice Act 1967 and as if any order made under the said Act of 1954 in respect of the fine before the making of the transfer of fine order had been made by that court."

17. In section 96(4) (payment of a forfeited recognizance to be enforced as if it were a fine imposed on summary conviction), after the words "summary conviction" there shall be inserted the words "of an offence not punishable with imprisonment and so much of section 44(10) of the Criminal Justice Act 1967 as empowers a court to remit fines shall not apply to the sum but so much thereof as relates to remission after a term of imprisonment has been imposed shall so apply" and in the proviso to the said section 96(4) for the words "reduce or remit the sum" there shall be substituted the words "remit the whole or any part of the sum either".

SCH. 6

18. In section 98(2) and (3) (constitution and place of sitting of magistrates' court) for the words "section 70 of this Act" there shall be substituted the words "section 44 of the Criminal Justice Act 1967".

19. In section 110(1) (detention of offenders for one day in court-house or police station), for the words "sixty-nine, seventy or" there shall be substituted the words "thirty-nine or forty-four of the Criminal Justice Act 1967 or section".

20. In section 111(1) (committal to custody overnight at police station for non-payment of fine &c.) for the word "seventy" there shall be substituted the words "forty-four of the Criminal Justice Act 1967 or section".

THE SUMMARY JURISDICTION (SCOTLAND) ACT 1954 (C. 48)

21. Section 44 (transfer of fine orders within and from Scotland) shall be amended as follows, that is to say—

(a) in subsection (2) for the words "fine was imposed" there shall be substituted the words "order is made";

(b) in subsection (3) for the words "imposing the fine" there shall be substituted the words "which made the order"; and

(c) at the end there shall be added the following subsection:—

1952 c. 55.

"(5) Where a transfer of fine order under section 72A of the Magistrates' Courts Act 1952 or this section provides for the enforcement by a sheriff court in Scotland of a fine imposed by a court of assize or quarter sessions, the proviso to the last foregoing subsection shall not apply, but the term of imprisonment which may be imposed under this Act shall be the term fixed in pursuance of section 47 of the Criminal Justice Act 1967 by that court of assize or quarter sessions or a term which bears the same proportion to the term so fixed as the amount of the fine remaining due bears to the amount of the fine imposed by that court, notwithstanding that the term exceeds the period applicable to the case under section 49(1) of this Act."

THE GENEVA CONVENTIONS ACT 1957 (C. 52)

22. In section 4(1) (appeals by protected persons), for the words "ten days" (where first occurring) there shall be substituted the words "twenty-eight days"; and for the words from "and in a case to which" to the end of the subsection there shall be substituted the following:—

1907 c. 23.

1930 c. 45.

"and in a case to which the foregoing provisions of this subsection apply, a reference to the period aforesaid shall be substituted for the references in section 6(1) of the Criminal Appeal Act 1907 and section 5(1) of the Criminal Appeal (Northern Ireland) Act 1930 (revesting and restitution of property on conviction) to the period of twenty-eight days from the date of conviction".

THE ROAD TRAFFIC ACT 1960 (c. 16)

SCH. 6

23. In section 105 (appeals against order of disqualification), the following subsections shall be substituted for subsection (1) :—

“(1) A person disqualified by an order of a magistrates’ court under section 5(1) or 5(3) of the Road Traffic Act 1962 (compulsory disqualification) may appeal against the order in the same manner as against a conviction. 1962 c. 59.

(1A) Any court (whether a magistrates’ court or another) which makes an order disqualifying a person for holding or obtaining a licence may, if it thinks fit, suspend the disqualification pending an appeal against the order”.

THE CRIMINAL JUSTICE ACT 1961 (c. 39)

24. For section 32(2) (enactments about supervision and recall of persons released from prison which are to apply throughout the United Kingdom, etc.), there shall be substituted the following subsection :—

“(2) The following are the enactments extended by this section, that is to say :—

- (a) section 45 of the Prison Act 1952 ; 1952 c. 52.
- (b) sections 19 and 33 of the Prisons (Scotland) Act 1952 ; 1952 c. 61.
- (c) section 55(4) of the Children and Young Persons Act 1950 c. 5 (N.I.). (Northern Ireland) 1950 ;
- (d) sections 20, 21, 22 and 23 of the Prison Act (Northern Ireland) 1953, and Schedules 1, 2 and 3 to that Act ; 1953 c. 18 (N.I.).
- (e) section 13 of and Schedule 1 to this Act ;
- (f) sections 11, 12 and 14 of the Criminal Justice (Scotland) Act 1963 and Schedule 1 to that Act ; and 1963 c. 39.
- (g) sections 60 to 63 of the Criminal Justice Act 1967.”

25. In section 40 (Northern Ireland) at the end there shall be added the following subsection—

“(2) Any reference in this Act to an enactment of the Parliament of Northern Ireland, or to an enactment which that Parliament has power to amend, shall be construed, in relation to Northern Ireland, as a reference to that enactment as amended by any Act of that Parliament, whether passed before or after this Act, and to any enactment of that Parliament passed after this Act and re-enacting the said enactment with or without modifications.”

THE CRIMINAL JUSTICE (SCOTLAND) ACT 1963 (c. 39)

26. In section 12(1) (supervision of persons released from young offenders institutions), after the word “more” there shall be inserted the words “but less than eighteen months”.

THE CRIMINAL APPEAL ACT 1964 (c. 43)

27. In section 2(5) (evidence from previous committal proceedings and trial which may be given on retrial), after the word "trial", in the first place where it occurs, there shall be inserted the words "or to any written statement by any such person tendered under section 2 of the Criminal Justice Act 1967 in the committal proceedings before the original trial" and for the words "the shorthand notes" there shall be substituted the words "the record".

THE FORESTRY ACT 1967 (c. 10)

28. In section 46(5)(c) (penalty for contravention of byelaws by the Forestry Commissioners) for the words "either case" there shall be substituted the words "the case of a continuing offence falling within either of the foregoing paragraphs".

Section 103.

SCHEDULE 7

ENACTMENTS REPEALED

PART I

REPEALS APPLYING TO ENGLAND AND WALES

| Chapter | Short Title | Extent of Repeal |
|--------------------------|--------------------------------------|--|
| 3 Geo. 4. c. 46. | The Levy of Fines Act 1822. | The whole Act. |
| 4 Geo. 4. c. 37. | The Levy of Fines Act 1823. | The whole Act. |
| 5 Geo. 4. c. 83. | The Vagrancy Act 1824. | In section 10, the words from "the house" to "general or"; and the word "further". |
| 6 Geo. 4. c. 50. | The Juries Act 1825. | In section 53, the words from "and every such sheriff" onwards. |
| 3 & 4 Will. 4. c. 99. | The Fines Act 1833. | Sections 34 to 40. Section 47. |
| 2 & 3 Vict. c. 47. | The Metropolitan Police Act 1839. | In section 58, the words from the beginning to "and also". |
| 2 & 3 Vict. c. xciv. | The City of London Police Act 1839. | In section 37, the words from "every person" where first occurring to "and also". |
| 10 & 11 Vict. c. 89. | The Town Police Clauses Act 1847. | In section 29, the words from the beginning to "and also". |
| 12 & 13 Vict. c. 45. | The Quarter Sessions Act 1849. | Section 17. |
| 16 & 17 Vict. c. 30. | The Criminal Procedure Act 1853. | In section 2, the words from "and if such recognizance" onwards. |
| 22 & 23 Vict. c. 21. | The Queen's Remembrancer Act 1859. | Sections 30 to 39. |
| 35 & 36 Vict. c. 94. | The Licensing Act 1872. | In section 12, the words from "who in any highway" to "behaviour or". |
| 45 & 46 Vict. c. 50. | The Municipal Corporations Act 1882. | Section 222. |

SCH. 7

| Chapter | Short Title | Extent of Repeal |
|---|---|---|
| 50 & 51 Vict. c. 71. 7 Edw. 7. c. 23. | The Coroners Act 1887. The Criminal Appeal Act 1907. | Section 19(4). In section 4(2), the words "and direct a judgment and verdict of acquittal to be entered"; and section 4(3); Section 8. In section 9, paragraphs (d) and (e) and the words from "and exercise" to the end of the section. Section 10. In section 11(1), the words "rules of court provide that he shall have the right to be present, or where". Section 12. In section 15, in subsection (1), the words "relating to the proceedings in the court before which the appellant or applicant was tried"; and subsection (5). In section 17, the words "to assign legal aid to an appellant". Section 18. Section 27. |
| 4 & 5 Geo. 5. c. 58. | The Criminal Justice Administration Act 1914. | Section 29. |
| 15 & 16 Geo. 5. c. 49. | The Supreme Court of Judicature (Consolidation) Act 1925. | The whole Act. |
| 20 & 21 Geo. 5. c. 32. | The Poor Prisoners' Defence Act 1930. | In section 7(1), the word "convicted". |
| 20 & 21 Geo. 5. c. 45. | The Criminal Appeal (Northern Ireland) Act 1930. | Section 53(4). |
| 23 & 24 Geo. 5. c. 12. | The Children and Young Persons Act 1933. | Section 2. Section 6. |
| 23 & 24 Geo. 5. c. 38. | The Summary Jurisdiction (Appeals) Act 1933. | In section 12(3), paragraph (c) and the words "in each case". |
| 1 Edw. 8 & 1 Geo. 6. c. 12. | The Firearms Act 1937. | Section 5(2) and (3). In section 8, in subsection (4) the words "and dealt with" and in subsection (5) the words "and dealt with in respect". |
| 11 & 12 Geo. 6. c. 58. | The Criminal Justice Act 1948. | In section 9 (as substituted by the Criminal Justice (Scotland) Act 1949), subsection (3) and in subsection (4) the words "to (3)". |

SCH. 7

| Chapter | Short Title | Extent of Repeal |
|---|--|--|
| 11 & 12 Geo. 6. c. 58.— <i>cont.</i> | The Criminal Justice Act 1948.— <i>cont.</i> | Section 14(2) from “and (subject” onwards. Section 15. Section 20(5)(d). Section 21. Section 23. Section 29(3)(d) and (5). In section 37, in subsection (1) paragraphs (a) and (c) and in paragraph (b) the words “the High Court or” and in subsection (6) the word “(c)”. Section 38(3) and (4). In Schedule 5, paragraph 4(2) and the proviso to paragraph 5(1). Part II. |
| 12, 13 & 14 Geo. 6. c. 51. | The Legal Aid and Advice Act 1949. | Section 7(3). |
| 12, 13 & 14 Geo. 6. c. 94. | The Criminal Justice (Scotland) Act 1949. | In Schedule 11, the amendment of section 23 of the Criminal Justice Act 1948. |
| 14 & 15 Geo. 6. c. 46. | The Courts-Martial (Appeals) Act 1951. | Section 10. Section 21(c). |
| 15 & 16 Geo. 6. & 1 Eliz. 2. c. 48. | The Costs in Criminal Cases Act 1952. | Section 16(1) and (3). Section 17(6). |
| 15 & 16 Geo. 6. & 1 Eliz. 2. c. 52. | The Prison Act 1952. | In section 5(2)(c), the words from “with particulars” to the end of the section. Section 15. Section 18. Section 25(2) to (6). Section 26. Section 27. In section 43, in subsection (3)(b), the words “subsection (1) of section eighteen”, and in subsection (4)(b) the words “remand centres or”. In section 47(4), paragraphs (a), (b) and (c) and in paragraph (d) the word “other”. In section 49, the words “corrective training, preventive detention” in both places where they occur. In section 52(2) the words from “and a draft” to “Act”, in the second place where it occurs. |
| 15 & 16 Geo. 6. & 1 Eliz. 2. c. 55. | The Magistrates’ Courts Act 1952. | Section 4(2). In section 15(2), proviso (a). Section 69. |

SCH. 7

| Chapter | Short Title | Extent of Repeal |
|---|--|---|
| 15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.— <i>cont.</i> | The Magistrates' Courts' Act 1952.— <i>cont.</i> | <p>Section 70(1). Section 113(2). In section 114 subsection (1) (c) to (e) and subsection (2). In Schedule 4, the following headings and all entries therein, that is to say, "Committal for trial", "Summary trial", "Conviction", "Examination", "Extradition Act 1873 (36 & 37 Vict. c. 60) s. 5", "Information" and "Recognizance"; in the heading "Attendance" the words "or to take an examination elsewhere than in court"; in the heading "Copy" the first two entries and the word "other" in the third entry; in the heading "Order" the entry beginning "Order in case"; in the heading "Summons" the words from "to include" to "time"; in the heading "Warrant", in the entry beginning "To commit", the words "conviction or" in both places where they occur; and in the Note the words "for re-swearing any person to any examination, or".</p> |
| 3 & 4 Eliz. 2. c. 18. | The Army Act 1955. | Section 99(2). |
| 3 & 4 Eliz. 2. c. 19. | The Air Force Act 1955. | Section 99(2). |
| 4 & 5 Eliz. 2. c. 34. | The Criminal Justice Administration Act 1956. | In section 19(1), the words "rules of court under the Criminal Appeal Act 1907 and"; and section 19(2), except as it applies to rules under the Indictments Act 1915. |
| 4 & 5 Eliz. 2. c. 44. | The Magistrates' Courts (Appeals from Binding Over Orders) Act 1956. | In section 1(2)(b) the words from the beginning to "aid" and " |
| 5 & 6 Eliz. 2. c. 29. | The Magistrates' Courts Act 1957. | In proviso (iii) to section 1(2), the words from "and shall not" onwards. |
| 6 & 7 Eliz. 2. c. 48. | The Metropolitan Police Act 1839 (Amendment) Act 1958. | The whole Act. |

SCH. 7

| Chapter | Short Title | Extent of Repeal |
|----------------------------|---|--|
| 7 & 8 Eliz. 2. c. 72. | The Mental Health Act 1959. | In section 67(3), the words from "and the Poor" onwards. Section 69. |
| 8 & 9 Eliz. 2. c. 65. | The Administration of Justice Act 1960. | Section 5(2). Section 6(2). Section 8(1) and (2). In section 9, subsection (1) subsection (4)(c). In Schedule 1, paragraph 3(2). |
| 9 & 10 Eliz. 2. c. 39. | The Criminal Justice Act 1961. | Section 20. Schedule 3. |
| 10 & 11 Eliz. 2. c. 15. | The Criminal Justice Administration Act 1962. | Section 17(2). |
| 1963 c. 37. | The Children and Young Persons Act 1963. | In Schedule 3, paragraph 3. In Schedule 1, paragraph 13. |
| 1964 c. 42. | The Administration of Justice Act 1964. | Section 20. |
| 1964 c. 43. | The Criminal Appeal Act 1964. | In section 2(4), the words from "Section 1" to "Court of Criminal Appeal; and". In paragraph 6 of Schedule 1, the words "or any enactment of the Parliament of Northern Ireland amending or replacing the said Part III". |
| 1964 c. 84. | The Criminal Procedure (Insanity) Act 1964. | In section 2, in subsection (4)(a), the words "8" and "18(1)". In section 3, the proviso to subsection (1); and in subsection (2) the words from "In relation to" to the end of the subsection. |
| 1965 c. 44. | The Firearms Act 1965. | In section 9(2), the words from "and (b)" onwards. |
| 1965 c. 71. | The Murder (Abolition of Death Penalty) Act 1965. | Section 2. |
| 1966 c. 31. | The Criminal Appeal Act 1966. | In section 7(1), the words "at assizes or quarter sessions". |
| 1967 c. 58. | The Criminal Law Act 1967. | In Schedule 1, in Division II of List A, paragraph 5(c)(ii) and (iii). |

PART II

SCH. 7

REPEALS EXTENDING TO SCOTLAND

| Chapter | Short Title | Extent of Repeal |
|---|---|---|
| 4 & 5 Geo. 5. c. 58. | The Criminal Justice Administration Act 1914. | Section 27. |
| 11 & 12 Geo. 6. c. 58. | The Criminal Justice Act 1948. | In section 9 (as substituted by the Criminal Justice (Scotland) Act 1949), subsection (3) and in subsection (4) the words " to (3) " |
| 12, 13 & 14 Geo. 6. c. 94. | The Criminal Justice (Scotland) Act 1949. | Section 7(3). In Schedule 11, the amendment of section 23 of the Criminal Justice Act 1948. |
| 14 & 15 Geo. 6. c. 46. | The Courts-Martial (Appeals) Act 1951. | Section 10. |
| 15 & 16 Geo. 6. and 1 Eliz. 2. c. 61. | The Prisons (Scotland) Act 1952. | Section 21(c). Section 20(2) to (6). Section 21. |
| 8 & 9 Eliz. 2. c. 65. | The Administration of Justice Act 1960. | In Schedule 1, paragraph 3(2). |
| 1963 c. 39. | The Criminal Justice (Scotland) Act 1963. | In Schedule 5, the amendment of section 32(2) of the Criminal Justice Act 1961. In Schedule 6, the reference to section 20(2) to (6) of the Prisons (Scotland) Act 1952. |
| 1965 c. 44. | The Firearms Act 1965. | In section 9(2), the words from " and (b) " onwards. |
| 1965 c. 71. | The Murder (Abolition of Death Penalty) Act 1965. | Section 2. |

PART III

REPEALS EXTENDING TO NORTHERN IRELAND

| Chapter | Short Title | Extent of Repeal |
|---------------------------|---|---|
| 4 & 5 Geo. 5. c. 58. | The Criminal Justice Administration Act 1914. | Section 27. |
| 14 & 15 Geo. 6. c. 46. | The Courts-Martial (Appeals) Act 1951. | Section 10. Section 21(c). |
| 8 & 9 Eliz. 2. c. 65. | The Administration of Justice Act 1960. | Section 5(2). Section 6(2). In Schedule 1, paragraph 3(2). In Part I of Schedule 2, the modification of section 6. |

SCH. 7

| Chapter | Short Title | Extent of Repeal |
|------------------------|---|---|
| 1964 c. 43. | The Criminal Appeal Act 1964. | In paragraph 6 of Schedule 1, the words "or any enactment of the Parliament of Northern Ireland amending or replacing the said Part III". |
| 1966 c. 31. | The Criminal Appeal Act 1966. | In section 7(1), the words "at assizes or quarter sessions". |
| 1966 c. 20. (N.I.). | The Criminal Justice Act (Northern Ireland) 1966. | In section 16(3) the words from "In relation to" onwards. |



Companies Act 1967

1967 CHAPTER 81

An Act to amend the law relating to companies, insurance, partnerships and moneylenders.

[27th July 1967]

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

PART I

AMENDMENTS OF LAW WITH RESPECT TO COMPANIES GENERALLY

Meaning of "the principal Act" for Purposes of Part I

1. In this Part of this Act, "the principal Act" means the Companies Act 1948.

Meaning of "the principal Act" for purposes of Part I. 1948 c. 38.

Abolition of Status of "Exempt Private Company"

2. The following provisions of the principal Act shall cease to have effect to the following extent, that is to say:—

Abolition of status of "exempt private company".

section 129 (exemption, in case of exempt private companies as therein defined, from compliance with the requirement of section 127 as to documents to be annexed to annual return), as to the whole thereof;

section 161(1), so far as it exempts, from compliance with the requirements laid down thereby as to the qualifications to be possessed by a person for appointment as auditor of a company, a private company which at the time of the auditor's appointment is an exempt private company;

section 161(2), so far as it excepts, from the disqualification imposed by paragraph (b) thereof on a person who is

PART I

a partner of, or in the employment of, an officer or servant of a company for appointment as auditor of the company, such a private company as aforesaid ;

section 190(1), so far as it excludes anything done by a company which is for the time being an exempt private company from the prohibition imposed thereby of a company's making a loan to any person who is its director or a director of its holding company or entering into any guarantee or providing any security in connection with a loan made to such a person as aforesaid by any other person ;

section 410(1), so far as it exempts, from compliance with the requirement imposed thereby on an oversea company to deliver annually copies of accounts to the registrar of companies, a company registered under the law relating to companies for the time being in force in Northern Ireland and having provisions in its constitution which would, if it had been registered in Great Britain, entitle it to rank as a private company, provided that there is delivered to the registrar of companies a certificate signed by a director and by the secretary of the company that, had section 129 of, and Schedule 7 to, the principal Act extended to Northern Ireland, it would at the date of the certificate have been an exempt private company.

Accounts

Statement in holding company's accounts of identities and places of incorporation of subsidiaries, and particulars of share-holdings therein.

3.—(1) Subject to the provisions of this section, where, at the end of its financial year, a company has subsidiaries, there shall, in the case of each subsidiary, be stated in, or in a note on, or statement annexed to, the company's accounts laid before it in general meeting—

- (a) the subsidiary's name ;
- (b) if it be incorporated in Great Britain and if it be registered in England and the company be registered in Scotland (or vice versa), the country in which it is registered, and if it be incorporated outside Great Britain, the country in which it is incorporated ; and
- (c) in relation to shares of each class of the subsidiary held by the company, the identity of the class and the proportion of the nominal value of the issued shares of that class represented by the shares held.

(2) For the purposes of the foregoing subsection, shares of a body corporate shall be treated as being held, or as not being held, by another such body if they would, by virtue of section 154(3) of the principal Act, be treated as being held or, as the

case may be, as not being held by that other body for the purpose of determining whether the first-mentioned body is its subsidiary; and the particulars required by the foregoing subsection shall include, with reference to the proportion of the nominal value of the issued shares of a class represented by shares held by a company, a statement of the extent (if any) to which it consists in shares held by, or by a nominee for, a subsidiary of the company and the extent (if any) to which it consists in shares held by, or by a nominee for, the company itself.

(3) Subsection (1) of this section shall not require the disclosure of information with respect to a body corporate which is the subsidiary of another and is incorporated outside the United Kingdom or, being incorporated in the United Kingdom, carries on business outside the United Kingdom if the disclosure would, in the opinion of the directors of that other, be harmful to the business of that other or of any of its subsidiaries and the Board of Trade agree that the information need not be disclosed.

(4) If, in the opinion of the directors of a company having, at the end of its financial year, subsidiaries, the number of them is such that compliance with subsection (1) of this section would result in particulars of excessive length being given, compliance with that subsection shall not be requisite except in the case of the subsidiaries carrying on the businesses the results of the carrying on of which, in the opinion of the directors, principally affected the amount of the profit or loss of the company and its subsidiaries or the amount of the assets of the company and its subsidiaries.

(5) Where, in the case of a company, advantage is taken of the last foregoing subsection,—

- (a) there must be included in the statement required by this section the information that it deals only with the subsidiaries carrying on such businesses as are referred to in that subsection; and
- (b) the particulars given in compliance with subsection (1) of this section, together with those which, but for the fact that advantage is so taken, would have to be so given, shall be annexed to the annual return first made by the company after its accounts have been laid before it in general meeting.

(6) If a company fails to satisfy an obligation imposed on it by the last foregoing subsection to annex particulars to a return, the company and every officer of the company who is in default shall be liable to a default fine.

PART I
Statement
 in company's
 accounts of
 identities and
 places of
 incorporation
 of companies
 not
 subsidiaries
 whose shares
 it holds, and
 particulars of
 those shares.

4.—(1) Subject to the provisions of this section, if, at the end of its financial year, a company holds shares of any class comprised in the equity share capital of another body corporate (not being its subsidiary) exceeding in nominal value one tenth of the nominal value of the issued shares of that class, there shall be stated in, or in a note on, or statement annexed to, the accounts of the company laid before it in general meeting—

(a) the name of that other body corporate and—

(i) if it be incorporated in Great Britain and if it be registered in England and the company be registered in Scotland (or vice versa), the country in which it is registered ; and

(ii) if it be incorporated outside Great Britain, the country in which it is incorporated ;

(b) the identity of the class and the proportion of the nominal value of the issued shares of that class represented by the shares held ; and

(c) if the company also holds shares in that other body corporate of another class (whether or not comprised in its equity share capital), or of other classes (whether or not so comprised), the like particulars as respects that other class or, as the case may be, each of those other classes.

(2) If, at the end of its financial year, a company holds shares in another body corporate (not being its subsidiary) and the amount of all the shares therein which it holds (as stated or included in its accounts laid before it in general meeting) exceeds one tenth of the amount of its assets (as so stated), there shall be stated in, or in a note on, or statement annexed to, those accounts—

(a) the name of that other body corporate and—

(i) if it be incorporated in Great Britain and if it be registered in England and the company be registered in Scotland (or vice versa), the country in which it is registered ; and

(ii) if it be incorporated outside Great Britain, the country in which it is incorporated ; and

(b) in relation to shares in that other body corporate of each class held, the identity of the class and the proportion of the nominal value of the issued shares of that class represented by the shares held.

(3) Neither of the foregoing subsections shall require the disclosure by a company of information with respect to another body corporate if that other body is incorporated outside the United Kingdom or, being incorporated in the United Kingdom, carries on business outside the United Kingdom if the disclosure

would, in the opinion of the directors of the company, be harmful to the business of the company or of that other body and the Board of Trade agree that the information need not be disclosed.

(4) If, at the end of its financial year a company falls within subsection (1) of this section in relation to more bodies corporate than one, and the number of them is such that, in the opinion of the directors, compliance with that subsection would result in particulars of excessive length being given, compliance with that subsection shall not be requisite except in the case of the bodies carrying on the businesses the results of the carrying on of which, in the opinion of the directors, principally affected the amount of the profit or loss of the company or the amount of its assets.

(5) Where, in the case of a company, advantage is taken of the last foregoing subsection,—

(a) there must be included in the statement dealing with the bodies last mentioned in that subsection the information that it deals only with them; and

(b) the particulars given in compliance with subsection (1) of this section, together with those which, but for the fact that advantage is so taken, would have to be so given, shall be annexed to the annual return first made by the company after its accounts have been laid before it in general meeting.

(6) If a company fails to satisfy an obligation imposed on it by the last foregoing subsection to annex particulars to a return, the company and every officer of the company who is in default shall be liable to a default fine.

(7) For the purposes of this section, shares of a body corporate shall be treated as being held, or as not being held, by another such body if they would, by virtue of section 154(3) of the principal Act (but on the assumption that paragraph (b)(ii) had been omitted therefrom), be treated as being held or, as the case may be, as not being held by that other body for the purpose of determining whether the first-mentioned body is its subsidiary.

(8) In this section “equity share capital” has the meaning assigned to it by section 154(5) of the principal Act.

5.—(1) Subject to the following subsection, where, at the end of its financial year, a company is the subsidiary of another body corporate, there shall be stated in, or in a note on, or statement annexed to, the company's accounts laid before it in general meeting the name of the body corporate regarded by the directors as being the company's ultimate holding company and, if known to them, the country in which it is incorporated.

Statement in subsidiary company's accounts of name and place of incorporation of its ultimate holding company.

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(2) The foregoing subsection shall not require the disclosure by a company which carries on business outside the United Kingdom of information with respect to the body corporate regarded by the directors as being its ultimate holding company if the disclosure would, in their opinion, be harmful to the business of that holding company or of the first-mentioned company or any other of that holding company's subsidiaries and the Board of Trade agree that the information need not be disclosed.

Particulars
in accounts of
directors'
emoluments.

6.—(1) In any accounts of a company laid before it in general meeting, or in a statement annexed thereto, there shall, so far as the information is contained in the company's books and papers or the company has the right to obtain it from the persons concerned,—

- (a) if one person has been chairman throughout the financial year, be shown his emoluments (unless his duties as chairman were wholly or mainly discharged outside the United Kingdom), and if not, be shown with respect to each person who has been chairman during the year, his emoluments so far as attributable to the period during which he was chairman (unless his duties as chairman were wholly or mainly so discharged);
- (b) with respect to all the directors (other than any who discharged their duties as such wholly or mainly outside the United Kingdom), be shown the number (if any) who had no emoluments or whose several emoluments amounted to not more than £2,500 and, by reference to each pair of adjacent points on a scale whereon the lowest point is £2,500 and the succeeding ones are successive integral multiples of £2,500, the number (if any) whose several emoluments exceeded the lower point but did not exceed the higher.

(2) If, of the directors of a company (other than any who discharged their duties as such wholly or mainly outside the United Kingdom), the emoluments of one only (so far as ascertainable from information contained in the company's books and papers or obtainable by right by the company from him) exceed the relevant amount, his emoluments (so far as so ascertainable) shall also be shown in the said accounts or in a statement annexed thereto; and if, of the directors of a company (other than any who discharged their duties as such wholly or mainly outside the United Kingdom), the emoluments (so far as so ascertainable) of each of two or more exceed the relevant amount, the emoluments (so far as so ascertainable) of him (or them, in the case of equality) who had the greater or, as the case may be, the greatest shall also be shown in the said accounts or in a statement annexed thereto.

(3) For the purposes of this section there shall be brought into account as emoluments of any person all such amounts (other than contributions paid in respect of him under any pension scheme) as in his case are, by virtue of section 196 of the principal Act (disclosure of aggregates of directors' salaries, pensions, &c.), required to be included in the amount shown under subsection (1)(a) of that section.

(4) If, in the case of any accounts, the requirements of this section are not complied with, it shall be the duty of the auditors of the company by whom the accounts are examined to include in their report thereon, so far as they are reasonably able to do so, a statement giving the required particulars.

(5) In section 198 of the principal Act (general duty to make disclosure for the purposes of sections 195 to 197), the reference in subsection (1) to sections 195 and 196 of that Act and the reference in subsection (3) to the said section 196 shall each be construed as including a reference to this section.

(6) A company which is neither a holding company nor a subsidiary of another body corporate shall not be subject to the requirements of this section as respects a financial year in the case of which the amount shown in its accounts under section 196(1)(a) of the principal Act does not exceed £7,500.

(7) In this section—

(a) "chairman", in relation to a company, means the person elected by the directors of the company to be chairman of their meetings and includes a person who, though not so elected, holds any office (however designated) which, in accordance with the constitution of the company, carries with it functions substantially similar to those discharged by a person so elected; and

(b) "the relevant amount"—

(i) if one person has been chairman throughout the year, means the amount of his emoluments;

(ii) if not, means an amount equal to the aggregate of the emoluments, so far as attributable to the period during which he was chairman, of each person who has been chairman during the year.

7.—(1) In any accounts of a company laid before it in general meeting, or in a statement annexed thereto, there shall be shown, so far as the information is contained in the company's books and papers or the company has the right to obtain it from the persons concerned,—

(a) the number of directors who have waived the right to receive emoluments which, but for the waiver, would have been received.

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have fallen to be included in the amount shown in those accounts under section 196(1)(a) of the principal Act;

(b) the aggregate amount of the said emoluments.

(2) For the purposes of this section—

(a) it shall be assumed that a sum not receivable in respect of a period would have been paid at the time at which it was due to be paid;

(b) a sum not so receivable that was payable only on demand, being a sum the right to receive which has been waived, shall be deemed to have been due for payment at the time of the waiver.

(3) Subsections (4), (5) and (6) of the last foregoing section shall, with the substitution, for references to that section, of references to this section, apply for the purposes of this section as they apply for the purposes of that section.

Particulars in accounts of salaries of employees receiving more than £10,000 a year.

8.—(1) In any accounts of a company laid before it in general meeting, or in a statement annexed thereto, there shall be shown by reference to each pair of adjacent points on a scale whereon the lowest point is £10,000 and the succeeding ones are successive integral multiples of £2,500 beginning with that in the case of which the multiplier is five, the number (if any) of persons in the company's employment whose several emoluments exceeded the lower point but did not exceed the higher, other than,—

(a) directors of the company; and

(b) persons, other than directors of the company, being persons who,—

(i) if employed by the company throughout the financial year to which the accounts relate, worked wholly or mainly during that year outside the United Kingdom; or

(ii) if employed by the company for part only of that year, worked wholly or mainly during that part outside the United Kingdom.

(2) For the purposes of this section, a person's emoluments shall include any paid to or receivable by him from the company, the company's subsidiaries and any other person in respect of his services as a person in the employment of the company or a subsidiary thereof or as a director of a subsidiary thereof (except sums to be accounted for to the company or any of its subsidiaries) and "emoluments", in relation to a person, includes fees and percentages, any sums paid by way of expenses allowance in so far as those sums are charged to

United Kingdom income tax, and the estimated money value of any other benefits received by him otherwise than in cash.

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(3) The amounts to be brought into account for the purpose of complying with subsection (1) above as respects a financial year shall be the sums receivable in respect of that year, whenever paid, or, in the case of sums not receivable in respect of a period, the sums paid during that year, so, however, that where—

- (a) any sums are not brought into account for the relevant financial year on the ground that the person receiving them is liable to account therefor as mentioned in the last foregoing subsection, but the liability is wholly or partly released or is not enforced within a period of two years ; or
- (b) any sums paid to a person by way of expenses allowance are charged to United Kingdom income tax after the end of the relevant financial year ;

those sums shall, to the extent to which the liability is released or not enforced or they are charged as aforesaid, as the case may be, be brought into account for the purpose of complying with subsection (1) above on the first occasion on which it is practicable to do so.

(4) If, in the case of any accounts, the requirements of this section are not complied with, it shall be the duty of the auditors of the company by whom the accounts are examined to include in their report thereon, so far as they are reasonably able to do so, a statement giving the required particulars.

(5) References in subsection (2) above to a company's subsidiary—

- (a) in relation to a person who is or was, while employed by the company a director, by virtue of the company's nomination, direct or indirect, of any other body corporate, shall, subject to the following paragraph, include that body corporate, whether or not it is or was in fact the company's subsidiary ; and
- (b) shall be taken as referring to a subsidiary at the time the services were rendered.

9. Schedule 8 to the principal Act shall be amended in accordance with the provisions of Schedule 1 to this Act and shall, accordingly, have effect as set out in Schedule 2 to this Act.

Miscellaneous amendments as to contents of accounts.

10.—(1) None of the following provisions of this Act, namely, sections 3 to 9 and Schedule 1, shall apply to a balance sheet, profit and loss account or group accounts of a company laid before it in general meeting in respect of a financial year ending before that provision comes into operation.

Limitation of operation of new requirements as to accounts.

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(2) In relation to the first balance sheet of a company laid before it in general meeting in respect of a financial year ending after the coming into operation of section 9 of, and Schedule 1 to, this Act, paragraph 11(11) of Schedule 8 to the principal Act shall not have effect so as to require there to be shown corresponding amounts at the end of the immediately preceding financial year of items which, but for this Act, would not have had to be shown in the balance sheet.

(3) In relation to the first profit and loss account of a company laid before it in general meeting in respect of a financial year ending after the coming into operation of section 9 of, and Schedule 1 to, this Act, paragraph 14(5) of the said Schedule 8 shall not have effect so as to require there to be shown corresponding amounts for the immediately preceding financial year of items which, but for this Act, would not have had to be shown in the profit and loss account.

(4) A company which, immediately before section 9 of, and Schedule 1 to, this Act come into operation is entitled to the benefit of paragraph 25 of the said Schedule 8 shall, notwithstanding that, by reason of the amendment by this Act of that paragraph, it ceases to be one to which that paragraph applies, be entitled to the benefit of that paragraph as respects any balance sheet and profit and loss account laid before it in general meeting in respect of a financial year ending before the said section 9 and Schedule 1 come into operation.

(5) In this section "item" does not include one required to be shown by section 6, 7 or 8 of this Act.

Statements annexed to accounts showing certain items to include corresponding amounts for preceding financial year.

11.—(1) Where an item required by section 196 of the principal Act or section 6, 7 or 8 of this Act to be shown in a company's accounts or in a statement annexed is, in the case of a financial year, shown in such a statement, the corresponding amount for the immediately preceding financial year shall be included in that statement.

(2) If any person being a director of a company fails to take all reasonable steps to secure compliance with the provisions of the foregoing subsection, he shall, in respect of each offence, be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £200:

Provided that—

(a) in any proceedings against a person in respect of an offence under this section, it shall be a defence to prove that he had reasonable ground to believe and did believe that a competent and reliable person was

charged with the duty of seeing that the provisions of that subsection were complied with and was in a position to discharge that duty; and

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- (b) a person shall not be sentenced to imprisonment for any such offence unless, in the opinion of the court dealing with the case, the offence was committed wilfully.

12.—(1) The power of the Board of Trade under section 454(1) of the principal Act by regulations made by statutory instrument to alter or add to the requirements of that Act as to the matters to be stated in a company's balance sheet, profit and loss account and group accounts, and in particular those of Schedule 8 to that Act, shall include power, by regulations so made—

Power of Board of Trade to revoke, in part or in whole, exception from Schedule 8 to the principal Act for banking and discount companies.

- (a) so to amend paragraph 23 of that Schedule (exception of banking and discount companies from certain provisions of Part I thereof) as to render a banking or discount company subject to a requirement of that Part to which, apart from the regulations, it would not be subject;

- (b) to repeal that paragraph.

(2) Regulations may be made by virtue of the foregoing subsection with respect to banking and discount companies generally or to any class of such companies; and—

- (a) a definition of a class of companies for the purposes of regulations so made may be framed by reference to any circumstances whatsoever; and
- (b) if a question arises whether a company does or does not fall within a class specified in regulations so made, it shall be decided by the Board of Trade whose decision shall be final.

(3) For the purposes of subsection (3) of the said section 454 (which precludes the making, under subsection (1) thereof, of regulations rendering more onerous the requirements aforesaid unless a draft of the instrument containing the regulations has been laid before Parliament and approved by resolution of each House of Parliament), regulations made by virtue of subsection (1) above shall be deemed to render the said requirements more onerous.

Audit

13.—(1) Notwithstanding subsection (1) of section 161 of the principal Act (disqualifications for appointment as auditor) but subject to subsections (2) to (4) thereof, a person shall be qualified for appointment as auditor of a company in the case

Qualification for appointment as auditor.

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of which, at the time of his appointment, the following condition is satisfied, namely, that no shares or debentures of the company, or of a body corporate of which it is the subsidiary, have been quoted on a stock exchange (whether in Great Britain or elsewhere) or offered (whether in Great Britain or elsewhere) to the public for subscription or purchase, if he is for the time being authorised by the Board of Trade to be appointed auditor of a company in whose case at that time that condition is satisfied as having throughout the period of twelve months ending 3rd November 1966 been wholly or mainly occupied in practising as an accountant (otherwise than as the employee of another person) and on that day been the duly appointed auditor of a company that was then an exempt private company within the meaning of the principal Act.

(2) Notwithstanding the repeal of the proviso to section 161(1) of the principal Act, a person who, at the time when the repeal takes effect, is auditor of an exempt private company within the meaning of the principal Act shall, subject to subsections (2) to (4) of that section, be qualified for appointment as auditor of that company until the expiration of the period of twelve months beginning with the day on which the repeal takes effect, provided that the condition mentioned in the foregoing subsection with respect to shares and debentures is satisfied at the time of his appointment.

(3) A person shall not, by virtue of subsection (2)(b) or (3) of section 161 of the principal Act, be disqualified for appointment as auditor of a company at any time during the period of three years beginning with the day on which this subsection comes into operation if, on that day, he is a duly appointed auditor thereof, the condition mentioned in subsection (1) above with respect to shares and debentures is satisfied at the time of his appointment and, if this Act had not passed, the said subsection (3) would not operate to disqualify him for appointment.

(4) A person shall not be authorised under section 161(1)(b) of the principal Act by the Board of Trade to be appointed as auditor of a company as having before the 6th August 1947 practised in Great Britain as an accountant unless he has made an application in that behalf to the Board of Trade before the date on which this subsection comes into operation.

(5) In section 55(1) of the principal Act (construction of references to offering shares or debentures to the public), the first reference to that Act shall be construed as including a reference to subsection (1) of this section.

(6) In subsections (1) to (3) of this section, "company" does not include a company that carries on business as the promoter

of a trading stamp scheme within the meaning of the Trading Stamps Act 1964.

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1964 c. 71.

14.—(1) The auditors of a company shall make a report to the members on the accounts examined by them, and on every balance sheet, every profit and loss account and all group accounts laid before the company in general meeting during their tenure of office.

Auditors' report and right of access to books and to attend and be heard at meetings.

(2) The auditors' report shall be read before the company in general meeting and shall be open to inspection by any member.

(3) The report shall—

(a) except in the case of a company that is entitled to avail itself, and has availed itself, of the benefit of any of the provisions of Part III of Schedule 8 to the principal Act, state whether in the auditors' opinion the company's balance sheet and profit and loss account and (if it is a holding company submitting group accounts) the group accounts have been properly prepared in accordance with the provisions of the principal Act and this Act and whether in their opinion a true and fair view is given—

(i) in the case of the balance sheet, of the state of the company's affairs as at the end of its financial year ;

(ii) in the case of the profit and loss account (if it be not framed as a consolidated profit and loss account), of the company's profit or loss for its financial year ;

(iii) in the case of group accounts submitted by a holding company, of the state of affairs and profit or loss of the company and its subsidiaries dealt with thereby, so far as concerns members of the company ;

(b) in the said excepted case, state whether in the auditors' opinion the company's balance sheet and profit and loss account and (if it is a holding company submitting group accounts) the group accounts have been properly prepared in accordance with the provisions of the principal Act and this Act.

(4) It shall be the duty of the auditors of a company, in preparing their report under this section, to carry out such investigations as will enable them to form an opinion as to the following matters, that is to say,—

(a) whether proper books of account have been kept by the company and proper returns adequate for their audit have been received from branches not visited by them ; and

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(b) whether the company's balance sheet and (unless it is framed as a consolidated profit and loss account) profit and loss account are in agreement with the books of account and returns ;

and if the auditors are of opinion that proper books of account have not been kept by the company or that proper returns adequate for their audit have not been received from branches not visited by them, or if the balance sheet and (unless it is framed as a consolidated profit and loss account) profit and loss account are not in agreement with the books of account and returns, the auditors shall state that fact in their report.

(5) Every auditor of a company shall have a right of access at all times to the books and accounts and vouchers of the company, and shall be entitled to require from the officers of the company such information and explanation as he thinks necessary for the performance of the duties of the auditors.

(6) If the auditors fail to obtain all the information and explanations which, to the best of their knowledge and belief, are necessary for the purposes of their audit, they shall state that fact in their report.

(7) The auditors of a company shall be entitled to attend any general meeting of the company and to receive all notices of, and other communications relating to, any general meeting which any member of the company is entitled to receive, and to be heard at any general meeting which they attend on any part of the business of the meeting which concerns them as auditors.

(8) The foregoing provisions of this section shall have effect in place of section 162 of, and Schedule 9 to, the principal Act, and, accordingly,—

(a) that section and that Schedule shall cease to have effect ;

(b) section 438 of the principal Act shall have effect as if the provisions of subsections (1) and (5) of this section were provisions of that Act specified in Schedule 15 thereto ;

(c) in regulation 130 of Table A and article 65 of Table C in Schedule 1 to the principal Act, for references to sections 159 to 162 of that Act there shall be substituted references to sections 159 to 161 of that Act and this section ; and

(d) in paragraph 24(2) of Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (which applies the said Schedule 9 to auditors' reports on accounts of

certain pool promoters), for the reference to the said Schedule 9 there shall be substituted a reference to subsections (3), (4) and (6) of this section.

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Directors' Report

15. In the nine next following sections, "the directors' report" means the report by the directors of a company which, by section 157(1) of the principal Act, is required to be attached to every balance sheet of the company laid before it in general meeting.

Meaning of "the directors' report" for purposes of sections 16 to 24.

16.—(1) The directors' report shall state the names of the persons who, at any time during the financial year, were directors of the company and the principal activities of the company and of its subsidiaries in the course of that year and any significant change in those activities in that year, and shall also—

Additional matters of general nature to be dealt with in directors' report.

- (a) if significant changes in the fixed assets of the company or of any of its subsidiaries have occurred in that year, contain particulars of the changes, and, if, in the case of such of those assets as consist in interests in land, the market value thereof (as at the end of that year) differs substantially from the amount at which they are included in the balance sheet and the difference is, in the opinion of the directors, of such significance as to require that the attention of members of the company or of holders of debentures thereof should be drawn thereto, indicate the difference with such degree of precision as is practicable ;
- (b) if, in that year, the company has issued any shares, state the reason for making the issue, the classes of shares issued and, as respects each class of shares, the number issued and the consideration received by the company for the issue, and if, in that year, it has issued any debentures, state the reason for making the issue, the classes of debentures issued and, as respects each class of debentures, the amount issued and the consideration received by the company for the issue ;
- (c) if, at the end of that year, there subsists a contract with the company in which a director of the company has, or at any time in that year had, in any way, whether directly or indirectly, an interest, or there has, at any time in that year, subsisted a contract with the company in which a director of the company had, at any time in that year, in any way, whether directly or indirectly, an interest (being, in either case, in the

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opinion of the directors, a contract of significance in relation to the company's business and in which the director's interest is or was material), contain—

(i) a statement of the fact of the contract's subsisting or, as the case may be, having subsisted ;

(ii) the names of the parties to the contract (other than the company) ;

(iii) the name of the director (if not a party to the contract) ;

(iv) an indication of the nature of the contract ;
and

(v) an indication of the nature of the director's interest in the contract ;

- (d) if, at the end of that year, there subsist arrangements to which the company is a party, being arrangements whose objects are, or one of whose objects is, to enable directors of the company to acquire benefits by means of the acquisition of shares in, or debentures of, the company or any other body corporate, or there have, at any time in that year, subsisted such arrangements as aforesaid to which the company was a party, contain a statement explaining the effect of the arrangements and giving the names of the persons who at any time in that year were directors of the company and held, or whose nominees held, shares or debentures acquired in pursuance of the arrangements ;
- (e) as respects each person who, at the end of that year, was a director of the company, state whether or not, according to the register kept by the company for the purposes of the following provisions of this Part of this Act relating to the obligation of a director of a company to notify it of interests of his in shares in, or debentures of, the company and of every other body corporate, being the company's subsidiary or holding company or a subsidiary of the company's holding company, he was, at the end of that year, interested in shares in, or debentures of, the company or any other such body corporate and, if he was, the number and amount of shares in, and debentures of, each body (specifying it) in which, according to that register, he was then interested and whether or not, according to that register, he was, at the beginning of that year (or, if he was not then a director, when he became a director), interested in shares in, or debentures of, the company or any other such body corporate and, if he was, the number and amount of shares in, and debentures of, each body (specifying it) in which,

according to that register, he was interested at the beginning of that year or, as the case may be, when he became a director ;

- (f) contain particulars of any matters (other than those required to be dealt with by paragraphs (a) to (d) above in the circumstances therein mentioned, that required to be dealt with by paragraph (e) above or those required to be dealt with by the following provisions of this Part of this Act) so far as they are material for the appreciation of the state of the company's affairs by its members, being matters the disclosure of which will not, in the opinion of the directors, be harmful to the business of the company or of any of its subsidiaries.

(2) As respects a company entitled to the benefit of any provision contained in Part III (exceptions for special classes of company) of Schedule 8 to the principal Act, the foregoing subsection shall have effect as if paragraph (a) were omitted.

(3) The references, in paragraph (c) of subsection (1) above, to a contract do not include references to a director's contract of service or to a contract between the company and another body corporate, being a contract in which a director of the company has or had an interest by virtue only of his being a director of that other body.

(4) An interest in shares or debentures which, under the provisions of this Part of this Act referred to in paragraph (e) of subsection (1) above, falls to be treated as being the interest of a director shall be so treated for the purposes of that paragraph, and the references in that paragraph to the time when a person became a director shall, in the case of a person who became a director on more than one occasion, be construed as referring to the time when he first became a director.

17.—(1) If, in the course of a financial year, a company (being one subject to the requirements of paragraph 13A of Schedule 8 to the principal Act but not being one that has subsidiaries at the end of that year and submits in respect of that year group accounts prepared as consolidated accounts) has carried on business of two or more classes (other than banking or discounting or a class prescribed for the purposes of sub-paragraph (2) of that paragraph) that, in the opinion of the directors, differ substantially from each other, there shall be contained in the director's report relating to that year a statement of—

- (a) the proportions in which the turnover for that year (so far as stated in the accounts in respect of that year in pursuance of that Schedule) is divided amongst those classes (describing them) ; and

Directors' report to state, where business of certain different classes carried on, attribution of turnover to, and profitability (or otherwise) of, business of each class.

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(b) as regards business of each class, the extent or approximate extent (expressed, in either case, in monetary terms) to which, in the opinion of the directors, the carrying on of business of that class contributed to, or restricted, the profit or loss of the company for that year before taxation.

(2) If—

(a) a company has subsidiaries at the end of its financial year and submits in respect of that year group accounts prepared as consolidated accounts ; and

(b) the company and the subsidiaries dealt with by the accounts carried on between them in the course of the year business of two or more classes (other than banking or discounting or a class prescribed for the purposes of paragraph 13A(2) of Schedule 8 to the principal Act) that, in the opinion of the directors, differ substantially from each other ;

there shall be contained in the directors' report relating to that year a statement of—

(i) the proportions in which the turnover for that year (so far as stated in the accounts in respect of that year in pursuance of that Schedule) is divided amongst those classes (describing them) ; and

(ii) as regards business of each class, the extent or approximate extent (expressed, in either case, in monetary terms) to which, in the opinion of the directors of the company, the carrying on of business of that class contributed to, or restricted, the profit or loss for that year (before taxation) of the company and the subsidiaries dealt with by the accounts.

(3) For the purposes of this section, classes of business which, in the opinion of the directors, do not differ substantially from each other shall be treated as one class.

Directors' report to state average number, by the week, of employees and amount, by the year, of their wages.

18.—(1) If, at the end of a financial year, a company does not have subsidiaries, there shall be contained in the directors' report relating to that year a statement of—

(a) the average number of persons employed by it in each week in that year ; and

(b) the aggregate remuneration paid or payable in respect of that year to the persons by reference to whom the number stated under the foregoing paragraph is ascertained.

(2) If, at the end of a financial year, a company has subsidiaries, there shall be contained in the directors' report relating to that year a statement of—

- (a) the average number of persons employed between them in each week in that year by the company and the subsidiaries; and
- (b) the aggregate remuneration paid or payable in respect of that year to the persons by reference to whom the number stated under the foregoing paragraph is ascertained.

(3) The number to be stated under subsection (1)(a) above shall be the quotient derived by dividing, by the number of weeks in the financial year, the number derived by ascertaining, in relation to each of those weeks, the number of persons who, under contracts of service, were employed in the week (whether throughout it or not) by the company and adding up the numbers ascertained, and the number to be stated under subsection (2)(a) above shall be the quotient derived by dividing, by the number of weeks in the financial year, the number derived by ascertaining, in relation to each of those weeks, the number of persons who, under contracts of service, were employed between them in the week (whether throughout it or not) by the company and its subsidiaries and adding up the numbers ascertained.

(4) The remuneration to be taken into account for the purposes of subsections (1)(b) and (2)(b) above is the gross remuneration paid or payable in respect of the financial year; and for this purpose "remuneration" shall include bonuses (whether payable under contract or not).

(5) This section shall not apply to a company if the number that, but for this subsection, would fall to be stated under subsection (1)(a) or (2)(a) above is less than 100, nor shall it apply to a company that is a wholly owned subsidiary of a company incorporated in Great Britain.

(6) For the purposes of this section, no regard shall be had to a person who worked wholly or mainly outside the United Kingdom.

(7) In this section, "wholly owned subsidiary" shall be construed in accordance with section 150(4) of the principal Act.

19.—(1) If a company (not being the wholly owned subsidiary of a company incorporated in Great Britain) has, in a financial year, given money for political purposes or charitable purposes or both, there shall (if it exceeded £50 in amount) be contained in the directors' report relating to that year, in the case of each of the purposes for which money has been given, a statement of the amount of money given therefor and, in

Directors' report to include certain particulars of contributions for political or charitable purposes.

PART I the case of political purposes for which money has been given, the following particulars, so far as applicable, namely—

- (a) the name of each person to whom money has been given for those purposes exceeding £50 in amount and the amount of money given ;
- (b) if money exceeding £50 in amount has been given by way of donation or subscription to a political party, the identity of the party and the amount of money given.

(2) The foregoing subsection shall not have effect in the case of a company which, at the end of a financial year, has subsidiaries which have, in that year, given money as mentioned in the foregoing subsection, but is not itself the wholly owned subsidiary of a company incorporated in Great Britain ; but in such a case there shall (if the amount of money so given in that year by the company and the subsidiaries between them exceeds £50) be contained in the directors' report relating to that year, in the case of each of the purposes for which money has been given by the company and the subsidiaries between them, a statement of the amount of money given therefor and, in the case of political purposes for which money has been given, the like particulars, so far as applicable, as are required by the foregoing subsection.

(3) For the purposes of this section a company shall be treated as giving money for political purposes if, directly or indirectly,—

- (a) it gives a donation or subscription to a political party of the United Kingdom or of any part thereof ; or
- (b) it gives a donation or subscription to a person who, to its knowledge, is carrying on, or proposing to carry on, any activities which can, at the time at which the donation or subscription was given, reasonably be regarded as likely to affect public support for such a political party as aforesaid.

(4) For the purposes of this section, money given for charitable purposes to a person who, when it was given, was ordinarily resident outside the United Kingdom shall be left out of account.

(5) In this section, "charitable purposes" means purposes which are exclusively charitable and "wholly owned subsidiary" shall be construed in accordance with section 150(4) of the principal Act ; and, as respects Scotland, "charitable" shall be construed in the same way as if it were contained in the Income Tax Acts.

20.—(1) If, at the end of a financial year, a company subject to the requirements of paragraph 13A of Schedule 8 to the principal Act whose business consists in, or includes, the supplying of goods does not have subsidiaries, then, unless the turnover for that year (so far as stated in the accounts in respect of that year in pursuance of that paragraph) does not exceed £50,000, there shall be contained in the directors' report relating to that year—

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Directors' report to include, in case of certain companies, particulars of exports.

- (a) if, in that year, goods have been exported by the company from the United Kingdom, a statement of the value of the goods that have been so exported from the United Kingdom during that year ;
- (b) if, in that year, no goods have been so exported from the United Kingdom, a statement of that fact.

(2) If, at the end of a financial year, a company has subsidiaries, then, except in a case in which neither the business of the company nor that of any of the subsidiaries consists in, or includes, the supplying of goods, or a case in which the company submits in respect of that year group accounts prepared as consolidated accounts in respect of itself and all its subsidiaries and the turnover (so far as stated therein in pursuance of the said paragraph 13A) does not exceed £50,000, there shall be included in the directors' report relating to that year—

- (a) unless, in the case of the company and of each of its subsidiaries, no goods have been exported by it in that year from the United Kingdom, a statement of the aggregate of the values of the goods which, in the case of the company and of each of the subsidiaries, have been exported by it in that year from the United Kingdom ;
- (b) if, in the case of the company and of each of its subsidiaries, no goods have been exported by it in that year from the United Kingdom, a statement of that fact.

(3) For the purposes of this section, goods exported by a company as the agent of another person shall be disregarded.

(4) The foregoing provisions of this section shall not require the disclosure of information in the director's report of a company if the directors thereof satisfy the Board of Trade that it is in the national interest that the information should not be disclosed.

21. None of sections 16 to 20 (both inclusive) of this Act shall apply to a report attached to a balance sheet of a company laid before it in general meeting in respect of a financial year ending before that section comes into operation.

Limitation of operation of sections 16 to 20.

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Directors' report to show, for items included under authority of proviso to section 163 of the principal Act, corresponding amounts for, or as at the end of, preceding financial year.

22. Where advantage is taken of the proviso to section 163 of the principal Act to show an item in the directors' report instead of in the accounts, the report shall also show the corresponding amount for (or, as the case may require, as at the end of) the immediately preceding financial year of that item, except where that amount would not have had to be shown had the item been shown in the accounts.

Penalization of failure by directors to secure compliance with requirements of the principal Act and Part I as to directors' report.

23. If any person being a director of a company fails to take all reasonable steps to secure compliance with section 157(1) of the principal Act and with the requirements of the foregoing provisions of this Part of this Act with respect to the directors' report, he shall, in respect of each offence, be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £200:

Provided that—

- (a) in any proceedings against a person in respect of an offence under this section, it shall be a defence to prove that he had reasonable ground to believe, and did believe, that a competent and reliable person was charged with the duty of seeing that the said section 157(1) was, or the said requirements were, as the case may be, complied with and was in a position to discharge that duty; and
- (b) a person shall not be sentenced to imprisonment for any such offence unless, in the opinion of the court dealing with the case, the offence was committed wilfully.

Right to receive copies of directors' report.

24. Section 158 of the principal Act (which confers upon members of a company, holders of debentures of a company and persons who, though not members or holders of debentures of a company, are entitled to receive notices of general meetings of a company, rights to receive copies of every balance sheet, together with copies of the auditors' report) shall have effect as if references to the auditors' report included references to the directors' report.

Directors: Penalization of Dealing by them, their Spouses or Children in certain Options and Provisions for securing Disclosure of certain material Facts concerning them

Penalization of dealing by director of a company in options to buy or sell quoted shares in, or quoted debentures of, the company or associated companies.

25.—(1) A director of a company who buys—

- (a) a right to call for delivery at a specified price and within a specified time of a specified number of relevant shares or a specified amount of relevant debentures; or
- (b) a right to make delivery at a specified price and within a specified time of a specified number of relevant shares or a specified amount of relevant debentures; or

- (c) a right (as he may elect) to call for delivery at a specified price and within a specified time or to make delivery at a specified price and within a specified time of a specified number of relevant shares or a specified amount of relevant debentures ;

shall be guilty of an offence and liable—

- (i) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding £200, or to both ;
- (ii) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

(2) In the foregoing subsection—

(a) “ relevant shares ”, in relation to a director of a company, means shares in the company or in any other body corporate, being the company’s subsidiary or holding company or a subsidiary of the company’s holding company, being shares as respects which there has been granted a quotation on a stock exchange (whether within Great Britain or elsewhere) ; and

(b) “ relevant debentures ”, in relation to a director of a company, means debentures of the company or of any other body corporate, being the company’s subsidiary or holding company or a subsidiary of the company’s holding company, being debentures as respects which there has been granted such a quotation as aforesaid.

(3) For the purposes of this section, a person in accordance with whose directions or instructions the directors of a company are accustomed to act shall be deemed to be a director of the company.

(4) Nothing in this section shall be taken to penalize a person who buys a right to subscribe for shares in, or debentures of, a body corporate or buys debentures of a body corporate that confer upon the holder thereof a right to subscribe for, or to convert the debentures (in whole or in part) into, shares of the body.

26.—(1) Subject to the provisions of this section, every company shall keep at an appropriate place—

- (a) in the case of each director whose contract of service with the company is in writing, a copy of that contract ;
- (b) in the case of each director whose contract of service with the company is not in writing, a written memorandum setting out the terms of that contract ;

Directors’ service contracts, or memorandums thereof, to be open to inspection by company’s members.

and all copies and memorandums kept by a company in pursuance of this subsection shall be kept at the same place.

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(2) The following shall, as regards a company, be appropriate places for the purposes of the foregoing subsection, namely,—

- (a) its registered office ;
- (b) the place where its register of members is kept (if other than its registered office) ;
- (c) its principal place of business, provided that that is situate in England, in a case in which the company is registered in England, and in Scotland, in a case in which the company is registered in Scotland.

(3) Every company shall send notice to the registrar of companies of the place where copies and memorandums required by subsection (1) above to be kept by it are kept and of any change in that place, save in a case in which they have at all times been kept at its registered office.

(4) Every copy and memorandum required to be kept by subsection (1) above shall, during business hours (subject to such reasonable restrictions as the company may in general meeting impose, so that not less than two hours in each day be allowed for inspection), be open to the inspection of any member of the company without charge.

(5) If default is made in complying with subsection (1) above or if an inspection required under the last foregoing subsection is refused, the company and every officer of the company who is in default shall be liable to a fine not exceeding £500 and further to a default fine ; and, if default is made for fourteen days in complying with subsection (3) above, the company and every officer of the company who is in default shall be liable to a default fine.

(6) In the case of a refusal of an inspection required under subsection (4) above of a copy or memorandum, the court may by order compel an immediate inspection thereof.

(7) Subsection (1) of this section shall apply to a variation of a director's contract of service with a company as it applies to the contract.

(8) This section shall not require there to be kept—

- (a) a copy of, or memorandum setting out the terms of, a director's contract or a copy of, or memorandum setting out the terms of, a variation of such a contract, so long as the contract (as made or varied) requires him to work wholly or mainly outside the United Kingdom ;
or
- (b) a copy of, or memorandum setting out the terms of, a contract or a copy of, or memorandum setting out the terms of a variation of, a contract at a time at which the

unexpired portion of the term for which the contract is to be in force is less than twelve months or at a time at which the contract can, within the next ensuing twelve months, be terminated by the company without payment of compensation.

27.—(1) Subject to the provisions of this section and to any exceptions for which provision may be made by regulations made by the Board of Trade by statutory instrument,—

(a) a person who, at the time when this section comes into operation, is a director of a company and is then interested in shares in, or debentures of, the company or any other body corporate, being the company's subsidiary or holding company or a subsidiary of the company's holding company or thereafter becomes a director of a company and, at the time when he becomes a director, is so interested, shall be under obligation to notify the company in writing of the subsistence of his interests at the time in question and of the number of shares of each class in, and the amount of debentures of each class of, the company or any such other body corporate as aforesaid in which each interest of his subsists at that time ;

(b) a director of a company shall be under obligation to notify the company in writing of the occurrence, while he is a director, of any of the following events, namely,—

(i) any event in consequence of whose occurrence he becomes, or ceases to be, interested in shares in, or debentures of, the company or any other body corporate, being the company's subsidiary or holding company or a subsidiary of the company's holding company ;

(ii) the entering into by him of a contract to sell any such shares or debentures ;

(iii) the assignment by him of a right granted to him by the company to subscribe for shares in, or debentures of, the company ; and

(iv) the grant to him by another body corporate, being the company's subsidiary or holding company or a subsidiary of the company's holding company, of a right to subscribe for shares in, or debentures of, that other body corporate, the exercise of such a right granted to him as aforesaid and the assignment by him of such a right so granted ;

stating the number or amount, and class, of shares or debentures involved.

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(2) The rules set out in the next following section shall have effect for the interpretation of, and otherwise in relation to, the foregoing subsection.

(3) The following provisions shall have effect with respect to the periods within which obligations imposed by subsection (1) above on persons must be fulfilled by them, that is to say,—

(a) an obligation imposed on a person by paragraph (a) to notify an interest must, if he knows of the existence of the interest on the relevant day (that is to say, in a case in which he is a director at the beginning of the day on which this section comes into operation, the last previous day, and, in a case in which he thereafter becomes a director, the day on which he becomes it), be fulfilled before the expiration of the period of fourteen days beginning with the day next following the relevant day ; otherwise it must be fulfilled before the expiration of the period of fourteen days beginning with the day next following that on which the existence of the interest comes to his knowledge ;

(b) an obligation imposed on a person by paragraph (b) to notify the occurrence of an event must, if at the time at which the event occurs he knows of its occurrence and of the fact that its occurrence gives rise to the obligation, be fulfilled before the expiration of the period of fourteen days beginning with the day next following that on which it occurs ; otherwise, it must be fulfilled before the expiration of the period of fourteen days beginning with the day next following that on which the fact that the occurrence of the event gives rise to the obligation comes to his knowledge.

(4) In the case of a person who is a director of a company at the time when this section comes into operation, paragraph (b) of subsection (1) above shall not require the notification by him of the occurrence of an event before that time ; and that paragraph shall not require the notification by a person of the occurrence of an event whose occurrence comes to his knowledge after he has ceased to be a director.

(5) Where an event of whose occurrence a director is, by virtue of sub-paragraph (i) of subsection (1)(b) above under obligation to notify a company consists in his entering into a contract for the purchase by him of shares or debentures, the obligation shall be taken not to be discharged in the absence of inclusion in the notice of a statement of the price to be paid by him under the contract, and an obligation imposed on a director by virtue of sub-paragraph (ii) of that subsection shall be taken not to be discharged in the absence of inclusion in the notice of the price to be received by him under the contract.

(6) An obligation imposed on a director by virtue of sub-paragraph (iii) of subsection (1)(b) above to notify a company shall be taken not to be discharged in the absence of inclusion in the notice of a statement of the consideration for the assignment (or, if it be the case that there is no consideration, that fact), and where an event of whose occurrence a director is, by virtue of sub-paragraph (iv) of that subsection under obligation to notify a company consists in his assigning a right, the obligation shall be taken not to be discharged in the absence of inclusion in the notice of a similar statement.

(7) Where an event of whose occurrence a director is, by virtue of sub-paragraph (iv) of subsection (1)(b) above, under obligation to notify a company consists in the grant to him of a right to subscribe for shares or debentures, the obligation shall not be taken to be discharged in the absence of inclusion in the notice of a statement of the date on which the right was granted, the period during which or time at which the right is exercisable, the consideration for the grant (or, if it be the case that there is no consideration, that fact) and the price to be paid for the shares or debentures; and where an event of whose occurrence a director is, by virtue of that sub-paragraph, under obligation to notify a company consists in the exercise of a right granted to him to subscribe for shares or debentures, the obligation shall be taken not to be discharged in the absence of inclusion in the notice of a statement of the number of shares or amount of debentures in respect of which the right was exercised and, if it be the case that they were registered in his name, that fact, and, if not, the name or names of the person or persons in whose name or names they were registered, together (if they were registered in the names of two persons or more) with the number or amount thereof registered in the name of each of them.

(8) A person who fails to fulfil, within the proper period, an obligation to which he is subject by virtue of subsection (1) above, or who, in purported fulfilment of an obligation to which he is so subject, makes to a company a statement which he knows to be false or recklessly makes to a company a statement which is false, shall be guilty of an offence and liable—

- (a) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding £200, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

(9) An obligation imposed by this section shall be treated as not being fulfilled unless the notice by means of which it purports to be fulfilled is expressed to be given to fulfilment of that obligation.

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(10) Proceedings in respect of an offence under this section shall not, in England or Wales, be instituted except by, or with the consent of, the Board of Trade or the Director of Public Prosecutions.

(11) For the purposes of this section, a person in accordance with whose directions or instructions the directors of a company are accustomed to act shall be deemed to be a director of the company.

(12) In reckoning, for the purposes of subsection (3) above, any period of fourteen days, a day that is a Saturday or Sunday or a bank holiday in any part of Great Britain shall be disregarded.

(13) Nothing in this section shall operate so as to impose an obligation with respect to shares in a body corporate which is the wholly owned subsidiary of another body corporate; and for this purpose a body corporate shall be deemed to be the wholly owned subsidiary of another if it has no members but that other and that other's wholly owned subsidiaries and its or their nominees.

(14) This and the two following sections shall have effect in place of section 195 (register of directors' shareholdings, &c.) of the principal Act and of so much of section 198 (general duty to make disclosure for the purposes of sections 195 to 197) of that Act as relates to section 195, and that section and so much of section 198 as relates thereto shall, accordingly, cease to have effect.

Rules for
giving effect
to section
27(1).

28.—(1) References to a person's being interested in shares in, or debentures of, a company shall, subject to the following rules, be construed so as not to exclude an interest on the ground of its remoteness or the manner in which it arises or by reason of the fact that the exercise of a right conferred by ownership thereof is, or is capable of being made, in any way subject to restraint or restriction.

(2) A person who has an interest under a trust whereof the property comprises shares or debentures (other than a discretionary interest) shall be deemed to be interested in the shares or debentures.

(3) A person shall be deemed to be interested in shares or debentures if a body corporate is interested in them and—

(a) that body corporate or its directors are accustomed to act in accordance with his directions or instructions; or

(b) he is entitled to exercise or control the exercise of one third or more of the voting power at any general meeting of that body corporate.

(4) A person shall be deemed to be interested in shares in, or debentures of, a company if—

- (a) he enters into a contract for the purchase thereof by him ; or
- (b) he has a right, otherwise than by virtue of having an interest under a trust, to call for delivery thereof to himself or to his order (whether the right is exercisable presently or in the future) ; or
- (c) not being a registered holder thereof, he is entitled (otherwise than by virtue of his having been appointed a proxy to vote at a specified meeting of the company, or of any class of its members, and at any adjournment of that meeting, or of his having been appointed by a corporation to act as its representative at any meeting of the company or of any class of its members) to exercise any right conferred by the holding thereof or is entitled to control the exercise of any right so conferred.

(5) Persons having a joint interest shall be deemed each of them to have that interest.

(6) It is immaterial that shares or debentures in which a person has an interest are unidentifiable.

(7) So long as a person is entitled to receive, during the lifetime of himself or another, income from trust property comprising shares or debentures, an interest in the shares or debentures in reversion or remainder, or (as regards Scotland) in fee, shall be disregarded.

(8) A person shall be treated as uninterested in shares or debentures if, and so long as, he holds them under the law in force in England and Wales as a bare trustee or as a custodian trustee or under the law in force in Scotland as a simple trustee.

(9) There shall be disregarded an interest of a person subsisting by virtue of an authorised unit trust scheme within the meaning of the Prevention of Fraud (Investments) Act 1958, a 1958 c. 45. scheme made under section 22 of the Charities Act 1960, 1960 c. 58. section 11 of the Trustee Investments Act 1961 or section 1 of 1961 c. 62. the Administration of Justice Act 1965 or the scheme set out 1965 c. 2. in the Schedule to the Church Funds Investment Measure 1958. 1958 No. 1.

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(10) There shall be disregarded an interest—

- (a) of the Church of Scotland General Trustees or of the Church of Scotland Trust in shares or debentures held by them ;
- (b) of any other person in shares or debentures held by the said Trustees or Trust otherwise than as simple trustees.

In this subsection “ Church of Scotland General Trustees ” refers to the body incorporated by the order confirmed by the Church of Scotland (General Trustees) Order Confirmation Act 1921 and “ Church of Scotland Trust ” refers to the body incorporated by the order confirmed by the Church of Scotland Trust Order Confirmation Act 1932.

1921 c. cxxv.

1932 c. xxi.

(11) Delivery to a person’s order of shares or debentures in fulfilment of a contract for the purchase thereof by him or in satisfaction of a right of his to call for delivery thereof, or failure to deliver shares or debentures in accordance with the terms of such a contract or on which such a right falls to be satisfied, shall be deemed to constitute an event in consequence of the occurrence of which he ceases to be interested in them, and so shall the lapse of a person’s right to call for delivery of shares or debentures.

Provisions for securing that information furnished under section 27, and certain other information about directors’ interests, is recorded and made available.

29.—(1) Every company shall keep a register for the purposes of section 27 of this Act; and whenever the company receives information from a director in consequence of the fulfilment of an obligation imposed on him by that section, it shall be under obligation to inscribe in the register, against the name of that person, that information and the date of the inscription.

(2) Every company shall also be under obligation—

- (a) whenever it grants to a director a right to subscribe for shares in, or debentures of, the company, to inscribe in the said register against his name the date on which the right is granted, the period during which or time at which it is exercisable, the consideration for the grant (or, if it be the case that there is no consideration, that fact), the description of shares or debentures involved and the number or amount thereof, and the price to be paid therefor ;
- (b) whenever such a right as aforesaid is exercised by a director, to inscribe in the said register against his name that fact (identifying the right), the number or amount of shares or debentures in respect of which it is exercised and, if it be the case that they were registered in his name, that fact, and, if not, the name or names of the person or persons in whose name or

names they were registered, together (if they were registered in the names of two persons or more) with the number or amount thereof registered in the name of each of them.

(3) The said register must be so made up that the entries therein against the several names inscribed therein appear in chronological order.

(4) An obligation imposed by subsection (1) above as to inscription, and an obligation imposed by subsection (2) above, must be fulfilled before the expiration of the period of three days beginning with the day next following that on which it arises; but in reckoning any such period, a day which is a Saturday or Sunday or a bank holiday in any part of Great Britain shall be disregarded.

(5) The nature and extent of an interest recorded in the said register of a director in any shares or debentures shall, if he so requires, be recorded in the said register.

(6) The company shall not, by virtue of anything done for the purposes of this section, be affected with notice of, or put upon inquiry as to, the rights of any person in relation to any shares or debentures.

(7) The said register shall—

(a) if the company's register of members is kept at its registered office, be kept there;

(b) if the company's register of members is not so kept, be kept at the company's registered office or at the place where its register of members is kept;

and shall during business hours (subject to such reasonable restrictions as the company in general meeting may impose, so that not less than two hours in each day be allowed for inspection) be open to the inspection of any member of the company without charge and of any other person on payment of one shilling, or such less sum as the company may prescribe, for each inspection.

(8) The company shall send notice to the registrar of companies of the place where the said register is kept and of any change in that place, save in a case in which it has at all times been kept at its registered office.

(9) Unless the said register is in such a form as to constitute in itself an index, the company shall keep an index of the names inscribed therein which shall—

(a) in respect of each name, contain a sufficient indication to enable the information inscribed against it to be readily found; and

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(b) be kept at the same place as the said register ;
and the company shall, within fourteen days after the date on which a name is inscribed in the said register, make any necessary alteration in the index.

(10) Any member of the company or other person may require a copy of the said register, or of any part thereof, on payment of two shillings, or such less sum as the company may prescribe, for every hundred words or fractional part thereof required to be copied.

The company shall cause any copy so required by any person to be sent to that person within the period of ten days beginning with the day next following that on which the requirement is received by the company.

(11) The said register shall also be produced at the commencement of the company's annual general meeting and remain open and accessible during the continuance of the meeting to any person attending the meeting.

(12) If default is made in compliance with the last foregoing subsection, the company and every officer of the company who is in default shall be liable to a fine not exceeding £50 ; if default is made for fourteen days in complying with subsection (8) of this section, the company and every officer of the company who is in default shall be liable to a default fine ; and if default is made in complying with subsection (1), (2), (3), (4) or (9) of this section, or if an inspection required under this section is refused or any copy required thereunder is not sent within the proper period, the company and every officer of the company who is in default shall be liable to a fine not exceeding £500 and further to a default fine.

(13) In the case of a refusal of an inspection required under this section of the said register, the court may by order compel an immediate inspection thereof ; and in the case of a failure to send within the proper period a copy required under this section, the court may by order direct that the copy required shall be sent to the person requiring it.

(14) For the purposes of this section, a person in accordance with whose directions or instructions the directors of a company are accustomed to act shall be deemed to be a director of the company.

Extension of section 25 to spouses and children.

30.—(1) Section 25 of this Act shall apply to—

- (a) the wife or husband of a director of a company, not being herself or himself a director of that company ;
and

- (b) an infant son or infant daughter of a director of a company, not being himself or herself a director of that company ;

as it applies to the director ; but it shall be a defence for a person charged, by virtue of this subsection, with an offence under that section, to prove that he had no reason to believe that his spouse or, as the case may be, parent, was a director of the company in question.

(2) In this section, "son" includes step-son and adopted son, "daughter" includes step-daughter and adopted daughter and "parent" shall be construed accordingly, "infant" means, in relation to Scotland, pupil or minor, and a person deemed for the purposes of the said section 25 to be a director of a company shall be deemed also for the purposes of this section to be a director of the company.

31.—(1) For the purposes of section 27 of this Act—

- (a) an interest of the wife or husband of a director of a company (not being herself or himself a director thereof) in shares or debentures shall be treated as being the director's interest, and so shall an interest of an infant son or infant daughter of a director of a company (not being himself or herself a director thereof) in shares or debentures ; and

Extension of section 27 to spouses and children.

- (b) a contract, assignment or right of subscription entered into, exercised or made by, or grant made to, the wife or husband of a director of a company (not being herself or himself a director thereof) shall be treated as having been entered into, exercised or made by, or, as the case may be, as having been made to, the director, and so shall a contract, assignment or right of subscription entered into, exercised or made by, or grant made to, an infant son or infant daughter of a director of a company (not being himself or herself a director thereof).

(2) A director of a company shall be under obligation to notify the company in writing of the occurrence, while he or she is director, of either of the following events, namely,—

- (a) the grant to his wife or her husband or to his or her infant son or infant daughter, by the company, of a right to subscribe for shares in, or debentures of, the company ; and
- (b) the exercise by his wife or her husband or by his or her infant son or infant daughter of such a right as aforesaid granted by the company to the wife, husband, son or daughter ;

stating, in the case of the grant of a right, the like information

PART I as is required by section 27 of this Act to be stated by the director on the grant to him by another body corporate of a right to subscribe for shares in, or debentures of, that other body corporate and, in the case of the exercise of a right, the like information as is required by that section to be stated by the director on the exercise of a right granted to him by another body corporate to subscribe for shares in, or debentures of, that other body corporate; and an obligation imposed by this subsection on a director must be fulfilled by him before the expiration of the period of fourteen days beginning with the day next following that on which the occurrence of the event that gives rise to it comes to his knowledge.

(3) A person who fails to fulfil, within the proper period, an obligation to which he is subject by virtue of the last foregoing subsection, or who, in purported fulfilment of an obligation to which he is so subject, makes to a company a statement which he knows to be false or recklessly makes to a company a statement which is false, shall be guilty of an offence and liable—

(a) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding £200, or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

(4) The rules set out in section 28 of this Act shall have effect for the interpretation of, and otherwise in relation, to subsection (1) of this section, and subsections (9) to (13) of section 27 of this Act shall, with any requisite modification, have effect for the purposes of this section as they have effect for the purposes of that section.

(5) In this section, “son” includes step-son and adopted son and “daughter” includes step-daughter and adopted daughter, and “infant” means, in relation to Scotland, pupil or minor.

(6) For the purposes of section 29(1) of this Act, an obligation imposed on a director by this section shall be treated as if imposed by section 27 of this Act.

Investigation
of share
dealings.

32.—(1) If it appears to the Board of Trade that there are circumstances suggesting that contraventions may have occurred, in relation to shares in, or debentures of, a company, of section 25 or 27 of this Act or of subsection (2) of the last foregoing section, they may appoint one or more competent inspectors to carry out such investigations as are requisite to establish whether or not contraventions have occurred as aforesaid and to report the result of their investigations to the Board.

(2) The appointment under this section of an inspector may limit the period to which his investigation is to extend or confine it to shares or debentures of a particular class or both.

(3) For the purposes of any investigation under this section, section 167 of the principal Act (which imposes on officers and agents of bodies being investigated the duty to assist inspectors) shall apply, but with the substitution, for references to any other body corporate whose affairs are investigated by virtue of section 166, of a reference to any other body corporate which is, or has at any relevant time been, the company's subsidiary or holding company or a subsidiary of its holding company and with the necessary modification of the reference, in subsection (3), to the affairs of the company or other body corporate, so, however, that it shall apply—

- (a) to members of a recognised stock exchange or of a recognised association of dealers in securities who are individuals and to officers (past as well as present) of members of such an exchange or association who are bodies corporate ;
- (b) to holders of licences granted under section 3 of the Prevention of Fraud (Investments) Act 1958 who are individuals and to officers (past as well as present) of holders of licences so granted who are bodies corporate ; and 1958 c. 45.
- (c) to any individual declared by an order of the Board of Trade for the time being in force to be an exempted dealer for the purposes of that Act and to officers (past as well as present) of any body corporate declared by an order of the Board of Trade for the time being in force to be such a dealer ;

as it applies to officers of the company or of the other body corporate.

(4) The inspectors may, and, if so directed by the Board of Trade, shall, make interim reports to the Board, and, on the conclusion of the investigation, shall make a final report to the Board.

(5) Any such report shall be written or printed, as the Board may direct, and the Board may cause it to be published.

(6) Section 175 of the principal Act (saving for solicitors and bankers) shall have effect as if the reference to the foregoing provisions of Part IV of that Act included a reference to this section.

(7) The expenses of an investigation under this section shall be defrayed by the Board of Trade out of moneys provided by Parliament.

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(8) In this section, "recognised association of dealers in securities" means any body of persons which is for the time being a recognised association of dealers in securities for the purposes of the Prevention of Fraud (Investments) Act 1958.

1958 c. 45.

Provisions for securing Disclosure of substantial individual Interests in share Capital carrying unrestricted voting Rights

Obligation of persons to notify company of acquisition, changes in amounts of, and disposal of shares in the company carrying unrestricted voting rights.

33.—(1) Every such person as follows, namely,—

- (a) a person who, being immediately before the occurrence of an event uninterested in shares comprised in relevant share capital of a company to which this section applies, becomes, in consequence of the occurrence of that event, interested in shares so comprised of a nominal value equal to one tenth or more of the nominal value of that share capital, or, being immediately before the occurrence of an event, interested in shares comprised in relevant share capital of such a company of a nominal value less than one tenth of the nominal value of that share capital, acquires, in consequence of the occurrence of the event, such interests in shares comprised in that share capital as to increase the nominal value of all shares so comprised in which he is interested to one tenth or more of the nominal value of that share capital ;
- (b) a person who, being immediately before the occurrence of an event interested in shares comprised in relevant share capital of such a company of a nominal value not less than one tenth of the nominal value of that share capital,—
 - (i) acquires, in consequence of the occurrence of the event, such interests in shares comprised in that share capital as to increase the nominal value of all shares so comprised in which he is interested ; or
 - (ii) suffers, in consequence of the happening of the event, a decrease in the nominal value of shares so comprised in which he is interested, but remains interested in shares so comprised of a nominal value equal to one tenth or more of the nominal value of that share capital ;
- (c) a person who, being immediately before the occurrence of an event interested in shares comprised in relevant share capital of a company of a nominal value equal to one tenth or more of the nominal value of that share capital, suffers, in consequence of the occurrence of the event, a decrease in the nominal value of shares comprised in that share capital in which he is interested such that the nominal value of all shares so comprised

in which he is interested is equal to less than one tenth of the nominal value of that share capital or becomes, in consequence of the occurrence of that event, uninterested in shares so comprised ;

shall (subject to the next following subsection) be under obligation to notify the company in writing of the occurrence of the event (specifying it) and the date on which it occurred and, according to the circumstances of the case, the number of shares comprised in that share capital (specifying it) in which, immediately after the occurrence of the event, he is interested or the fact that, immediately thereafter, he is not interested in that share capital (specifying it).

(2) In the case of a company which, at the time when this section comes into operation, is one to which this section applies, every person who at that time is interested in shares comprised in relevant share capital of the company of a nominal value one tenth or more of the nominal value of that share capital shall be under obligation to notify the company of the subsistence of his interests at that time and the number of shares comprised in that share capital (specifying it) in which each interest subsists at that time, and the foregoing subsection shall not require the notification by any such person of the occurrence of an event before that time.

(3) In the event of—

(a) a company's becoming one to which this section applies ;
or

(b) a company's share capital of any class becoming relevant share capital ;

the last foregoing subsection shall apply as in the case therein mentioned but with the substitution, for references to the time when this section comes into operation, of references to the time at which the event occurs.

(4) The rules set out in section 28 of this Act shall (with the omission of references to debentures) apply for the interpretation of, and otherwise in relation to, the foregoing provisions of this section ; but in addition to such interests as, by virtue of subsections (7), (9) and (10) of that section, are to be disregarded, there shall be disregarded for the purposes of this section—

(a) an interest, for the life of himself or another, of a person under a settlement in the case of which the property comprised therein consists of, or includes, shares, being a settlement with respect to which the following conditions are satisfied, namely,—

(i) that the settlement is irrevocable ; and

(ii) that the settlor has no interest in any income arising under, or property comprised in, the settlement ;

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1925 c. 23.

- (b) an interest as holder of shares of a person whose ordinary business includes the lending of money and who holds them by way of security only for the purposes of a transaction entered into in the ordinary course of that business ;
- (c) an interest of the President of the Probate, Divorce and Admiralty Division of the High Court subsisting by virtue of section 9 of the Administration of Estates Act 1925 ;
- (d) an interest of the Accountant General of the Supreme Court in shares held by him ;
- (e) any such interests, or interests of such class, as may be prescribed for the purposes of this paragraph by regulations made by the Board of Trade by statutory instrument ;

and a definition of a class of interests for the purposes of regulations made under paragraph (e) of this subsection may be framed by reference to any circumstances whatsoever.

(5) The following provisions shall have effect with respect to the periods within which obligations imposed by the foregoing provisions of this section on persons must be fulfilled, that is to say,—

- (a) in the case of an obligation imposed by subsection (1)—
 - (i) if, at the time of the occurrence of the event giving rise to the obligation, the person under obligation knows of its occurrence and of the fact that its occurrence gives rise to the obligation, it must be fulfilled before the expiration of the period of fourteen days beginning with the day next following that on which the event occurs ;
 - (ii) otherwise, it must be fulfilled before the expiration of the period of fourteen days beginning with the day next following that on which the fact that the occurrence of the event gives rise to the obligation comes to his knowledge ;
- (b) in the case of an obligation imposed by subsection (2)—
 - (i) if, at the time when the obligation arises, the person under obligation does not know of the subsistence of his interests, or knows only of the subsistence of interests in shares comprised in relevant share capital of a nominal value less than one tenth of the nominal value of that share capital, the obligation must, upon there coming to his knowledge the matter of the subsistence of interests in

shares so comprised of a nominal value not less than one tenth of the nominal value of that share capital, be, so far as regards those interests, fulfilled before the expiration of the period of fourteen days beginning with the day next following that on which that matter comes to his knowledge, and must, so far as regards an interest whose subsistence comes to his knowledge after that matter comes to his knowledge, be fulfilled before the expiration of the period of fourteen days beginning with the day next following that on which the subsistence of the interest comes to his knowledge ;

(ii) if, at the time when the obligation arises, the person under obligation knows of the subsistence of interests in shares comprised in relevant share capital of a nominal value not less than one tenth of the nominal value of that share capital, the obligation must, so far as regards those interests, be fulfilled before the expiration of the period of fourteen days beginning with the day next following that on which the obligation arises and must, so far as regards an interest whose subsistence comes to his knowledge after the obligation arises, be fulfilled before the expiration of the period of fourteen days beginning with the day next following that on which the subsistence of the interest comes to his knowledge.

(6) A person who fails to fulfil, within the proper period, an obligation to which he is subject by virtue of subsection (1) or (2) above, or who, in purported fulfilment of an obligation to which he is so subject, makes to a company a statement which he knows to be false or recklessly makes to a company a statement which is false, shall be guilty of an offence and liable--

- (a) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding £200, or to both ;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

(7) An obligation imposed by this section on any person shall be treated as not being fulfilled unless the notice by means of which it purports to be fulfilled identifies him and gives his address and, in a case in which he is a director of the company, is expressed to be given in fulfilment of that obligation.

(8) Proceedings in respect of an offence under this section shall not, in England or Wales, be instituted except by, or with the consent of, the Board of Trade or the Director of Public Prosecutions.

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(9) In reckoning, for the purposes of subsection (5) above, any period of fourteen days, a day that is a Saturday or Sunday or a bank holiday in any part of Great Britain shall be disregarded.

(10) A company to which this section applies is one in the case of which there has, as respects the whole or any proportion of its share capital, been granted a quotation on a recognised stock exchange; and for the purposes of this section, "relevant share capital", in relation to such a company, means issued share capital thereof of a class carrying rights to vote in all circumstances at general meetings of the company and "settlor" has the meaning assigned to it by section 403 of the Income Tax Act 1952.

1952 c. 10.

Provision for securing that information furnished under section 33 is recorded and made available.

34.—(1) Every company to which the last foregoing section applies shall keep a register for the purposes of that section; and whenever the company receives information from a person in consequence of the fulfilment of an obligation imposed on him by that section, it shall be under obligation to inscribe in the register, against the name of that person, that information and the date of the inscription.

(2) The said register must be so made up that the entries therein against the several names inscribed therein appear in chronological order.

(3) An obligation imposed by subsection (1) above as to inscription must be fulfilled before the expiration of the period of three days beginning with the day next following that on which it arises; but in reckoning any such period, a day which is a Saturday or Sunday or a bank holiday in any part of Great Britain shall be disregarded.

(4) The company shall not, by virtue of anything done for the purposes of this section, be affected with notice of, or put upon inquiry as to, the rights of any person in relation to any shares.

(5) The said register shall be kept at the place at which the register required to be kept by the company by section 29 of this Act is kept, and shall, during business hours (subject to such reasonable restrictions as the company may in general meeting impose, so that not less than two hours in each day be allowed for inspection), but save in so far as it contains information with respect to a company for the time being entitled to avail itself of the benefit conferred by section 3(3) or 4(3) of this Act, be open to the inspection of any member of the company without charge and of any other person on payment of one shilling, or such less sum as the company may prescribe, for each inspection; but in so far as it contains such information shall not be open to inspection.

(6) Unless the said register is in such form as to constitute in itself an index, the company shall keep an index of the names inscribed therein which shall—

(a) in respect of each name, contain a sufficient indication to enable the information inscribed against it to be readily found; and

(b) be kept at the same place as the said register; and the company shall, within fourteen days after the date on which a name is inscribed in the said register, make any necessary alteration in the index.

(7) As regards so much of the said register as is required to be open to inspection, any member of the company or other person may require a copy of it, or any part of it, on payment of two shillings or such less sum as the company may prescribe, for every hundred words or fractional part thereof required to be copied; and the company shall cause any copy so required by a person to be sent to him before the expiration of the period of ten days beginning with the day next following that on which the requirement is received by the company.

(8) If default is made in complying with subsection (1), (2), (3) or (6) of this section, or if an inspection required under this section is refused or a copy required thereunder is not sent within the proper period, the company and every officer of the company who is in default shall be liable to a fine not exceeding £500 and further to a default fine.

(9) In the case of a refusal of an inspection required under this section of the said register, the court may by order compel an immediate inspection thereof; and in the case of a failure to send a copy required under this section, the court may by order direct that the copy required shall be sent to the person requiring it.

Inspection

35.—(1) If, in the case of any body corporate liable to be wound up under the principal Act, it appears to the Board of Trade from any report made under section 168 (inspectors' report) of that Act or from any information or document obtained under Part III of this Act or section 18 or 19 of the Protection of Depositors Act 1963 that it is expedient in the public interest that the body should be wound up, the Board may, unless the body is already being wound up by the court, present a petition for it to be so wound up if the court thinks it just and equitable for it to be so wound up, and, accordingly, paragraph (d) of the proviso to subsection (1) of section 224 (provisions as to applications for winding up) of the principal Act shall have effect with the substitution, for the reference to section 169(3) of that Act, of a reference to this subsection.

Power of Board of Trade to present winding-up petition or petition under section 210 of the principal Act in consequence of investigation, &c.
1963 c. 16.

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(2) If, in the case of any such body corporate as aforesaid, it appears to the Board of Trade from any report made or information or document obtained as aforesaid that its business is being conducted in a manner oppressive to any part of its members, the Board may (in addition to, or instead of, presenting a petition under the foregoing subsection) present a petition for an order under section 210 (alternative remedy to winding up in cases of oppression) of the principal Act, and, accordingly, subsection (1) of that section shall have effect with the substitution, for the reference to section 169(3) of that Act, of a reference to this subsection.

Repeal of section 169(1) and (2) of the principal Act, and consequential modification of section 170(1)(a) thereof.

36. The following provisions of the principal Act shall cease to have effect, namely,—

- (a) subsections (1) and (2) of section 169 (duty of Board of Trade in certain cases after an investigation to refer to the Director of Public Prosecutions or the Lord Advocate, and duty of Director of Public Prosecutions on a reference by the Board of Trade); and
- (b) in section 170(1)(a) (persons liable to repay the Board of Trade expenses of and incidental to an inspection), the words “by the Director of Public Prosecutions or by or on behalf of the Lord Advocate”.

Fresh power of Board of Trade to bring civil proceedings on behalf of body corporate. 1963 c. 16.

37.—(1) If, from any report made under section 168 of the principal Act or from any information or document obtained under Part III of this Act or section 18 or 19 of the Protection of Depositors Act 1963 it appears to the Board of Trade that any civil proceedings ought in the public interest to be brought by any body corporate, they may themselves bring such proceedings in the name and on behalf of the body corporate.

(2) The Board of Trade shall indemnify the body corporate against any costs or expenses incurred by it in or in connection with any proceedings brought by virtue of the foregoing subsection.

(3) Section 170(1)(a) of the principal Act shall have effect as if the reference to any person who is ordered to pay damages or restore any property in proceedings brought by virtue of section 169(4) of that Act included a reference to any person who is ordered to pay the whole or any part of the costs of proceedings brought by virtue of subsection (1) of this section, and section 170(3) of that Act shall have effect as if the references to subsections (4) and (5) of section 169 of that Act included references respectively to subsections (1) and (2) of this section.

38. Sub-paragraph (i) of paragraph (b) of section 165 of the principal Act (by virtue of which paragraph the Board of Trade are empowered to appoint one or more competent persons to investigate the affairs of a company if it appears to them that there are circumstances suggesting, inter alia, that its business is being conducted with intent to defraud its creditors or the creditors of any other person or otherwise for a fraudulent or unlawful purpose or in a manner oppressive of any part of its members) shall have effect as if, after the words "is being", there were inserted the words "or has been"; and the power of the Board under that paragraph shall be exercisable with respect to a body corporate notwithstanding that it is in course of being voluntarily wound up.

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Extension of Board of Trade's power of investigation under section 165 of the principal Act.

39. Section 167 of the principal Act (which imposes on officers and agents of bodies being investigated the duty to assist inspectors) shall be amended as follows:—

Power of inspectors to secure attendance of persons for purposes of investigation.

(a) in subsection (1), after the words "to produce to the inspectors all books and documents of or relating to the company or, as the case may be, the other body corporate which are in their custody or power", there shall be inserted the words "to attend before the inspectors when required so to do"; and

(b) in subsection (3), after the words "refuses to produce to the inspectors any book or document which it is his duty under this section so to produce", there shall be inserted the words "refuses to attend before the inspectors when required so to do".

40.—(1) Section 170 (expenses of investigation of company's affairs) of the principal Act shall be amended as follows.

Amendments of provisions as to expenses of investigations.

(2) The word "and" at the end of paragraph (b) shall be omitted, and for paragraph (c) there shall be substituted the following paragraphs:—

"(c) any body corporate dealt with by the report, where the inspector was appointed otherwise than of the Board's own motion, shall be liable, except so far as the Board otherwise direct; and

(d) the applicants for the investigation, where the inspector was appointed under section one hundred and sixty-four of this Act, shall be liable to such extent (if any) as the Board may direct".

(3) In subsection (2), for the words "paragraph (c)" there shall be substituted the words "paragraphs (c) and (d)".

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(4) In subsection (4)—

- (a) for the words “ paragraph (c) ”, where first occurring, there shall be substituted the words “ paragraphs (c) and (d) ” ;
- (b) for the words from “ the said paragraph (a) or (b) ” to “ as the case may be ” there shall be substituted the words “ any of the said paragraphs shall be entitled to contribution from any other person liable under the same paragraph ”.

Power of inspector to inform Board of Trade of matters tending to show commission of offence.

41. An inspector appointed under section 164 or 165 of the principal Act may at any time in the course of his investigation, without the necessity of making an interim report, inform the Board of Trade of matters coming to his knowledge as a result of the investigation tending to show that an offence has been committed.

Extension of Board of Trade's powers of investigation to certain bodies incorporated outside Great Britain.

42.—(1) Sections 165 to 171 and 175 of the principal Act shall apply to all bodies corporate incorporated outside Great Britain which are carrying on business in Great Britain or have at any time carried on business therein as if they were companies registered under the principal Act, but subject to such (if any) adaptations and modifications as may be specified by regulations made by the Board of Trade.

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

Re-registration of Companies

Limited companies may be re-registered as unlimited.

43.—(1) A company which, at the coming into operation of this section, is registered as limited or thereafter is so registered (otherwise than in pursuance of the next following section) may be re-registered under the principal Act as unlimited in pursuance of an application in that behalf complying with the requirement of the next following subsection, framed in the prescribed form and signed by a director or by the secretary of the company and lodged with the registrar of companies in England or Scotland (according as the registered office is situate in England or Scotland) together with the documents mentioned in subsection (3) of this section.

(2) The said requirement is that the application must—

(a) set out such alterations in the company's memorandum as,—

(i) if it is to have a share capital, are requisite to bring it, both in substance and in form, into conformity with the requirements imposed by the

principal Act with respect to the substance and form of the memorandum of a company to be formed under that Act as an unlimited company having a share capital ; or

(ii) if it is not to have a share capital, are requisite in the circumstances ; and

(b) if articles have been registered, set out such alterations therein and additions thereto as,—

(i) if it is to have a share capital, are requisite to bring them, both in substance and in form, into conformity with the requirements imposed by the principal Act with respect to the substance and form of the articles of a company to be formed thereunder as an unlimited company having a share capital ; or

(ii) if it is not to have a share capital, are requisite in the circumstances ; and

if articles have not been registered, have annexed thereto, and request the registration of, printed articles, bearing the same stamp as if they were contained in a deed, being, if the company is to have a share capital, articles complying with the said requirements and, if not, articles appropriate to the circumstances.

(3) The documents referred to in subsection (1) above are—

(a) the prescribed form of assent to the company's being registered as unlimited subscribed by or on behalf of all the members of the company ;

(b) a statutory declaration made by the directors of the company that the persons by whom or on whose behalf the form of assent is subscribed constitute the whole membership of the company and, if any of the members have not subscribed that form themselves, that the directors have taken all reasonable steps to satisfy themselves that each person who subscribed it on behalf of a member was lawfully empowered so to do ;

(c) a printed copy of the memorandum incorporating the alterations therein set out in the application ; and

(d) if articles have been registered, a printed copy thereof incorporating the alterations therein and additions thereto set out in the application.

(4) The registrar shall retain the application and other documents lodged with him under subsection (1) of this section, shall, if articles are annexed to the application, register them and shall issue to the company a certificate of incorporation

PART I appropriate to the status to be assumed by the company by virtue of this section ; and upon the issue of the certificate—

- (a) the status of the company shall, by virtue of the issue, be changed from limited to unlimited ; and
- (b) the alterations in the memorandum set out in the application and (if articles have been previously registered) any alterations and additions to the articles so set out shall, notwithstanding anything in the principal Act, take effect as if duly made by resolution of the company and the provisions of the principal Act shall apply to the memorandum and articles as altered or added to by virtue of this section accordingly.

(5) A certificate of incorporation issued by virtue of this section shall be conclusive evidence that the requirements of this section with respect to re-registration and of matters precedent and incidental thereto have been complied with, and that the company was authorised to be re-registered under the principal Act in pursuance of this section and was duly so re-registered.

(6) Where a company is re-registered in pursuance of this section, a person who, at the time when the application for it to be re-registered was lodged, was a past member of the company and did not thereafter again become a member thereof shall not, in the event of the company's being wound up, be liable to contribute to the assets of the company more than he would have been liable to contribute thereto had it not been so re-registered.

(7) For the purposes of this section—

- (a) subscription to a form of assent by the legal personal representative of a deceased member of a company shall be deemed to be subscription by him ;
- (b) a trustee in bankruptcy of a person who is a member of a company shall, to the exclusion of that person, be deemed to be a member of the company.

(8) In this section, "prescribed" means prescribed by regulations made by the Board of Trade by statutory instrument.

Unlimited companies may be re-registered as limited.

44.—(1) A company which, at the coming into operation of this section, is registered as unlimited or thereafter is so registered (otherwise than by virtue of the last foregoing section) may be re-registered under the principal Act as limited if a special resolution that it should be so re-registered (complying with the requirement of the next following subsection) is passed and an application in that behalf, framed in the prescribed form and signed by a director or by the secretary of the company, is lodged with the registrar of companies in England or Scotland

(according as the registered office of the company is situate in England or Scotland) together with the documents mentioned in subsection (3) of this section not earlier than the day on which the copy of the resolution forwarded to him in pursuance of section 143 of the principal Act is received by him.

(2) The said requirement is that the resolution—

(a) must state the manner in which the liability of the members of the company is to be limited and, if the company is to have a share capital, what that capital is to be ; and

(b) must—

(i) if the company is to be limited by guarantee, provide for the making of such alterations in its memorandum and such alterations in and additions to its articles as are requisite to bring the memorandum and articles, both in substance and in form, into conformity with the requirements of the principal Act with respect to the substance and form of the memorandum and articles of a company to be formed thereunder whose condition as to mode of limitation of liability and possession of a share capital (or want of it) will be similar to the condition of the company as to those matters which will obtain upon its re-registration ;

(ii) if the company is to be limited by shares, provide for the making of such alterations in its memorandum as are requisite to bring it, both in substance and in form, into conformity with the requirements of the principal Act with respect to the substance and form of the memorandum of a company to be formed thereunder as a company so limited, and such alterations in and additions to its articles as are requisite in the circumstances.

(3) The documents referred to in subsection (1) above are a printed copy of the memorandum as altered in pursuance of the resolution and a printed copy of the articles as so altered.

(4) The registrar shall retain the application and other documents lodged with him under subsection (1) above and shall issue to the company a certificate of incorporation appropriate to the status to be assumed by the company by virtue of this section ; and upon the issue of the certificate—

(a) the status of the company shall, by virtue of the issue, be changed from unlimited to limited ; and

(b) the alterations in the memorandum specified in the resolution and the alterations in, and additions to, the

PART I

articles so specified shall, notwithstanding anything in the principal Act, take effect.

(5) A certificate of incorporation issued by virtue of this section shall be conclusive evidence that the requirements of this section with respect to re-registration and of matters precedent and incidental thereto have been complied with, and that the company was authorised to be re-registered under the principal Act in pursuance of this section and was duly so re-registered.

(6) Section 64 of the principal Act (power of unlimited company by resolution for registration as a limited company to provide for reserve share capital) shall have effect as if, for the reference to its resolution for registration as a limited company in pursuance of that Act, there were substituted a reference to its resolution for registration as a limited company in pursuance of that Act or re-registration as a limited company in pursuance of this section.

(7) In the event of the winding up of a company re-registered in pursuance of this section, the following provisions shall have effect:—

- (a) notwithstanding paragraph (a) of subsection (1) of section 212 of the principal Act (which section relates to the liability as contributories of past and present members), a past member of the company who was a member thereof at the time of re-registration shall, if the winding up commences within the period of three years beginning with the day on which the company is re-registered, be liable to contribute to the assets of the company in respect of debts and liabilities of its contracted before that time;
- (b) where no persons who were members of the company at that time are existing members of the company, a person who, at that time, was a present or past member thereof shall, subject to the said paragraph (a) and to the foregoing paragraph, but notwithstanding paragraph (c) of the said subsection (1), be liable to contribute as aforesaid notwithstanding that the existing members have satisfied the contributions required to be made by them in pursuance of the principal Act;
- (c) notwithstanding paragraphs (d) and (e) of the said subsection (1), there shall be no limit on the amount which a person who, at that time, was a past or present member of the company is liable to contribute as aforesaid.

(8) In section 112 of the Stamp Act 1891 (which charges a duty on the capital of limited liability companies), the first reference to a company to be registered with limited liability shall be construed as including a reference to a company to be re-registered in pursuance of this section with such liability.

PART I
1891 c. 39

(9) In this section, "prescribed" means prescribed by regulations made by the Board of Trade by statutory instrument.

45. No company shall register or re-register in pursuance of section 16(1) of the principal Act after the time at which this section comes into operation except upon an application in that behalf made before that time.

Cesser of
section 16 of
the principal
Act.

Miscellaneous Amendments

46.—(1) If, in the opinion of the Board of Trade, the name by which a company is registered gives so misleading an indication of the nature of its activities as to be likely to cause harm to the public, they may direct it to change its name.

Power of
Board of
Trade to
require
company to
abandon
misleading
name.

(2) A direction given under this section to a company must, if not duly made the subject of an application under the next following subsection to the court, be complied with within a period of six weeks from the date of the direction or such longer period as the Board of Trade may think fit to allow.

(3) A company to which a direction is given under this section may, within a period of three weeks from the date of the direction, apply to the court to set the direction aside, and the court may set it aside or confirm it; and, if it confirms it, it shall specify a period within which it must be complied with.

(4) If a company makes default in complying with a direction under this section, it shall be liable to a fine not exceeding £5 for every day during which the default continues.

(5) Subsections (3) and (4) of section 18 of the principal Act (consequences of change of name under that section) shall have effect as if references therein to that section included references to this section.

47.—(1) An unlimited company shall be excepted from the requirements imposed by section 127 of the principal Act (documents to be annexed to annual return) if, but only if,—

Exception, in
certain cases,
of unlimited
companies
from
requirements
of section 127
of the
principal Act.

(a) at no time during the period to which the return relates has it been, to its knowledge, the subsidiary of a company that was then limited and at no such time, to its knowledge, have there been held or exercisable by or on behalf of two or more companies that were then limited, shares or powers which, had they been

PART I

held or exercisable by one of them, would have made the company its subsidiary ;

(b) at no such time has it been the holding company of a company that was then limited ; and

(c) at no such time has it been carrying on business as the promoter of a trading stamp scheme within the meaning of the Trading Stamps Act 1964.

1964 c. 71.

(2) References in this section to a company that was limited at a particular time shall be construed as referring to a body corporate (whether incorporated under the law in force in Great Britain or the law in force elsewhere) the liability of whose members was at that time limited.

Fees.

48.—(1) For references in section 425 of, and Schedule 14 to, the principal Act to Schedule 12 to that Act there shall be substituted references to Schedule 3 to this Act.

(2) The Board of Trade may by regulations made by statutory instrument alter the said Schedule 3 so as to increase or decrease the amount of a fee payable to the registrar, and any reference in the principal Act to that Schedule shall be construed as a reference to that Schedule with any alterations made by regulations for the time being in force under this subsection.

(3) No regulations shall be made under the last foregoing subsection increasing a fee unless a draft of the instrument containing the regulations has been laid before Parliament and has been approved by resolution of each House of Parliament.

(4) A statutory instrument containing regulations made under subsection (2) of this section none of which increases a fee shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Summary proceedings.

49.—(1) All offences under the principal Act or this Part of this Act made punishable by fine alone shall be triable summarily.

(2) Summary proceedings for any offence under the principal Act or this Part of this Act may (without prejudice to any jurisdiction exercisable apart from this subsection) be taken against a body corporate at any place at which the body has a place of business, and against any other person at any place at which he is for the time being.

1952 c. 55.

(3) Notwithstanding anything in section 104 of the Magistrates' Courts Act 1952, an information relating to an offence under the principal Act or this Part of this Act which is triable by a magistrates' court in England and Wales may be so tried if it is laid at any time within three years after the commission

of the offence and within twelve months after the date on which evidence sufficient in the opinion of the Director of Public Prosecutions or the Board of Trade, as the case may be, to justify the proceedings comes to his or their knowledge.

PART I

(4) Summary proceedings in Scotland for an offence under the principal Act or this Part of this Act shall not be commenced after the expiration of three years from the commission of the offence, but, subject to the foregoing limitation and notwithstanding anything in section 23 of the Summary Jurisdiction (Scotland) Act 1954, such proceedings may be commenced at any time within twelve months after the date on which evidence sufficient in the opinion of the Lord Advocate to justify the proceedings comes to his knowledge or, where such evidence was reported to him by the Board of Trade, within twelve months after the date on which it came to their knowledge; and subsection (2) of the said section 23 shall apply for the purpose of this subsection as it applies for the purpose of that section. 1954 c. 48.

(5) For the purposes of this section, a certificate of the Director of Public Prosecutions, the Lord Advocate or the Board of Trade, as the case may be, as to the date on which such evidence as aforesaid came to his or their knowledge shall be conclusive evidence.

(6) The foregoing provisions of this section shall have effect in place of section 442 of the principal Act and that section shall, accordingly, cease to have effect.

(7) In relation to offences committed before the coming into operation of this section, neither subsection (3) nor (4) thereof shall apply if the time allowed for taking proceedings under the Act therein mentioned had already expired before this section comes into operation.

50. An answer given by a person to a question put to him in exercise of powers conferred by— Admissibility of evidence of certain matter.

(a) section 167 of the principal Act (as originally enacted or as applied by section 172 of that Act or section 32 of this Act); or

(b) general rules made under section 365(1) of the principal Act for carrying into effect the objects of that Act so far as relates to the winding up of companies;

may be used in evidence against him, and a statement required by section 235 of the principal Act (statement of company's affairs to be made to official receiver) may be used in evidence against any person making or concurring in making it.

PART I
Exemption
 from obligation
 to print certain
 resolutions and
 agreements.

51.—(1) Notwithstanding anything in subsection (2) of section 63 of the principal Act, no company need forward to the registrar of companies a printed copy of a resolution authorising an increase of its share capital, if instead it forwards a copy in some other form approved by the registrar.

(2) Notwithstanding anything in subsection (1) of section 143 of the principal Act, no company need forward to the registrar of companies a printed copy of a resolution or agreement to which that section applies, if instead it forwards a copy in some other form approved by the registrar.

Increase of
 maximum
 charges for
 copies of
 registers of
 debenture
 holders,
 debenture
 trust deeds
 and registers
 of members.

52.—(1) Section 87 of the principal Act shall be amended as follows:—

- (a) in subsection (2) (which entitles any person to a copy of the register of holders of debentures of a company or any part thereof on payment of sixpence for every hundred words required to be copied), for the words “on payment of sixpence for every hundred words required to be copied” there shall be substituted the words “on payment of two shillings, or such less sum as may be prescribed by the company, for every hundred words or fractional part thereof required to be copied”; and
- (b) in subsection (3) (which entitles a holder of debentures of a company to a copy of the trust deed for securing the issue thereof on payment in the case of a printed deed of the sum of one shilling or such less sum as may be prescribed by the company or, where the trust deed has not been printed, on payment of sixpence for every hundred words required to be copied), for the words “one shilling” there shall be substituted the words “four shillings” and, for the words “on payment of sixpence for every hundred words required to be copied”, there shall be substituted the words “on payment of two shillings, or such less sum as may be prescribed by the company, for every hundred words or fractional part thereof required to be copied”.

(2) In section 113(2) of the principal Act (which entitles any person to a copy of, or of any part of, the register of members of a company on payment of sixpence, or such less sum as the company may prescribe, for every hundred words or fractional part thereof required to be copied), for the word “sixpence” there shall be substituted the words “two shillings”.

Supplementary Provisions

PART I

53.—(1) Part VII of the principal Act (which relates to companies formed or registered under the former Acts therein mentioned) and section 394 (which relates to companies not formed under that Act but registering thereunder) shall apply for the purpose of the application of the provisions of this Part of this Act to such companies as aforesaid as they apply for the purpose of the application thereto of the provisions of the principal Act.

Application of Part I to certain companies not formed under the principal Act.

(2) In section 379 of the principal Act (which is included in the said Part VII), for the reference to an unlimited company registered in pursuance of that Act as a limited company there shall be substituted a reference to an unlimited company registered in pursuance of that Act as a limited company or re-registered in pursuance of this Part of this Act as a limited company.

54. Section 435 of, and Schedule 14 to, the principal Act (which provide for the application of certain provisions of that Act to unregistered companies) shall have effect as if sections 3 to 8 (both inclusive), 10, 11, 12(1), 13 to 23 (both inclusive), 35, 37, 41, 47 and 49 of this Act were provisions of that Act, and—

Application of certain provisions of Part I to unregistered companies.

- (a) in the case of sections 3 to 8 (both inclusive), 10, 11 and 13 to 23 (both inclusive), were included amongst the sections of that Act specified in that Schedule which relate to accounts and audit ;
- (b) in the case of sections 35, 37 and 41, were included amongst the sections of that Act so specified which relate to investigations ;
- (c) in the case of sections 12(1) and 49, were included amongst the sections of that Act so specified which relate to registration of documents, enforcement and other supplementary matters ;
- (d) in the case of section 47, were included amongst the sections of that Act so specified which relate to annual return ;

and the reference in the last entry in column 3 of that Schedule to provisions applied by virtue of the foregoing entries in that Schedule shall be construed accordingly.

55. Any reference in the principal Act or in any other Act passed before this Act to an enactment contained in the principal Act which is amended by this Part of this Act shall, unless the context otherwise requires, be construed as referring to that enactment as so amended.

Construction of references to enactments contained in the principal Act.

PART I
 Interpretation
 of Part I, and
 application of
 provisions of
 the principal
 Act.

56.—(1) Except where the context otherwise requires—

(a) any reference in this Part of this Act to an enactment contained in the principal Act shall be taken as referring to that enactment as amended by or under any subsequent enactment, including this Part of this Act; and

(b) any expression to which a meaning is assigned by the principal Act for the purposes of that Act has that meaning also for the purposes of this Part of this Act.

(2) For the purposes of this Part of this Act, except where the context otherwise requires,—

(a) any reference to a balance sheet or profit and loss account shall include any note thereon or document annexed thereto giving information which is required by the principal Act or this Part of this Act and is thereby allowed to be so given, and

(b) any reference to a profit and loss account shall be taken, in the case of a company not trading for profit, as a reference to its income and expenditure account, and references to profit or to loss and, if the company has subsidiaries, to a consolidated profit and loss account shall be construed accordingly;

and in subsection (3) of section 147 of the principal Act, the first reference to that Act shall include a reference to this Act, and in that subsection and in section 149(7) of the principal Act, for the references to information which is required by that Act there shall be substituted references to information which is required by that Act or this Part of this Act.

(3) A person shall not be deemed to be within the meaning of any provision of this Part of this Act a person in accordance with whose directions or instructions the directors of a company are accustomed to act by reason only that the directors of the company act on advice given by him in a professional capacity.

(4) References in this Part of this Act to a body corporate shall be construed as not including a corporation sole or a Scottish firm but as including a company incorporated outside Great Britain.

(5) Where a reference to a number of shares occurs in this Part of this Act in a context which admits of the reference to shares being construed as including stock, the expression "number" shall be construed as including amount.

(6) In the provisions of the principal Act specified in Schedule 4 to this Act references to that Act shall include references to this Part of this Act, except so far as the context excludes such a construction.

(7) Except where the context otherwise requires, references in this Part of this Act to this Part of this Act include references to Schedules 1 to 4 (both inclusive) to this Act. PART I

57.—(1) The following provisions shall have effect with respect to the coming into operation of the enactments therein mentioned, that is to say:—

- (a) sections 25 to 34 (both inclusive), 43, 44, 45 and 48 of this Act and Schedule 3 thereto shall come into operation at the expiration of the period of three months beginning with the day on which this Act is passed; Commencement of, and exercise of powers to make regulations under, certain provisions of Part I.
- (b) sections 2 to 16 (both inclusive) and 18 to 24 (both inclusive) of this Act and Schedules 1 and 2 thereto shall come into operation at the expiration of the period of six months beginning with that day;
- (c) section 17 of this Act shall come into operation at the expiration of the period of twelve months beginning with that day.

(2) Without prejudice to section 37 of the Interpretation Act 1889 c. 63. 1889 (which relates to the exercise of statutory powers between the passing and commencement of an Act), forms may be prescribed under sections 43 and 44 of this Act at any time after the passing of this Act but so that any instrument by which they are prescribed shall not come into operation before the coming into operation of those sections.

PART II

AMENDMENTS OF LAW WITH RESPECT TO INSURANCE COMPANIES

Meaning of "the principal Act" for Purposes of Part II

58. In this Part of this Act, "the principal Act" means the Insurance Companies Act 1958. Meaning of "the principal Act" for purposes of Part II. 1958 c. 72.

Control of Entry into insurance Business and of its general Conduct

59.—(1) The classes of insurance business relevant for the purposes of this Part of this Act are industrial assurance business, liability insurance business, marine, aviation and transport insurance business, motor vehicle insurance business, ordinary long-term insurance business, pecuniary loss insurance business, personal accident insurance business and property insurance business. Classes of insurance business relevant for purposes of Part II, and definitions thereof.

(2) In this Part of this Act, "industrial assurance business" has the meaning assigned to it by section 1(2) of the Industrial Assurance Act 1923. 1923 c. 8.

PART II

(3) In this Part of this Act, “liability insurance business” means the business of effecting and carrying out contracts of insurance against risks of the persons insured incurring liabilities to third parties, not being risks arising out of, or in connection with the use of, motor vehicles or out of, or in connection with the use of, vessels or aircraft or risks incidental to the construction, repair or docking of vessels or aircraft.

(4) In this Part of this Act, “marine, aviation and transport insurance business” means the business of effecting and carrying out contracts of insurance—

- (a) upon vessels or aircraft, or upon the machinery, tackle, furniture or equipment of vessels or aircraft ;
- (b) upon goods, merchandise or property of any description whatever on board of vessels or aircraft ;
- (c) upon the freight of, or any other interest in or relating to, vessels or aircraft ;
- (d) against damage arising out of, or in connection with, the use of vessels or aircraft, including third-party risks ;
- (e) against risks incidental to the construction, repair or docking of vessels, including third-party risks ;
- (f) against transit risks (whether the transit is by sea, inland water, land or air, or partly one and partly another), including risks incidental to the transit insured from the commencement of the transit to the ultimate destination covered by the insurance ; or
- (g) against any other risks insurance against which is customarily undertaken in conjunction with, or as incidental to, the undertaking of such business as falls within this definition by virtue of any of the foregoing paragraphs.

(5) In this Part of this Act, “motor vehicle insurance business” means the business of effecting and carrying out contracts of insurance against loss of, or damage to, or arising out of or in connection with the use of, motor vehicles, inclusive of third-party risks but exclusive of transit risks.

(6) In this Part of this Act “ordinary long-term insurance business” means business of any of the following kinds, namely,—

- (a) effecting and carrying out contracts of insurance on human life or contracts to pay annuities on human life ;
- (b) effecting and carrying out contracts of insurance against risks of the persons insured sustaining injury as the result of an accident or of an accident of a specified class or dying as the result of an accident or of an accident of a specified class or becoming incapacitated

PART II

in consequence of disease or of disease of a specified class, being contracts that are expressed to be in effect for a period of not less than five years or without limit of time and either are not expressed to be terminable by the insurer before the expiration of five years from the taking effect thereof or are expressed to be so terminable before the expiration of that period only in special circumstances therein mentioned ; and

- (c) effecting and carrying out contracts of insurance, whether effected by the issue of policies, bonds or endowment certificates or otherwise, whereby, in return for one or more premiums paid to the insurer, a sum or a series of sums is to become payable to the insured in the future, not being such contracts as fall within either of the foregoing paragraphs ;

but does not include industrial assurance business.

(7) In this Part of this Act, “pecuniary loss insurance business” means the business of effecting and carrying out contracts of insurance against any of the following risks, namely,—

- (a) risks of loss to the persons insured arising from the insolvency of debtors of theirs or from the failure (otherwise than through insolvency) of debtors of theirs to pay their debts when due ;
- (b) risks of loss to the persons insured arising from their having to perform contracts of guarantee entered into by them ;
- (c) risks of loss to the persons insured attributable to interruptions of the carrying on of business carried on by them or to reductions of the scope of businesses so carried on ;
- (d) risks of loss to the persons insured attributable to their incurring unforeseen expense ; and
- (e) risks neither falling within any of the foregoing paragraphs nor being of a kind such that the carrying on of the business of effecting and carrying out contracts of insurance against them constitutes the carrying on of insurance business of some other class.

(8) In this Part of this Act, “personal accident insurance business” means the business of effecting and carrying out contracts of insurance against risks of the persons insured sustaining injury as the result of an accident or of an accident of a specified class or dying as the result of an accident or of an accident of a specified class or becoming incapacitated in consequence of disease or of disease of a specified class, not being contracts falling within subsection (6)(b) above.

PART II (9) In this Part of this Act, "property insurance business" means the business of effecting and carrying out contracts of insurance against risks of loss of, or damage to, material property, not being risks of a kind such that the business of effecting and carrying out contracts of insurance against them constitutes marine, aviation and transport insurance business or motor vehicle insurance business.

Restriction
of carrying on
insurance
business.
1948 c. 38.

60.—(1) No person shall carry on in Great Britain insurance business of a class relevant for the purposes of this Part of this Act (other than industrial assurance business) except—

- (a) a company incorporated, whether under the Companies Act 1948 or otherwise, which is authorised by or under the following provisions of this Part of this Act to carry on business of that class or a registered society which is so authorised to carry on business of that class;
- (b) an unincorporated body of persons which is authorised by or under the said provisions to carry on business of that class, being a body which, immediately before 3rd November 1966, was carrying on in Great Britain insurance business (whether of that class or not);
- (c) a body registered under the Acts relating to friendly societies or to trade unions; or
- (d) a member of Lloyd's, or of any other association of underwriters approved for the purposes of this Part of this Act by the Board of Trade.

(2) No person shall carry on in Great Britain industrial assurance business except—

- (a) a company incorporated, whether under the Companies Act 1948 or otherwise, which is authorised by or under the following provisions of this Part of this Act to carry on such business or a registered society which is so authorised to carry on such business; or
- (b) a society registered under the Friendly Societies Act 1896, being a friendly society within the meaning of that Act.

1896 c. 25.

(3) No person shall carry on in the Isle of Man or any of the Channel Islands industrial assurance business except—

- (a) a company incorporated, whether under the Companies Act 1948 or otherwise, or a registered society; or
- (b) such a society as falls within paragraph (b) of the last foregoing subsection.

(4) A person who carries on business in contravention of any of the foregoing subsections shall be guilty of an offence and liable—

PART II

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both ;
- (b) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding £200, or to both.

61.—(1) In the case of insurance business of each class relevant for the purposes of this Part of this Act (other than industrial assurance business), the following shall, by virtue of this subsection, be authorised to carry it on in Great Britain, namely,—

Authorisations
for purposes
of section 60.

- (a) an incorporated company which, immediately before 3rd November 1966, was carrying it on in Great Britain ;
- (b) a registered society which, immediately before that day, was so carrying it on ; and
- (c) an unincorporated body of persons which, immediately before that day, was so carrying it on ;

(not being, as the case may be, a company, society or body that was then carrying on business in contravention of section 2(1) of the principal Act) and, in the case of industrial assurance business, the following shall, by virtue of this subsection, be authorised to carry it on in Great Britain, namely,—

- (i) an incorporated company which, immediately before 3rd November 1966, was carrying it on in Great Britain ; and
- (ii) a registered society which, immediately before that day, was so carrying it on ;

(not being, as the case may be, a company or society that was then carrying it on in contravention of the said section 2(1).

(2) Subject to the following provisions of this Part of this Act, the Board of Trade may, in the case of insurance business of each class relevant for the purposes of this Part of this Act (other than industrial assurance business), authorise the following to carry it on in Great Britain, namely,—

- (a) an incorporated company ;
- (b) a registered society ; and
- (c) an unincorporated body which, immediately before 3rd November 1966, was carrying on in Great Britain insurance business (whether of that class or not) ;

PART II and may, in the case of industrial assurance business, authorise an incorporated company and a registered society to carry it on in Great Britain.

Provisions for securing initial sufficiency of assets and capital of insurance companies.

62.—(1) The Board of Trade shall not issue under the last foregoing section an authorisation with respect to a company, society or body unless they are satisfied—

- (a) in a case in which the company, society or body is, when the authorisation is applied for, carrying on (whether within or outside Great Britain) general business, and has completed its first financial year, that the value of its assets exceeds the amount of its liabilities by the relevant amount ;
- (b) in any other case, that it has assets whose value amounts (after deduction, if it has liabilities, of the amount thereof) to not less than £50,000 ;

nor shall they so issue an authorisation with respect to a company having a share capital unless the amount paid up thereon is not less than £100,000.

(2) For the purposes of paragraph (a) of the foregoing subsection, the relevant amount, in the case of a company, society or body, is (subject to the next following subsection), in each of the cases set out in column 1 of the following Table, the amount specified in relation to that case in column 2 of that Table.

TABLE

| Case | Relevant Amount |
|---|--|
| 1. The general premium income of the company, society or body in its last preceding financial year did not exceed £250,000. | £50,000. |
| 2. The said income in that year exceeded £250,000 but did not exceed £2,500,000. | One fifth of the said income in that year. |
| 3. The said income in that year exceeded £2,500,000. | The aggregate of £500,000 and one tenth of the amount by which the said income in that year exceeded £2,500,000. |

(3) In the case of a company, society or body whose last preceding financial year was not a period of twelve months (other than one which has not completed its second financial year and whose first financial year was a period of less than

twelve months), the last foregoing subsection shall have effect with the substitution, for each number specified in the Table set out at the end thereof (other than 50,000 and 500,000), of one equal to the product derived by multiplying that number by the relevant fraction and, for each fraction so specified, of one equal to the quotient derived by dividing that fraction by the relevant fraction; and for the purposes of this subsection the relevant fraction is that whose numerator is the number of days in the company's, society's or body's last preceding financial year and whose denominator is 365.

(4) Subsection (2) (computation of liabilities and general premium income) of section 13 of the principal Act shall apply for the purposes of this section as it applies for the purposes of that.

(5) This section shall not apply to the issue of an authorisation to a company, society or body in a case in which the Board of Trade are satisfied that the purpose for which the authorisation is sought is to enable the company, society or body to carry on business for the purpose only of insuring persons of a limited class or of insuring persons against risks of a limited category of the class against which insurance cannot, in the absence of the authorisation, lawfully be undertaken by the company, society or body in the course of carrying on business in Great Britain.

63. The Board of Trade shall not, under section 61 of this Act, authorise a company, society or body to carry on insurance business of any class unless they are satisfied, as regards each class of risks against which, in the course of carrying on business, the company, society or body insures or proposes to insure persons, that adequate arrangements are in force or will be made for the reinsurance of risks of that class against which persons are, or are to be, insured by the company, society or body in the course of carrying on business or that it is justifiable not to make arrangements for that purpose.

Provisions for securing that risks insured are capable of being borne.

64. The Board of Trade shall not issue under section 61 of this Act an authorisation with respect to an incorporated company if it appears to them that—

Provisions for preventing unfit persons from being associated with insurance companies.

- (a) an officer of the company or of a body corporate of which it is the subsidiary; or
- (b) a person who is a person in accordance with whose directions or instructions the directors of the company or of a body corporate of which it is the subsidiary (or any of them) are accustomed to act or who is entitled to exercise, or control the exercise of, one third or more of the voting power at any general meeting of the

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company or of a body corporate of which it is the subsidiary ;

is not a fit and proper person to be associated with the company, nor shall they so issue an authorisation with respect to a registered society or an unincorporated body if it appears to them that an officer of the society or body is not a fit and proper person to be associated therewith.

Power of Board of Trade to impose requirements with respect to initial conduct of business.

65.—(1) Where the Board of Trade issue under section 61 of this Act an authorisation with respect to a company, society or body, they may, when they issue it, impose on the company, society or body all or any of the following requirements, namely,—

- (a) a requirement that the company, society or body shall not make investments of a specified class and shall, before the expiration of a specified period (or such longer period as the Board may allow), realise investments of that class held by it immediately before the requirement is imposed ;
- (b) a requirement that assets of the company, society or body to a value not less at any time than the amount of its domestic liabilities at that time shall be maintained in the United Kingdom ;
- (c) a requirement that assets of the company, society or body of a specified description, free from any mortgage or charge and to a value not less at any time than whichever is the greater of the following amounts, that is to say, the amount of a specified proportion of the domestic liabilities of the company, society or body at that time and £50,000, shall be maintained in the United Kingdom and that those assets, or, in the case of any of them to which there are documents of title, those documents, shall be held in the custody of a person approved for the purposes of this section by the Board of Trade ;
- (d) a requirement that the company, society or body shall, at specified times or intervals, furnish to the Board information about specified matters, being, if the Board so require, information verified in a specified manner.

(2) A requirement imposed by virtue of paragraph (b) or (c) of the foregoing subsection may either be so framed as to come into effect immediately after the day on which it is imposed or be so framed as to come into effect after the expiration of a specified period (or such longer period as the Board of Trade may allow).

(3) Assets of a company, society or body held in the custody of a person shall be taken to be held by him in compliance with a requirement imposed by virtue of paragraph (c) of subsection (1) above if, but only if, they are assets in whose case the company, society or body has given him written notice that they are to be held by him in compliance with such a requirement or they are assets into which assets in whose case the company, society or body has given him such written notice have, by any transaction or series of transactions, been transposed by him on the instructions of the company, society or body; and documents of title to assets of a company, society or body held in the custody of a person shall be taken to be held by him in compliance with such a requirement if, but only if, they are documents in whose case the company, society or body has given him notice that they are to be held by him in compliance with such a requirement.

(4) A requirement imposed under this section shall continue in force for such period, not extending beyond the expiration of the period of five years beginning with the day on which it is imposed, as the Board may specify when they impose it.

(5) The Board may rescind a requirement imposed under this section if it appears to them that it is no longer necessary for the requirement to continue in force, and may from time to time vary any such requirement (other than one imposed by virtue of paragraph (b) of subsection (1) above).

(6) When the Board impose under subsection (1)(c) of this section a requirement on a company, society or body, or rescind or vary a requirement so imposed, they shall forthwith serve—

(a) except where the requirement is one imposed on a registered society (other than one registered in Northern Ireland), on the registrar of companies;

(b) in the said excepted case, on the appropriate registrar as defined by section 73(1) of the Industrial and Provident Societies Act 1965; 1965 c. 12.

written notice stating that fact, and, in the case of a notice of the imposition of a requirement, setting out the terms of the requirement, in the case of a notice of the rescission of a requirement, identifying the requirement, and in the case of a notice of a variation of a requirement, identifying the requirement and setting out the terms of the variation.

(7) A notice served in pursuance of the last foregoing subsection on the registrar of companies shall be open to inspection,

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and a copy thereof may be procured by any person on payment of such fee as the Board may direct; and every document purporting to be certified by the registrar of companies, or by a person appointed in that behalf by the President of the Board of Trade, to be a copy of such a notice shall be deemed to be a copy of that notice and shall be received in evidence as if it were the original notice, unless some variation between it and the original be proved.

1965 c. 12.

(8) Section 71(1) of the Industrial and Provident Societies Act 1965 (which empowers the Treasury to make regulations respecting, inter alia, the inspection of documents kept by the appropriate registrar under that Act) shall have effect as if the reference to documents so kept included a reference to notices served in pursuance of subsection (6) above on the appropriate registrar.

(9) In this section, any reference to a domestic liability is a reference to a liability arising under a contract made in the United Kingdom, or under a contract of insurance made elsewhere, being a contract of insurance in whose case, if only one premium is payable thereunder, the premium, or, if more than one premium is payable thereunder, any of the premiums so payable, is payable or has been paid in the United Kingdom; and in computing the amount of any liabilities for the purposes of this section, all contingent and prospective liabilities shall be taken into account, but not liabilities in respect of share capital.

Provisions relating to assets subject to certain requirements imposed under section 65.

66.—(1) No assets held in the custody of a person in compliance with a requirement imposed by virtue of paragraph (c) of subsection (1) of the last foregoing section, and no documents so held in compliance with a requirement so imposed shall, so long as the requirement is in force, be withdrawn from the custody of that person except with the written consent of the Board of Trade.

(2) If a mortgage or charge is created by a company, society or body at a time when there is in force a requirement imposed on the company, society or body by virtue of paragraph (c) of subsection (1) of the last foregoing section, being a mortgage or charge conferring a security on any assets which are held in the custody of a person in compliance with the requirement or on any assets documents of title to which are so held in compliance with the requirement, the mortgage or charge shall, to the extent that it confers such a security, be void against the liquidator and any creditor of the company, society or body.

67.—(1) An authorisation under section 61 of this Act in whose case section 62 of this Act does not apply to the issue thereof may contain provision imposing on the company, society or body with respect to which it is issued either or both of the following obligations, namely,—

- (a) to refrain, in the course of carrying on business of the class to which the authorisation relates, from insuring persons other than of a specified class ; and
- (b) to refrain, as aforesaid, from insuring persons against risks other than of a specified class.

(2) An obligation binding on a company, society or body by virtue of the foregoing subsection may be discharged by the Board of Trade if it appears to them to be no longer necessary for the obligation to continue in force or may be varied at any time by them.

68.—(1) The Board of Trade may, in the case of an insurance company to which the principal Act applies, direct that, as regards each class of business relevant for the purposes of this Part of this Act that it is by or under section 61 of this Act authorised to carry on, it shall, in carrying on business of that class, be subject to the restriction appropriate to the carrying on of business of that class if—

- (a) it appears to the Board that the company has failed to satisfy an obligation to which it is subject by virtue of the principal Act or this Part of this Act ;
- (b) in a case in which the company is carrying on general business, the Board are not satisfied that it is not, by virtue of section 13(1) of the principal Act, to be deemed, for the purposes of section 222 of the Companies Act 1948, to be unable to pay its debts and, in a case in which it is not carrying on such business, they are not satisfied that the value of its assets exceeds the amount of its liabilities (including all prospective and contingent ones, but excluding those in respect of share capital) ;
- (c) the Board are not satisfied, as regards a class of risks against which the company insures persons (not being one in the case of which, in the opinion of the Board, it is justifiable for there not to be in force arrangements for the reinsurance of risks of that class against which persons are insured by the company in the course of carrying on business), that adequate arrangements are in force for that purpose ; or
- (d) there exists a ground on which the Board would, by section 64 of this Act, be prohibited from issuing,

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under section 61 of this Act, an authorisation with respect to the company if it were applied for.

(2) The Board of Trade may, in the case of an insurance company to which the principal Act applies, direct that, as regards a class of business relevant for the purposes of this Part of this Act that it is, under section 61(2) of this Act, authorised to carry on, it shall, in carrying on business of that class be subject to the restriction appropriate to the carrying on of business of that class, if it appears to the Board that the company furnished to the Board, when seeking authorisation under that section for the carrying on of business of that class, misleading or inaccurate information.

(3) Before exercising, with respect to a company, the power conferred by subsection (1) or (2) above, the Board shall serve on the company a written notice stating that they are considering exercising the power (specifying it) and,—

- (a) where the power in question is that conferred by subsection (1), specifying the ground on which they are considering exercising it and, if the ground is that specified in paragraph (a), (c) or (d) of that subsection, giving particulars thereof ;
- (b) where the power in question is that conferred by subsection (2), giving particulars of the ground on which they are considering exercising it ;

and inviting the company to make to the Board, within the period of one month from the date of the service of the notice, any representations that it desires to make with respect to the proposed exercise of the power ; and the Board may exercise the power after the expiration of the said period, but before deciding whether or not to do so, shall take into consideration any representations so made by the company and, if it so requests, afford it an opportunity of being heard by the Board within that period.

(4) For the purposes of this section,—

- (a) the restriction appropriate to the carrying on by an insurance company of industrial assurance business is that the company shall not effect a contract of insurance on human life or a contract to pay an annuity on human life ;
- (b) the restriction appropriate to the carrying on by an insurance company of liability insurance business is that the company shall not effect or vary any such contract of insurance as is mentioned in subsection (3) of section 59 of this Act ;
- (c) the restriction appropriate to the carrying on by an insurance company of marine, aviation and transport

insurance business is that the company shall not enter into or vary any such contract as is mentioned in subsection (4) of that section ;

- (d) the restriction appropriate to the carrying on by an insurance company of motor vehicle insurance business is that the company shall not enter into or vary any such contract as is mentioned in subsection (5) of that section ;
- (e) the restriction appropriate to the carrying on by an insurance company of ordinary long-term insurance business is that the company shall not effect a contract of insurance on human life or a contract to pay an annuity on human life or any such contract as is mentioned in paragraph (b) or (c) of subsection (6) of that section ;
- (f) the restriction appropriate to the carrying on by an insurance company of pecuniary loss insurance business is that the company shall not enter into or vary any such contract as is mentioned in subsection (7) of that section ;
- (g) the restriction appropriate to the carrying on by an insurance company of personal accident insurance business is that the company shall not enter into or vary any such contract as falls within subsection (8) of that section ; and
- (h) the restriction appropriate to the carrying on by an insurance company of property insurance business is that the company shall not enter into or vary any such contract as is mentioned in subsection (9) of that section.

(5) An insurance company which contravenes a restriction to which it is subject by virtue of subsection (1) or (2) above shall be guilty of an offence and liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both ;
- (b) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding £200, or to both.

(6) A direction given under this section by the Board of Trade may be withdrawn by them if it appears to them to be no longer necessary for the restriction subsisting by virtue thereof to continue in force.

(7) Notice of the giving under this section of a direction and of the withdrawal of a direction so given shall be published by

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(8) Any notice to be served under this section on a person may be served by post, and a letter containing the notice shall be deemed to be properly addressed if it is addressed to that person at his last known residence or last known place of business in Great Britain.

Power of Board of Trade to revoke authorisation for purposes of section 60 on company's ceasing to carry on business.

69.—(1) Authorisation to a company, society or body, either under subsection (1) of section 61 of this Act or under subsection (2) of that section, to carry on in Great Britain insurance business of a class relevant for the purposes of this Part of this Act may be revoked by the Board of Trade if the company, society or body ceases to carry on in Great Britain such business of that class, and authorisation to a company, society or body under the said subsection (2) to carry on in Great Britain such business of a class so relevant may be so revoked if the company, society or body does not, before the expiration of twelve months beginning with the day next following that on which the authorisation is issued, commence to carry on in Great Britain such business of that class.

(2) The revocation, under the foregoing subsection, of authorisation to carry on in Great Britain insurance business of a class shall be without prejudice to a subsequent issue, under section 61(2) of this Act, of authorisation to carry on in Great Britain such business of that class.

Alteration of Scope of the principal Act

Alteration of scope of the principal Act.

70.—(1) Subsection (1) of section 1 of the principal Act (which provides that, with certain exceptions, that Act shall apply to all insurance companies which carry on within Great Britain insurance business of all or any of the classes specified in that subsection) shall have effect with the omission of the words from “of all or any of the following classes” to the end of the subsection.

(2) In consequence of the foregoing subsection and of the classification of insurance business effected by section 59 of this Act, the provisions of the principal Act specified in column 1 of Schedule 5 to this Act shall have effect subject to the amendments respectively specified in relation thereto in column 2 of that Schedule; and, for the purposes of those provisions, as amended by that Schedule, the expression “ordinary long-term insurance business” shall have the meaning assigned to it by section 59(6) of this Act.

(3) Subsection (3) of the said section 1 (which requires certain companies carrying on insurance business outside Great Britain to be treated for the purposes of that Act as if they were carrying on such business in Great Britain) shall cease to have effect.

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Accounts, business Statements and cognate Matters

71.—(1) For section 4 (preparation of annual accounts and balance sheets) of the principal Act, there shall be substituted the following section:—

“4.—(1) Every insurance company to which this Act applies shall, with respect to each financial year of the company, prepare a revenue account for the year, a balance sheet as at the end of the year and a profit and loss account for the year or, in the case of a company not trading for profit, an income and expenditure account for the year.

Substitution
of new
provisions for
those of
section 4
(annual
accounts and
balance sheets)
of the
principal Act.

(2) The contents of the documents required by the foregoing subsection to be prepared shall be such as may be prescribed, but regulations may provide for enabling information required to be given by such documents to be given instead in a note thereon or statement or report annexed thereto or may require there to be given in such a note, statement or report such information in addition to that given in the documents as may be prescribed.

(3) Regulations may, as respects such matters stated in such documents as aforesaid or in statements or reports annexed thereto as may be prescribed, require there to be given by such persons as may be prescribed and to be annexed to the documents certificates of such matters as may be prescribed.

(4) If a form is prescribed for any such document as aforesaid or as that in which information authorised or required to be given in a statement or report annexed to any such document is to be given or for a certificate to be so annexed, the document shall be prepared, the information shall be given or, as the case may be, the certificate shall be framed, in that form.

(5) The Board of Trade may, on the application or with the consent of an insurance company, modify, in relation to that company, any of the requirements imposed by or by virtue of the foregoing provisions of this section for the purpose of adapting them to the circumstances of the company”.

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(2) For the purposes of section 8 (deposit of accounts, &c., with Board of Trade) of the principal Act, any reference to an account or balance sheet shall include any statement or report annexed thereto giving information authorised or required by virtue of section 4(2) of that Act to be so given and any certificate so annexed by virtue of section 4(3) of that Act.

(3) In section 34(5) (power to alter forms) of the principal Act the reference to any form prescribed by regulations made by the Board of Trade under that Act shall not include a form so prescribed by virtue of section 4 of that Act.

(4) In so far as any regulation made under section 4 of the principal Act as originally enacted could have been made under the section substituted therefor by this section, it shall not be invalidated by the substitution but shall have effect as if it had been made under the section so substituted.

Substitution of new provisions for those of section 9 (audit of accounts) of the principal Act.

72.—(1) For section 9 (audit of accounts) of the principal Act there shall be substituted the following section:—

“9.—(1) The accounts and balance sheets of every insurance company to which this Act applies shall be audited in the prescribed manner by a person of the prescribed description, and regulations made for the purposes of this section may apply to such companies the provisions of the Companies Acts 1948 to 1967 relating to audit, subject to such adaptations and modifications as may appear necessary or expedient.

(2) In the foregoing subsection, the reference to accounts and balance sheets shall include any statement or report annexed thereto giving information authorised or required by virtue of section 4(2) of this Act to be given in a statement or report so annexed”.

(2) The proviso to subsection (3) of section 34 of the principal Act (which excepts regulations made under the said section 9 from the requirement of that subsection that a statutory instrument containing regulations under that Act shall be subject to annulment in pursuance of a resolution of either House of Parliament) shall not apply to regulations made under the section substituted for the said section 9 by this section.

(3) In so far as any regulation made under section 9 of the principal Act as originally enacted could have been made under the section substituted therefor by this section, it shall not be invalidated by the substitution but shall have effect as if it had been made under the section so substituted.

73.—(1) The appropriate authority may extend or shorten, PART II
for the purposes of the principal Act, the duration of any Powers of
financial year of an insurance company to which that Act Board of
applies. Trade and
Industrial

(2) In this section, “appropriate authority”, in relation to Assurance
Commissioner
a company, means— to alter

(a) except in the case of a company which carries on in insurance
companies’
Great Britain no insurance business other than in- financial
dustrial assurance business, the Board of Trade; and years.

(b) in the said excepted case, the Industrial Assurance
Commissioner.

74. For section 7 of the principal Act (which requires a Statements of
company carrying on accident insurance business to prepare business by
annually in the prescribed form a statement of that business), insurance
companies.
there shall be substituted the following section:—

“7.—(1) Classes of insurance business may be prescribed
for the purposes of this section, and every insurance com-
pany to which this Act applies that carries on such business
of a prescribed class shall annually prepare the prescribed
statement of business of that class, being, if a form is
prescribed for the statement, a statement in the prescribed
form.

(2) The Board of Trade may, on the application or with
the consent of an insurance company, modify, in relation to
that company, the requirements of the foregoing subsection
for the purpose of adapting them to the circumstances of
the company”.

75.—(1) Section 8(1) of the principal Act (which requires Signing of
the deposit at the Board of Trade of four copies of an insur- accounts, &c.,
ance company’s accounts, &c., of which one shall be signed of insurance
by the chairman and two directors of the company and by the companies.
principal officer of the company and, if the company has a
managing director, by the managing director) shall have effect
with the substitution, for the words from “signed by the chair-
man” to “the managing director”, of the words “signed
by the secretary or manager, if any, and where there are more
than two directors of the company by at least two of those
directors, and where there are not more than two directors by
all the directors”.

(2) This section shall come into operation at the expiration
of the period of three months beginning with the day on which
this Act is passed.

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Powers of Board of Trade and Industrial Assurance Commissioner to permit withholding from public of information harmful to insurance company's business.

76.—(1) If, in the opinion of the appropriate authority, the disclosure of information contained in a statement or report annexed to a document prepared in pursuance of section 4(1) of the principal Act by an insurance company or in a statement prepared in pursuance of section 7 of that Act by such a company would be harmful to the business of the company or of any of its subsidiaries, that authority may dispense the company from complying with the obligation imposed by section 8(6) of that Act to forward a copy of the document containing the information to a shareholder or policy holder who applies for it.

(2) A dispensation granted under the foregoing subsection with reference to a document shall operate to render inapplicable thereto so much of section 30(1) of the principal Act as lays open to inspection by any person the document or a certified copy thereof and entitles any person to procure copies of the document or of a certified copy thereof.

(3) In this section, “appropriate authority”, in relation to a document, means—

- (a) except in the case of a document relating only to industrial assurance business, the Board of Trade; and
- (b) in the said excepted case, the Industrial Assurance Commissioner.

Additional copy of accounts, &c., to be deposited by industrial or provident society.

77.—(1) A registered society (other than one registered in Northern Ireland) shall, in addition to depositing with the Board of Trade (as required by subsection (1) of section 8 of the principal Act) four copies of each account, balance sheet, extract, statement or report required by that Act, deposit, within the time limited by virtue of that subsection for depositing them, a copy with the appropriate registrar, being a copy signed by the like persons as those by whom the copies deposited under that section are required to be signed.

(2) Subsection (3) of the said section 8 (deposit with every revenue account and balance sheet of a company of any report on the affairs of the company submitted to its shareholders or policy holders in respect of the financial year to which the account and balance sheet relate) shall have effect in relation to the deposit by virtue of this section of accounts and balance sheets as it has effect in relation to the deposit by virtue of that section of accounts and balance sheets.

1965 c. 12.

(3) Section 71(1) of the Industrial and Provident Societies Act 1965 shall have effect as if the reference to documents kept by the appropriate registrar under that Act included a reference to documents deposited in pursuance of this section.

(4) In this section, "appropriate registrar" has the meaning assigned to it by section 73(1) of the Industrial and Provident Societies Act 1965. PART II
1965 c. 12.

Actuarial Valuations

78. As from the expiration of the period of two years beginning with the day on which this Act is passed, section 5(1)(a) of the principal Act (which, as amended by this Act, imposes on an insurance company to which that Act applies on industrial assurance business or ordinary long-term business the requirement that it shall, once in every five years or at such shorter intervals as may be prescribed by the deed of settlement of the company, or by its regulations or byelaws, cause an investigation to be made into its financial condition, including a valuation of its liabilities, by an actuary) shall have effect with the substitution, for the reference to five years, of a reference to three years. Reduction of maximum intervals between actuarial valuations required by section 5 of the principal Act.

Insolvency and Winding up

79.—(1) For subsection (1) of section 13 (margin of solvency) of the principal Act, there shall be substituted the following subsection:— Margin of solvency for general business.

"(1) An insurance company to which this Act applies, being a company which carries on (whether within or outside Great Britain) general business, shall be deemed for the purposes of section two hundred and twenty-two of the Companies Act 1948 (which authorises the court to wind up a company unable to pay its debts), to be unable to pay its debts if, at any time in its first financial year, the value of its assets does not exceed the amount of its liabilities by £50,000, or if, at any time after the expiration of that year, the value of its assets does not exceed the amount of its liabilities by the amount which is the relevant amount for the purposes of section 62(1)(a) of the Companies Act 1967; and the provisions of this Act as to winding up shall have effect accordingly". 1948 c. 38.

(2) Subject to the provisions of the following subsection, the Board of Trade may, at any time before the expiration of the period of two years beginning with the day on which this Act is passed, direct that, until the expiration of such period (expiring not later than the expiration of the period aforesaid) as may be specified in the direction, the subsection substituted by the foregoing subsection shall, in its application to an insurance company so specified, being one which, immediately before the passing of this Act, was carrying on (whether within or outside

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Great Britain) business which then constituted general business for the purposes of the principal Act, have effect subject to such relaxative modifications as may be so specified.

(3) The power conferred by the last foregoing subsection on the Board of Trade shall not be exercisable in relation to a company so long as a petition to wind it up is before the court.

Provision for securing that a company's solvency is maintained.

80.—(1) If it appears to the appropriate authority that the business of an insurance company to which the principal Act applies is being so conducted that there is a risk of the company's becoming insolvent, that authority may impose on the company all or any of the following requirements, namely:—

- (a) a requirement that the company shall not make investments of a specified class and shall, before the expiration of a specified period (or such longer period as the appropriate authority may allow), realise investments of that class held by it immediately before the requirement is imposed ;
- (b) a requirement that assets of the company to a value not less at any time than the amount of its domestic liabilities at that time shall be maintained in the United Kingdom ;
- (c) a requirement that assets of the company of a specified description, free from any mortgage or charge and to a value not less at any time than whichever is the greater of the following amounts, that is to say, the amount of a specified proportion of the domestic liabilities of the company, society or body at that time and £50,000, shall be maintained in the United Kingdom and that those assets, or, in the case of any of them to which there are documents of title, those documents, shall be held in the custody of a person approved for the purposes of this section by the appropriate authority ;
- (d) a requirement that the company shall take all such steps as are requisite to secure that the aggregate of the premiums to be received by it in consideration of the undertaking by it, during a specified period beginning not earlier than twenty-eight clear days after the requirement is imposed, of liabilities in the course of carrying on business of a specified class (being one of the classes relevant for the purposes of this Part of this Act) shall not exceed a specified amount ;
- (e) a requirement that the company shall, at specified times or intervals, furnish to the appropriate authority information about specified matters, being, if that authority so require, information verified in a specified manner.

(2) Subsections (2) and (3) of section 65 of this Act shall have effect for the purposes of this section subject to the modifications that, in the said subsection (2), for the reference to paragraph (b) or (c) of section 65(1), there shall be substituted a reference to paragraph (b) or (c) of subsection (1) of this section, and, for the reference to the Board of Trade, there shall be substituted a reference to the appropriate authority, and, in the said subsection (3), for the reference to paragraph (c) of section 65(1), there shall be substituted a reference to paragraph (c) of subsection (1) of this section; and section 66 of this Act shall have effect where a requirement is imposed by virtue of paragraph (c) of subsection (1) above as it does where a requirement is imposed by virtue of paragraph (c) of section 65(1) of this Act, subject to the modifications that, for any reference to paragraph (c) of the said section 65(1), there shall be substituted a reference to paragraph (c) of subsection (1) of this section, and for the reference to the Board of Trade, there shall be substituted a reference to the appropriate authority.

(3) In relation to a company which carries on in Great Britain no insurance business other than industrial assurance business, paragraph (d) of subsection (1) above shall have effect with the substitution, for the words "business of a specified class (being one of the classes relevant for the purposes of this Part of this Act)", of the words "industrial assurance business".

(4) A requirement imposed under this section may be rescinded by the appropriate authority if it appears to it that it is no longer necessary for the requirement to continue in force.

(5) When the appropriate authority imposes under subsection (1)(c) of this section a requirement on a company or rescinds a requirement so imposed, it shall forthwith serve—

- (a) except where the requirement is one imposed on a registered society (other than one registered in Northern Ireland), on the registrar of companies;
- (b) in the said excepted case, on the appropriate registrar as defined by section 73(1) of the Industrial and Provident Societies Act 1965;

written notice stating that fact and, in the case of a notice of the imposition of a requirement, setting out the terms of the requirement and, in the case of a notice of the rescission of a requirement, identifying the requirement.

(6) Subsections (7) and (8) of section 65 of this Act shall have effect for the purposes of this section subject to the modification that, for any reference to a notice served in pursuance of

PART II subsection (6) of that section, there shall be substituted a reference to a notice served in pursuance of the last foregoing subsection.

(7) In this section, "appropriate authority", in relation to a company, means—

(a) except in the case of a company which carries on in Great Britain no insurance business other than industrial assurance business, the Board of Trade; and

(b) in the said excepted case, the Industrial Assurance Commissioner;

and "domestic liabilities" shall be construed in accordance with section 65(9) of this Act.

Board of
Trade's powers
to petition for
winding up
of insurance
company.
1948 c. 38.

81. For subsection (2) of section 15 of the principal Act (which empowers the Board of Trade, with the leave of the court, to present a petition for the winding up, in accordance with the Companies Act 1948, of an insurance company subject to be wound up under that Act, on the ground that it is unable to pay its debts or that an investigation under section 14 of the principal Act by an inspector appointed by the Board has been obstructed), there shall be substituted the following subsection:—

"(2) The Board of Trade may present a petition for the winding up, in accordance with the Companies Act 1948, of an insurance company to which this Act applies, being a company which may be wound up by the court under the provisions of the said Act of 1948, on the ground—

(a) that the company is unable to pay its debts within the meaning of sections two hundred and twenty-two and two hundred and twenty-three of the said Act of 1948; or

(b) that the company has failed to satisfy an obligation to which it is subject by virtue of section four, five or seven of this Act or that there has, in the case of the company, been a failure to comply with subsection (1), (3), (5) or (6) of section eight of this Act or with section nine of this Act or any provision applied by regulations made for the purposes of that section; or

(c) that the company, being under the obligation imposed by section one hundred and forty-seven of the said Act of 1948 with respect to the keeping of proper books of account, has failed to satisfy

that obligation or to produce books kept in satisfaction of that obligation and that the Board of Trade are unable to ascertain the financial position of the company ”.

PART II

Obligation to notify Changes in Officers and Control of Company and holding Company

82.—(1) Every insurance company to which the principal Act applies which is a body corporate shall, upon a person's becoming or ceasing to be, an officer of the company, or acquiring or relinquishing control of the company, be under obligation to notify the Board of Trade in writing of that fact and of his name, and every insurance company to which the principal Act applies which is not a body corporate shall, upon a person's becoming or ceasing to be, an officer of the company, be under a corresponding obligation.

Obligation of insurance company to notify Board of Trade of changes in officers and control of company and holding company.

(2) Every insurance company to which the principal Act applies, being a body corporate which is the subsidiary of another such body, shall upon a person's becoming, or ceasing to be, an officer of, or acquiring or relinquishing control of, a body corporate which is its holding company (within the meaning of the Companies Act 1948), be under obligation to notify the Board of Trade in writing of that fact and of his name.

1948 c. 38.

(3) An obligation imposed on a company by this section must be fulfilled before the expiration of the period of fourteen days beginning with the day next following that on which both the fact of its being under the obligation and the identity of the person whose name must be notified in discharge of it are first known to the company.

(4) For the purposes of this section a person shall be taken to be in control of a company if he is entitled to exercise, or control the exercise, of one third or more of the voting power at any general meeting of the company.

83.—(1) A person who acquires or relinquishes control of an insurance company to which the principal Act applies or, if it is a body corporate, of another body corporate which is its holding company (within the meaning of the Companies Act 1948) shall, before the expiration of the period of seven days beginning with the day next following that on which he does so, notify the company in writing of that fact and, if he fails so to do, shall be liable—

Obligation of person who acquires or relinquishes control of insurance company or insurance company's holding company to notify it of that fact.

(a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both ;

PART II

(b) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding £200, or to both.

(2) Subsection (4) of the last foregoing section shall have effect for the purpose of this section as it has effect for the purposes of that section.

Penalization of furnishing false Information

Penalization of furnishing false information under Part II or the principal Act.

84.—(1) A person who—

(a) for the purpose of obtaining the issue of an authorisation under section 61 of this Act or in purported compliance with a requirement imposed under section 65 or 80 of this Act to furnish information, furnishes information which he knows to be false in a material particular or recklessly furnishes information which is so false ; or

(b) causes or permits to be included in—

(i) any account, balance-sheet, abstract or statement whereof copies are, by section 8 of the principal Act, required to be deposited with the Board of Trade ;

(ii) any statement, agreement, deed or report whereof a certified copy is, by section 12 of that Act, required to be so deposited ; or

(iii) any statement or declaration which is, by the last-mentioned section, required to be so deposited ;
any statement which he knows to be false in a material particular or recklessly causes or permits to be so included any statement which is so false ;

shall be guilty of an offence.

(2) A person guilty of an offence under this section shall be liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both ;

(b) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding £200, or to both.

Penalties and legal Proceedings

Penalty for non-compliance with Part II or the principal Act.

85.—(1) An insurance company which makes default in complying with a requirement of this Part of this Act, being a default for which no express penalty is provided, or makes, after the passing of this Act, default in complying with a requirement of the principal Act shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £200.

(2) Section 26(2) of the principal Act (default by a company in complying with a requirement of that Act, if continued for three months after notice thereof, to be a ground for winding up the company) shall cease to have effect.

PART II

86.—(1) An industrial assurance company (within the meaning of the Industrial Assurance Act 1923) which, after the passing of this Act,—

Penalty on industrial assurance company for non-compliance with enactments relating to industrial assurance.
1923 c. 8.
1948 c. 39.
1951 c. 65.

(a) contravenes or fails to comply with any of the provisions of the Industrial Assurance Act 1923, the Industrial Assurance and Friendly Societies Act 1948 or Part VI of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, of regulations made for the purposes of section 8 of the said Act of 1948 or of regulations made under section 57 of the said Act of 1951 ;

(b) contravenes or fails to comply with any directions given under the Industrial Assurance Act 1923 by the Industrial Assurance Commissioner ;

(c) contravenes the proviso to section 1(1) of the Industrial Assurance and Friendly Societies Act 1929 (which proviso limits the sums which may be insured or paid for funeral expenses) ;

1929 c. 28.

(d) fails to comply with a claim made in accordance with the provisions of subsection (1) of section 3 (rights of owners of certain endowment policies) of the last-mentioned Act ; or

(e) issues such a premium receipt book as is mentioned in subsection (3) of the last-mentioned section which does not comply with the provisions of that subsection ;

shall, subject to the next following subsection, be guilty of an offence.

(2) Such a company shall not be guilty of an offence under this section consisting in its insuring in contravention of subsection (2) of section 2 of the Industrial Assurance and Friendly Societies Act 1948 (power to insure life of parent or grandparent for not more than £30) if it is proved that, owing to any false representation on the part of the proposer, the company did not know that the insurance was in contravention of that subsection.

(3) A company guilty of an offence under this section shall be liable, on summary conviction, to a fine not exceeding £200.

(4) So far as regards section 3(1) of the Industrial Assurance and Friendly Societies Act 1929, this section shall not prejudice

PART II any liability of a company subsisting otherwise than by virtue of this section.

Penalty on friendly society for offence under Industrial Assurance Act 1923. 1896 c. 25. 1923 c. 8.

87. The maximum penalty that may be inflicted on a society registered under the Friendly Societies Act 1896, being a friendly society within the meaning of that Act, for an offence under the Industrial Assurance Act 1923 committed after the passing of this Act shall, instead of being a fine not exceeding £100 or, in the case of a continuing offence, a fine not exceeding £50 a day during which the offence continues, be a fine not exceeding £200; and, accordingly, section 39(1) of the said Act of 1923 shall, in relation to an offence under that Act so committed by a society so registered, being such a friendly society as aforesaid, have effect with the substitution, for the proviso thereto, of the following proviso:—

“Provided that the maximum penalty that may be inflicted for an offence under this Act shall be a fine not exceeding £200”.

Proceedings against unincorporated bodies for offences under Part II.

88.—(1) Proceedings for an offence alleged to have been committed under this Part of this Act by an unincorporated body shall be brought in the name of that body (and not in that of any of its members), and for the purposes of any such proceedings, any rules of court relating to the service of documents shall have effect as if that body were a corporation.

(2) A fine imposed on an unincorporated body on its conviction of an offence under this Part of this Act shall be paid out of the funds of that body.

1925 c. 86. 1949 c. 101. 1952 c. 55.

(3) Section 33 of the Criminal Justice Act 1925 (as amended by section 15(7) of the Justices of the Peace Act 1949) and Schedule 2 to the Magistrates' Courts Act 1952 (procedure on charge of offence against a corporation) shall have effect in a case in which an unincorporated body is charged in England or Wales with an offence under this Part of this Act in like manner as they have effect in the case of a corporation so charged.

1949 c. 94.

(4) In relation to any proceedings on indictment in Scotland for an offence alleged to have been committed under this Part of this Act by an unincorporated body, section 40 of the Criminal Justice (Scotland) Act 1949 (proceedings on indictment against bodies corporate) shall have effect as if the said body were a body corporate.

Criminal liability of directors, &c.

89.—(1) Where an offence under this Part of this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any

neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

PART II

(2) For the purposes of the foregoing subsection, a person shall be deemed to be a director of a body corporate if he is a person in accordance with whose directions or instructions the directors of the body or any of them act.

90. Subsections (2) to (5) (both inclusive) of section 49 of this Act shall apply to, and in connection with, summary proceedings for offences under this Part of this Act and to informations relating to offences thereunder which are triable summarily as they apply to, and in connection with, such proceedings for offences under the Companies Act 1948 and Part I of this Act and to informations relating to offences thereunder that are triable summarily, but subject to the modification of the inclusion, after the references to the Board of Trade, of references to the Industrial Assurance Commissioner.

Application of certain provisions of Part I to summary proceedings in respect of offences under Part II.
1948 c. 38.

91. Proceedings in respect of an offence under this Part of this Act shall not, in England or Wales, be instituted except by, or with the consent of, the Board of Trade, the Industrial Assurance Commissioner or the Director of Public Prosecutions.

Restriction of institution of proceedings in respect of offences under Part II.

Other Matters

92.—(1) Where, on the application of a company, incorporated whether under the Companies Act 1948 or otherwise, of a registered society or of an unincorporated body of persons, the Board of Trade—

Power of Board of Trade to exempt certain companies from sections 4, 5, 7 to 9 and 13 of the principal Act.

- (a) are satisfied that the company, society or body is carrying on in Great Britain, or is about so to carry on, business for the purpose only of insuring persons of a limited class or of insuring persons against risks of a limited category of the class against which insurance may lawfully be undertaken by the company, society or body in the course of carrying on business in Great Britain; and
- (b) are satisfied, as regards any of the following provisions of the principal Act, that is to say, sections 4, 5, 7 to 9 and 13, that, in the case of the company, society or body, that provision is or will be inappropriate or unduly onerous;

the Board may by order direct that, subject to such (if any) conditions as may be specified in the order, that provision

PART II shall not apply to the company, society or body, or may so direct that (subject as aforesaid) that provision shall, in its application to the company, society or body, have effect subject to such relaxative modifications as may be so specified.

(2) An order made under this section may be revoked by the Board of Trade—

- (a) on the application of the company, society or body to which it applies ;
- (b) if the Board are satisfied that the benefits accruing to the company, society or body by virtue of the order can no longer be justified ; or
- (c) if the Board are satisfied that a condition specified in the order has not been complied with ;

and the Board may, from time to time, amend an order so made.

Power of Board of Trade to adapt section 3 of the principal Act.

93.—(1) The Board of Trade may, on the application or with the consent of an insurance company to which the principal Act applies,—

- (a) by order direct that, for the purposes of section 3 of that Act (separation of funds relating to certain classes of business) in its application to the company, insurance business of a kind specified in the order, not being ordinary long-term insurance business, shall be treated as being such business ; or
- (b) by order direct that, for the purposes of that section in its application to the company, ordinary long-term insurance business of a kind so specified shall be treated as not being such business.

(2) An order under this section may be revoked at any time by the Board of Trade.

Circumstances in which persons carrying on insurance business of certain classes are to be taken as not carrying on also such business of other classes.

94.—(1) For the purposes of this Part of this Act, a person shall not be taken to carry on liability insurance business by reason only of the incidental inclusion, in a contract of insurance whose principal object is to insure a person against risks of a kind such that the business of effecting and carrying out contracts of insurance against them constitutes property insurance business, of provision whereby he assumes liability against the risk of the person insured incurring liabilities to third parties.

(2) For the purposes of this Part of this Act, a person shall not be taken to carry on marine, aviation and transport insurance business by reason only of the incidental inclusion, in a contract of insurance whose principal object is to insure a person against risks of a kind such that the business of effecting and carrying

PART II

out contracts of insurance against them constitutes insurance business of some other class, of provision whereby he assumes a liability of a kind whose assumption by itself in a contract of insurance would make that contract such a one as is mentioned in section 59(4) of this Act.

(3) For the purposes of this Part of this Act, a person shall not be taken to carry on motor vehicle insurance business by reason only of the fact that goods, merchandise or property upon which a contract of insurance is effected by him (being goods, merchandise or property on board of a vessel or aircraft) consist of, or include, motor vehicles.

(4) For the purposes of this Part of this Act and of sections 3, 5 and 11 of the principal Act, a person shall not be taken to carry on ordinary long-term insurance business by reason only of the incidental inclusion in a contract of insurance whose principal object is to insure a person against risks of a kind such that the business of effecting and carrying out contracts of insurance against them constitutes marine, aviation and transport insurance business, motor vehicle insurance business or property insurance business, of provision whereby he assumes liability against the happening of personal accidents (whether fatal or not).

(5) For the purposes of this Part of this Act, a person shall not be taken to carry on pecuniary loss insurance business by reason only of the incidental inclusion, in a contract of insurance whose principal object is to insure a person against risks of a kind such that the business of effecting and carrying out contracts of insurance against them constitutes marine, aviation and transport insurance business, motor vehicle insurance business or property insurance business, of provision whereby he assumes liability against such risks as are mentioned in section 59(7)(c) and (d) of this Act.

(6) For the purposes of this Part of this Act, a person shall not be taken to carry on personal accident insurance business by reason only of the incidental inclusion, in a contract of insurance whose principal object is to insure a person against risks of a kind such that the business of effecting and carrying out contracts of insurance against them constitutes marine, aviation and transport insurance business, motor vehicle insurance business or property insurance business, of provision whereby he assumes liability against the happening of personal accidents (whether fatal or not).

95. A person who carries on pecuniary loss insurance business solely in the course of carrying on banking business and for the purposes of that business shall be excepted from the operation of section 60 of this Act so far as regards such insurance business, and the principal Act shall not apply to a person by reason only

Exception
for bankers.

PART II that, in the course of carrying on banking business and for the purposes of that business, he carries on such insurance business.

Power of Industrial Assurance Commissioner to exempt Northern Irish collecting societies from provisions of Industrial Assurance Acts 1923 to 1958.

96.—(1) The Industrial Assurance Commissioner may, on the application of a collecting society registered in Northern Ireland, by order exempt it from any provision of the Industrial Assurance Acts 1923 to 1958 if he is satisfied that the existence of a provision of an enactment of the Parliament of Northern Ireland renders it unnecessary for the first-mentioned provision to apply to the society.

(2) The Industrial Assurance Commissioner may by order revoke an order made under the foregoing subsection with respect to a society, but the revocation shall not take effect until—

(a) such period as may be specified in the order (which shall not be less than the four weeks next after the making thereof) has expired; and

(b) notice that the order has been made has been published in the London and Edinburgh Gazettes;

and where he does so he shall, within the three days next after doing so, give written notice to the society that he has done so.

Construction (as to Northern Ireland) of certain references. 1923 c. 8. 1896 c. 25.

97. In section 1(5) of the principal Act and in section 60(1)(c) of this Act, the expression "Acts" shall include Acts of the Parliament of Northern Ireland, and in sections 60(2)(b) and 87 of this Act and section 1(1A) of the Industrial Assurance Act 1923 references to the Friendly Societies Act 1896 shall include references to that Act as it applies in Northern Ireland and to any enactment of the Parliament of Northern Ireland re-enacting that Act (whether with or without modifications).

Annual report by Board of Trade.

98. The Board of Trade shall cause a general annual report of matters within the principal Act and this Part of this Act to be laid before Parliament.

Amendments (of minor nature or consequential on Part II) of the principal Act and the Industrial Assurance Act 1923.

99. The provisions of the principal Act specified in column 1 of Part I of Schedule 6 to this Act shall have effect subject to the amendments respectively specified in relation thereto in column 2 of that Part of that Schedule, and the provisions of the Industrial Assurance Act 1923 specified in column 1 of Part II of that Schedule shall have effect subject to the amendments respectively specified in relation thereto in column 2 of that Part of that Schedule (being, in each case, amendments of a minor nature or consequential on this Part of this Act).

- 100.** The following provisions of the Industrial Assurance Act 1923 shall cease to have effect, namely,—
- PART II
Repeal of certain provisions of section 18 of the Industrial Assurance Act 1923 and of Schedule 2 thereto. 1923 c. 8. 1896 c. 25.
- (a) section 18(1)(b) (basis of valuation of liabilities of collecting society or industrial assurance company);
- (b) in section 18(1)(g) (power of Industrial Assurance Commissioner to require collecting society to furnish information additional to that required to be furnished under section 28 of the Friendly Societies Act 1896, and industrial assurance company to furnish information additional to that required to be furnished under the principal Act), the words “ all or any of such particulars as are mentioned in the Second Schedule to this Act, and ”; and
- (c) Schedule 2.

101. Any reference in the principal Act or in an order under Schedule 2 thereto which is in force at the passing of this Act to an enactment contained in that Act which is amended by this Part of this Act shall, unless the context otherwise requires, be construed as referring to that enactment as so amended.

Construction of references to enactments contained in the principal Act.

- 102.—**(1) Except where the context otherwise requires,—
- Interpretation of Part II.
- (a) any reference in this Part of this Act to a provision of the principal Act which is amended by this Part of this Act shall be taken as referring to that provision as so amended;
- (b) any expression to which a meaning is assigned by the principal Act for the purposes of that Act has that meaning also for the purposes of this Part of this Act.

(2) In this Part of this Act, “ registered society ” means a society registered or deemed to be registered under the Industrial and Provident Societies Act 1965 or any corresponding enactment in force in Northern Ireland, “ subsidiary ” shall be construed in accordance with section 154 of the Companies Act 1948, “ officer ” includes (except where the context otherwise requires) a director, manager or secretary, and “ director ” includes any person occupying the position of director, by whatever name called.

1965 c. 12.
1948 c. 38.

(3) A person shall not be deemed to be within the meaning of any provision of this Part of this Act a person in accordance with whose directions or instructions the directors of a company or other body corporate or any of them are accustomed to act by reason only that the directors of the body act on advice given by him in a professional capacity.

PART II

(4) References in this Part of this Act to a body corporate shall be construed as not including a corporation sole or a Scottish firm but as including a body incorporated outside Great Britain.

Temporary limitations of effect of alteration of scope of the principal Act.

103. Notwithstanding anything in this Act—

- (a) until such day as the Board of Trade may by order (made by statutory instrument) appoint, section 4 of the principal Act shall apply only to companies to which it would have applied had this Act not passed ;
- (b) until the expiration of the period of one year beginning with the day on which this Act is passed, section 3 of the principal Act (separation of funds relating to certain classes of business) and section 11 thereof (amalgamations and transfers) shall have effect as if this Act had not passed ; and
- (c) until the expiration of the period of two years beginning with the day on which this Act is passed, section 13 of the principal Act shall have effect as if this Act (with the exception of sections 62 and 79 thereof) had not passed, and the references, in section 68(1)(b) of this Act, to general business shall be construed accordingly ;

and nothing in this Act shall have effect in relation to the winding up of an insurance company commenced before the passing of this Act.

Saving for discharge of liabilities lawfully assumed before passing of this Act.

104. A company, society or body shall not be taken to carry on insurance business in contravention of section 60 of this Act by reason only of its carrying on business for the purpose of discharging liabilities lawfully assumed by it before the passing of this Act.

Saving for certain orders under Schedule 2 to the principal Act.

105. An order under paragraph 2, 3 or 11 of Schedule 2 to the principal Act which is in force at the passing of this Act shall have effect by virtue of this section but shall be subject to revocation or amendment as if made under section 92 of this Act.

Revocation of provisions of companies' memorandums of association restricting carrying on of insurance business.

106. Any provision of a company's memorandum of association that expressly precludes it from carrying on insurance business of any class shall cease to have effect.

Extent of Part II and Schedules 5 and 6

Northern Ireland.

107. This Part of this Act, and Schedules 5 and 6 thereto, shall not extend to Northern Ireland.

108.—(1) The provisions of this Act specified in subsection (3) below shall extend to the Isle of Man subject to such of the modifications specified in section 103 of the Friendly Societies Act 1896 as are relevant in the circumstances; and, notwithstanding anything in section 11 of the Petty Sessions and Summary Jurisdiction Act 1927 (an Act of Tynwald), a complaint relating to an offence under section 60 or 86 of this Act which is triable by a court of summary jurisdiction in the Isle of Man may be so tried if it is made at any time within three years after the commission of the offence and within twelve months after the date on which evidence sufficient in the opinion of the Attorney General of the Isle of Man to justify the proceedings comes to his knowledge, and for this purpose a certificate of the said Attorney General as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence.

Part II
The Isle of
Man and the
Channel
Islands.
1896 c. 25.

(2) The provisions of this Act specified in the following subsection shall extend to the Bailiwick of Jersey subject to such of the modifications specified in section 104(1) of the Friendly Societies Act 1896 as are relevant in the circumstances and to the Bailiwick of Guernsey subject to such of the modifications specified in section 104(2) of that Act as are so relevant.

(3) The provisions of this Act referred to in subsections (1) and (2) above are the following, namely,—

- (a) subsection (3) of section 60 and subsection (4) thereof so far as it relates to carrying on business in contravention of the first-mentioned subsection;
- (b) sections 86 and 87;
- (c) section 89, so far as it relates to offences under subsection (4) of section 60 consisting in carrying on business in contravention of subsection (3) thereof and offences under section 86;
- (d) section 90, so far as it applies section 49(2) to offences specified in the last foregoing paragraph;
- (e) section 96, so far as it relates to the Industrial Assurance 1923 c. 8. Act 1923;
- (f) section 97;
- (g) section 99 and Schedule 6, so far as they relate to the Industrial Assurance Act 1923;
- (h) section 100;
- (i) section 102(2), so far as it defines “registered society” and “director”, and section 102(3).

PART III

INSPECTION OF COMPANIES' BOOKS AND PAPERS

Power of
Board of
Trade to
require
production
of documents.
1948 c. 38.

109.—(1) The Board of Trade may at any time, if they think there is good reason so to do, give directions to any such body as follows, namely,—

- (a) a company formed and registered under the Companies Act 1948 ;
- (b) an existing company within the meaning of that Act ;
- (c) a company to which the said Act of 1948 applies by virtue of section 378 thereof or which is registered under that Act by virtue of Part VIII thereof ;
- (d) a body corporate incorporated in, and having a principal place of business in, Great Britain, being a body to which any of the provisions of the said Act of 1948 with respect to prospectuses and allotments apply by virtue of section 435 of that Act ;
- (e) a body corporate incorporated outside Great Britain which is carrying on business in Great Britain or has at any time carried on business therein ;
- (f) a body other than as aforesaid, and whether incorporated or not, which is, or appears to the Board to be, an insurance company to which the Insurance Companies Act 1958 applies ;

1958 c. 72.

requiring the body, at such time and place as may be specified in the directions, to produce such books or papers as may be so specified, or may at any time, if they think there is good reason so to do, authorise any officer of theirs, on producing (if required so to do) evidence of his authority, to require any such body as aforesaid to produce to him forthwith any books or papers which the officer may specify.

(2) Where by virtue of the foregoing subsection the Board of Trade have, or an officer of the Board has, power to require the production of any books or papers from any body, the Board or officer shall have the like power to require production of those books or papers from any person who appears to the Board or officer to be in possession of them ; but where any such person claims a lien on books or papers produced by him, the production shall be without prejudice to the lien.

(3) Any power conferred by or by virtue of this section to require a body or other person to produce books or papers shall include power—

- (a) if the books or papers are produced—
 - (i) to take copies of them or extracts from them ;
 - and

(ii) to require that person, or any other person who is a present or past officer of, or is or was at any time employed by, the body in question, to provide an explanation of any of them ;

(b) if the books or papers are not produced, to require the person who was required to produce them to state, to the best of his knowledge and belief, where they are.

(4) If a requirement to produce books or papers or provide an explanation or make a statement which is imposed by virtue of this section is not complied with, the body or other person on whom the requirement was so imposed shall be guilty of an offence and liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding £200, or to both ; but where a person is charged with an offence under this subsection in respect of a requirement to produce any books or papers, it shall be a defence to prove that they were not in his possession or under his control and that it was not reasonably practicable for him to comply with the requirement.

(5) A statement made by a person in compliance with a requirement imposed by virtue of this section may be used in evidence against him.

110.—(1) If a justice of the peace is satisfied on information on oath laid by an officer of the Board of Trade, or laid under the authority of the Board, that there are reasonable grounds for suspecting that there are on any premises any books or papers of which production has been required by virtue of the last foregoing section and which have not been produced in compliance with that requirement, the justice may issue a warrant authorising any constable, together with any other persons named in the warrant and any other constables, to enter the premises specified in the information (using such force as is reasonably necessary for the purpose) and to search the premises and take possession of any books or papers appearing to be such books or papers as aforesaid, or to take, in relation to any books or papers so appearing, any other steps which may appear necessary for preserving them and preventing interference with them. Entry and search of premises.

(2) Every warrant issued under this section shall continue in force until the end of the period of one month after the date on which it is issued.

(3) Any books or papers of which possession is taken under this section may be retained for a period of three months or, if within that period there are commenced any such criminal proceedings as are mentioned in subsection (1)(a) or (b) of the

PART III next following section (being proceedings to which the books or papers are relevant) until the conclusion of those proceedings.

(4) A person who obstructs the exercise of a right of entry or search conferred by virtue of a warrant issued under this section, or who obstructs the exercise of a right so conferred to take possession of any books or papers, shall be guilty of an offence and liable, on summary conviction, to imprisonment for a term not exceeding three months, or to a fine not exceeding £200, or to both.

(5) In the application of this section to Scotland, any reference to a justice of the peace includes a reference to the sheriff and to a magistrate.

Provision for
security of
information.

1963 c. 16.

111.—(1) No information or document relating to a body which has been obtained under section 109 of this Act or the last foregoing section, or under section 18 (power of Board of Trade to require production of documents) or 19 (entry and search of premises) of the Protection of Depositors Act 1963, shall, without the previous consent in writing of that body, be published or disclosed, except to a competent authority, unless the publication or disclosure is required—

1948 c. 38.

1958 c. 72.

(a) with a view to the institution of, or otherwise for the purposes of, any criminal proceedings pursuant to, or arising out of, the Companies Act 1948, the Insurance Companies Act 1958, the Protection of Depositors Act 1963 or this Act or any criminal proceedings for an offence entailing misconduct in connection with the management of the body's affairs or misapplication or wrongful retainer of property of its;

1947 c. 14.

(b) with a view to the institution of, or otherwise for the purposes of, any criminal proceedings pursuant to, or arising out of the Exchange Control Act 1947;

(c) for the purpose of enabling the Board of Trade to consider whether or not they should exercise with respect to the body a power conferred on them by Part II of this Act;

(d) for the purpose of complying with any requirement, or exercising any power, imposed or conferred by the Companies Act 1948 with respect to reports made by inspectors appointed thereunder by the Board;

(e) with a view to the institution by the Board under section 37 of this Act of proceedings with reference to the body or otherwise for the purposes of such proceedings instituted by them under that section;

(f) with a view to the institution by the Board of proceedings for the winding up under the Companies Act 1948 of the body or otherwise for the purposes of proceedings instituted by them for that purpose; or

(g) for the purposes of proceedings under the last foregoing section.

(2) A person who publishes or discloses any information or document in contravention of this section shall be guilty of an offence and liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both;

(b) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding £200, or to both.

(3) For the purposes of this section—

(a) in relation to information or a document relating to a body other than one carrying on industrial assurance business (as defined by section 1(2) of the Industrial Assurance Act 1923), each of the following shall be a competent authority, namely, the Board of Trade, an officer of theirs, an inspector appointed under the Companies Act 1948 by the Board, the Treasury and an officer of theirs;

(b) in relation to information or a document relating to a body carrying on industrial assurance business (as so defined), each of the following shall be a competent authority, namely, the Board of Trade, an officer of theirs, an inspector appointed as aforesaid, the Industrial Assurance Commissioner, an officer of his, the Treasury and an officer of theirs.

112. In consequence of the enactment of the three last foregoing sections, no notice shall be served under subsection (1) of section 14 (investigation of company of doubtful solvency) of the Insurance Companies Act 1958 after the passing of this Act, and no direction shall be given under subsection (1) or authorisation conferred under subsection (2) of section 18 of the Protection of Depositors Act 1963 after the passing of this Act.

Consequential
cesser of powers
under section 14
of the Insurance
Companies Act 1958
and section 18 of
the Protection of
Depositors Act
1963.
1958 c. 72.
1963 c. 16.

113.—(1) A person, being an officer of any such body as is mentioned in paragraphs (a) to (e) of section 109(1) of this Act or a body other than as aforesaid, being an insurance company to which the Insurance Companies Act 1958 applies, who destroys, mutilates or falsifies, or is privy to the destruction, mutilation or falsification of a document affecting or relating to the property or affairs of the body, or makes or is privy to the making of a

Penalization
of destruction,
mutilation,
&c., of
company
documents.

PART III

false entry in such a document, shall, unless he proves that he had no intention to conceal the state of affairs of the body or to defeat the law, be guilty of an offence.

(2) Such a person as aforesaid who fraudulently either parts with, alters or makes an omission in any such document, or who is privy to fraudulent parting with, fraudulent altering or fraudulent making of an omission in, any such document, shall be guilty of an offence.

(3) A person guilty of an offence under this section shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both ;
- (b) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding £200, or to both.

Penalization
of furnishing
false informa-
tion under
Part III.

114.—(1) A person who, in purported compliance with a requirement imposed under section 109 of this Act to provide an explanation or make a statement, provides or makes an explanation or statement which he knows to be false in a material particular or recklessly provides or makes an explanation or statement which is so false shall be guilty of an offence.

(2) A person guilty of an offence under this section shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both ;
- (b) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding £200, or to both.

Application
for purposes
of Part III,
of certain
provisions of
Parts I and II.
1948 c. 38.

115.—(1) Subsections (2) to (5) (both inclusive) of section 49 of this Act shall apply to, and in connection with, summary proceedings for offences under this Part of this Act and to informations relating to offences thereunder which are triable summarily as they apply to, and in connection with, such proceedings for offences under the Companies Act 1948 and Part I of this Act and to informations relating to offences thereunder that are triable summarily.

(2) Sections 88, 89 (as read with 102(3)) and 91 of this Act shall have effect in relation to offences under this Part of this Act as they have effect in relation to offences under Part II of this Act.

Saving for
solicitors and
bankers.

116.—(1) Nothing in this Part of this Act shall compel the production by a solicitor of a document containing a privileged communication made by or to him in that capacity or authorise the taking of possession of any such document which is in his possession.

(2) The Board of Trade shall not, under section 109 of this Act, require, or authorise an officer of theirs to require, the production by a person carrying on the business of banking of a document relating to the affairs of a customer of his unless either it appears to them that it is necessary so to do for the purpose of investigating the affairs of the first-mentioned person or the customer is a person on whom a requirement has been imposed by virtue of that section.

PART III

117. References in this Part of this Act to books or papers shall be construed as if they were contained in the Companies Act 1948.

Interpretation of Part III.
1948 c. 38.

118. This Part of this Act shall not extend to Northern Ireland.

Extent of Part III.

PART IV

PARTNERSHIPS

119. Section 429 of the Companies Act 1948 (which prohibits the formation of a company, association or partnership consisting of more than ten persons for the purpose of carrying on the business of banking unless it is registered as a company under the Companies Act 1948, or is formed in pursuance of some other Act, or of letters patent) shall not prohibit the formation of a partnership consisting of not more than twenty persons each of whom is for the time being authorised by the Board of Trade to be a member of a partnership formed for that purpose and consisting of not more than twenty persons.

Exemption from prohibition imposed by section 429 of the Companies Act 1948 of formation of banking partnerships with more than ten members.

120.—(1) Section 434 of the Companies Act 1948 (which prohibits the formation of a company, association or partnership consisting of more than twenty persons for the purpose of carrying on a business (other than the business of banking) for gain as therein mentioned unless it is registered as a company under the Companies Act 1948, or is formed in pursuance of some other Act or of letters patent, or is such a company as is therein mentioned working mines within the stannaries) shall not prohibit the formation—

Exemptions from prohibition imposed by section 434 of the Companies Act 1948 of the formation of other partnerships with more than twenty members.

- (a) for the purpose of carrying on practice as solicitors, of a partnership consisting of persons each of whom is a solicitor ;
- (b) for the purpose of carrying on practice as accountants, of a partnership consisting of persons each of whom falls within either paragraph (a) or paragraph (b) of section 161(1) of the Companies Act 1948 ;

PART IV

(c) for the purpose of carrying on business as members of a recognised stock exchange, of a partnership consisting of persons each of whom is a member of that exchange.

(2) The Board of Trade may by regulations made by statutory instrument provide that the said section 434 shall not apply to the formation (otherwise than as permitted by virtue of the foregoing subsection), for a purpose specified in the regulations, of a partnership of a description so specified.

(3) In this section “recognised stock exchange” means any body of persons which is for the time being a recognised stock exchange for the purposes of the Prevention of Fraud (Investments) Act 1958, and “solicitor”, in relation to England and Wales, means solicitor of the Supreme Court, and, in relation to Scotland, means a person enrolled or deemed to have been enrolled as a solicitor in pursuance of the Solicitors (Scotland) Act 1933.

1958 c. 45.

1933 c. 21.

Exemptions from prohibition imposed by section 4 of the Limited Partnerships Act 1907 of limited partnerships with more than twenty members.
1948 c. 38.
1907 c. 24.

121.—(1) So much of section 4(2) of the Limited Partnerships Act 1907 as provides that a limited partnership (other than a partnership carrying on the business of banking) shall not consist of more than twenty persons shall not apply—

- (a) to a partnership carrying on practice as solicitors and consisting of persons each of whom is a solicitor ;
- (b) to a partnership carrying on practice as accountants and consisting of persons each of whom falls within either paragraph (a) or paragraph (b) of section 161(1) of the Companies Act 1948 ;
- (c) to a partnership carrying on business as members of a recognised stock exchange and consisting of persons each of whom is a member of that exchange.

(2) The Board of Trade may by regulations made by statutory instrument provide that so much of section 4(2) of the said Act of 1907 as provides that a limited partnership (other than a partnership carrying on the business of banking) shall not consist of more than twenty persons shall not apply to a partnership (other than one permitted by virtue of the foregoing subsection) carrying on business of a description specified in the regulations, being a partnership of a description so specified.

(3) In this section “recognised stock exchange” and “solicitor” have the same meanings respectively as in the last foregoing section.

Extent of Part IV.

122. This Part of this Act shall not extend to Northern Ireland.

PART V

MONEYLENDERS

123.—(1) A certificate given by the Board of Trade that they are satisfied that a person can properly be treated for the purposes of the Moneylenders Acts 1900 to 1927 as being a person bona fide carrying on the business of banking shall, for those purposes, be conclusive evidence that he is so carrying on that business.

Board of Trade's certificate that a person is a banker to be conclusive evidence of that fact for the purposes of the Moneylenders Acts 1900 to 1927.

(2) If, upon an application (made before the expiration of the period of six months beginning with the day on which this Act is passed) for the issue of a certificate under the foregoing subsection, the applicant satisfies the Board of Trade that he can, as respects a period before the issue of the certificate (whether beginning before or after the passing of this Act), properly be treated for the purposes of the said Acts as having been a person who was bona fide carrying on the business of banking, they may certify that they are so satisfied (specifying the period in question), and the certificate shall, for those purposes, be conclusive evidence that, as respects that period, he was so carrying on that business.

(3) A certificate given under subsection (1) above with respect to a person may be revoked by the Board of Trade if they cease to be satisfied as respects him as mentioned in that subsection, but the revocation shall be without prejudice to the effect of the certificate as respects any period before the revocation.

124. Section 1 of the Money-lenders Act 1911 (which, so far as it is in force in Great Britain, relates only to agreements made with, or security taken by, moneylenders before 1st January 1928 and to transfers of money or property made on the faith of the validity of agreements made with moneylenders before that day) shall cease to have effect.

Repeal of section 1 of Money-lenders Act 1911. 1911 c. 38.

125. This Part of this Act shall not extend to Northern Ireland.

Extent of Part V.

PART VI

MISCELLANEOUS AND GENERAL

126. Anything required or authorised by or under the Money-lenders Act 1900, the Companies Act 1948, the Insurance Companies Act 1958 or this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board or any person authorised in that behalf by the President.

Functions of Board of Trade under Acts relating to moneylenders and companies. 1900 c. 51. 1948 c. 38. 1958 c. 72.

PART VI
Amendment
of Protection
of Depositors
Act 1963.
1963 c. 16.

127.—(1) The Protection of Depositors Act 1963 shall be amended as follows.

(2) In sections 2(2) and 25(2), the words “within the meaning of paragraph 23 of Schedule 8 to the Companies Act 1948” (which there qualify “banking or discount company”) shall be omitted.

(3) In section 27(1) (general interpretation), for the definition of “audited accounts”, there shall be substituted the following definitions:—

“‘audited accounts’, in relation to a company, means accounts audited by a person who is qualified for appointment as auditor of that company, other than a person so qualified by virtue of section 13 of the Companies Act 1967;

‘banking or discount company’ means a company which satisfies the Board of Trade that it ought to be treated for the purposes of this Act as a banking company or as a discount company”.

(4) This section shall come into operation at the expiration of the period of six months beginning with the day on which this Act is passed.

Repeal of
provisions of Civil
Aviation Act 1949
as to compulsory
third party
insurance.
1949 c. 67

128. The following provisions of the Civil Aviation Act 1949 shall cease to have effect, namely, sections 43 to 46, section 49(1) and Schedule 6.

Cesser of spent
or obsolete
enactments.

129.—(1) The enactments specified in columns 1 and 2 of Schedule 7 to this Act (which, to the extent specified in column 3 of that Schedule, are spent or obsolete) shall cease to have effect to that extent.

(2) This section, and Schedule 7 to this Act, so far as they relate to the Industrial Assurance Acts 1923 to 1948, shall extend to the Isle of Man and the Channel Islands.

Short title,
citation and
repeal.

1948 c. 38.

1961 c. 46.

1958 c. 72.

1923 c. 8.

130.—(1) This Act may be cited as the Companies Act 1967.

(2) The Companies Act 1948, the Companies (Floating Charges) (Scotland) Act 1961 and Part I of, and Schedules 1 to 4 (both inclusive) to, this Act may be cited together as the Companies Acts 1948 to 1967.

(3) The Insurance Companies Act 1958 and Part II of this Act, Schedule 5 to this Act and Part I of Schedule 6 thereto may be cited together as the Insurance Companies Acts 1958 to 1967.

(4) In consequence of the foregoing provisions of this Act—

(a) each of the provisions of the Industrial Assurance Act 1923 specified in column 1 of Part I of Schedule 8 to

- this Act shall, to the extent specified in relation to it in column 2 of that Part, be repealed at the time so specified in column 3 thereof; PART VI
- (b) the provision of the Industrial Assurance and Friendly Societies Act 1929 specified in column 1 of Part II of that Schedule shall, to the extent specified in column 2 of that Part, be repealed at the time specified in column 3 thereof; 1929 c. 28
 - (c) each of the provisions of the Companies Act 1948 specified in column 1 of Part III of that Schedule to this Act shall, to the extent specified in relation to it in column 2 of that Part, be repealed at the time so specified in column 3 thereof; 1948 c. 38.
 - (d) the provision of the Industrial Assurance and Friendly Societies Act 1948 specified in column 1 of Part IV of that Schedule shall, to the extent specified in column 2 of that Part, be repealed at the time specified in column 3 thereof; 1948 c. 39.
 - (e) the provision of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 specified in column 1 of Part V of that Schedule shall, to the extent specified in column 2 of that Part be repealed at the time specified in column 3 thereof; 1951 c. 65.
 - (f) each of the provisions of the Insurance Companies Act 1958 specified in column 1 of Part VI of that Schedule shall, to the extent specified in relation to it in column 2 of that Part, be repealed at the time so specified in column 3 thereof; 1958 c. 72.
 - (g) each of the provisions of the Protection of Depositors Act 1963 specified in column 1 of Part VII of that Schedule shall, to the extent specified in relation to it in column 2 of that Part, be repealed at the time so specified in column 3 thereof; 1963 c. 16
 - (h) the provision of the Trading Stamps Act 1964 specified in column 1 of Part VIII of that Schedule shall, to the extent specified in column 2 of that Part, be repealed at the times specified in column 3 thereof; 1964 c. 71.
 - (i) each of the provisions of the Administration of Justice Act 1965 specified in column 1 of Part IX of that Schedule shall, to the extent specified in relation to it in column 2 of that part, be repealed at the time so specified in column 3 thereof; 1965 c. 2.

and this subsection and Schedule 8 to this Act, so far as they relate to the Industrial Assurance Acts 1923 to 1948 and to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, shall extend to the Isle of Man and the Channel Islands.

SCHEDULES

SCHEDULE 1

Sections 9, 10,
56, 57 & 130.

1948 c. 38.

AMENDMENTS OF SCHEDULE 8 TO THE COMPANIES ACT 1948

Amendment of preliminary Matter

1. In paragraph 1, after the word "holding", there shall be inserted the words "or subsidiary".

Amendments of Balance Sheet Provisions

2. In paragraph 2(a), for the words "and the earliest date on which the company has power to redeem those shares", there shall be substituted the words "the earliest and latest dates on which the company has power to redeem those shares, whether those shares must be redeemed in any event or are liable to be redeemed at the option of the company and whether any (and, if so, what) premium is payable on redemption".

3. In paragraph 4, in sub-paragraph (1), for the words "fixed and current assets", there shall be substituted the word "assets", and for sub-paragraph (2) there shall be substituted the following sub-paragraph:—

"(2) Fixed assets, current assets and assets that are neither fixed nor current shall be separately identified".

4. In paragraph 5(2), for head (c), there shall be substituted the following:—

"(c) to any quoted investments or to any unquoted investments of which the value as estimated by the directors is shown either as the amount of the investments or by way of note; or".

5. After paragraph 5, there shall be inserted the following paragraph:—

"5A. In the case of unquoted investments consisting in equity share capital (as defined by subsection (5) of section 154 of this Act) of other bodies corporate (other than any whose values as estimated by the directors are separately shown, either individually or collectively or as to some individually and as to the rest collectively, and are so shown either as the amount thereof or by way of note), the matters referred to in the following heads shall, if not otherwise shown, be stated by way of note or in a statement or report annexed:—

(a) the aggregate amount of the company's income for the financial year that is ascribable to the investments;

(b) the amount of the company's share before taxation, and the amount of that share after taxation, of the net aggregate amount of the profits of the bodies in which the investments are held, being profits for the several periods to which accounts sent by them during

the financial year to the company related, after deducting those bodies' losses for those periods (or vice versa);

- (c) the amount of the company's share of the net aggregate amount of the undistributed profits accumulated by the bodies in which the investments are held since the time when the investments were acquired, after deducting the losses accumulated by them since that time (or vice versa);
- (d) the manner in which any losses incurred by the said bodies have been dealt with in the company's accounts".

6. In paragraph 6, for the words "The aggregate amounts respectively of capital reserves, revenue reserves and provisions", there shall be substituted the words "The aggregate amounts respectively of reserves and provisions"; and in paragraph (a) of the proviso, for the words "any of the said three amounts", there shall be substituted the words "either of the said amounts".

7.—(1) In paragraph 7(1), in head (a), for the words "the amount of the capital reserves, of the revenue reserves or of the provisions", there shall be substituted the words "the amount of the reserves or of the provisions", and in head (b)(i), for the words "the amount of the capital reserves or of the revenue reserves", there shall be substituted the words "the amount of the reserves".

(2) In paragraph 7(2), for the words "any of the reserves or provisions aforesaid", there shall be substituted the words "the reserves or any of the provisions aforesaid".

8. After paragraph 7, there shall be inserted the following paragraph:—

"7A. If an amount is set aside for the purpose of its being used to prevent undue fluctuations in charges for taxation, it shall be stated".

9.—(1) Paragraph 8 shall be amended as follows.

(2) For head (a) of sub-paragraph (1), there shall be substituted the following:—

"(a) the aggregate amounts respectively of the company's quoted investments and unquoted investments".

(3) For head (d) of sub-paragraph (1), there shall be substituted the following:—

"(d) the aggregate amount of bank loans and overdrafts and the aggregate amount of loans made to the company which—

(i) are repayable otherwise than by instalments and fall due for repayment after the expiration of the period of five years beginning with the day next following the expiration of the financial year; or

(ii) are repayable by instalments any of which fall due for payment after the expiration of that period;

not being, in either case, bank loans or overdrafts"

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(4) In head (e) of sub-paragraph (1), for the words "net aggregate amount (after deduction of income tax)", there shall be substituted the words "aggregate amount (before deduction of income tax)".

(5) In sub-paragraph (3), the words "other than trade investments" shall be omitted.

(6) At the end of the paragraph, there shall be added the following sub-paragraph:—

"(4) In relation to each loan falling within head (d) of sub-paragraph (1) of this paragraph (other than a bank loan or overdraft), there shall be stated by way of note (if not otherwise stated) the terms on which it is repayable and the rate at which interest is payable thereon:

Provided that if the number of loans is such that, in the opinion of the directors, compliance with the foregoing requirement would result in a statement of excessive length, it shall be sufficient to give a general indication of the terms on which the loans are repayable and the rates at which interest is payable thereon".

10.—(1) Paragraph 11 shall be amended as follows.

(2) At the end of sub-paragraph (6), there shall be added the words "and, where practicable, the aggregate amount or estimated amount, if it is material, of capital expenditure authorised by the directors which has not been contracted for".

(3) After sub-paragraph (6) there shall be inserted the following sub-paragraphs:—

"(6A) In the case of fixed assets under any heading whose amount is required to be arrived at in accordance with paragraph 5(1) of this Schedule (other than unquoted investments) and is so arrived at by reference to a valuation, the years (so far as they are known to the directors) in which the assets were severally valued and the several values, and, in the case of assets that have been valued during the financial year, the names of the persons who valued them or particulars of their qualifications for doing so and (whichever is stated) the bases of valuation used by them.

(6B) If there are included amongst fixed assets under any heading (other than investments) assets that have been acquired during the financial year, the aggregate amount of the assets acquired as determined for the purpose of making up the balance sheet, and if during that year any fixed assets included under a heading in the balance sheet made up with respect to the immediately preceding financial year (other than investments) have been disposed of or destroyed, the aggregate amount thereof as determined for the purpose of making up that balance sheet.

(6C) Of the amount of fixed assets consisting of land, how much is ascribable to land of freehold tenure and how much to land of leasehold tenure, and, of the latter, how much is ascribable to land held on long lease and how much to land held on short lease".

(4) In sub-paragraph (8), the words "other than trade investments" shall be omitted.

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(5) After sub-paragraph (8), there shall be inserted the following sub-paragraphs:—

"(8A) If a sum set aside for the purpose of its being used to prevent undue fluctuations in charges for taxation has been used during the financial year for another purpose, the amount thereof and the fact that it has been so used.

(8B) If the amount carried forward for stock in trade or work in progress is material for the appreciation by its members of the company's state of affairs or of its profit or loss for the financial year, the manner in which that amount has been computed".

(6) In sub-paragraph (10), for the words "income tax", there shall be substituted the words "corporation tax".

Amendments of Profit and Loss Account Provisions

11.—(1) Paragraph 12 shall be amended as follows.

(2) In sub-paragraph (1), for heads (b) and (c), there shall be substituted the following:—

"(b) the amount of the interest on loans of the following kinds made to the company (whether on the security of debentures or not), namely, bank loans, overdrafts and loans which, not being bank loans or overdrafts,—

(i) are repayable otherwise than by instalments and fall due for repayment before the expiration of the period of five years beginning with the day next following the expiration of the financial year; or

(ii) are repayable by instalments the last of which falls due for payment before the expiration of that period; and the amount of the interest on loans of other kinds so made (whether on the security of debentures or not);

(c) the amount of the charge to revenue for United Kingdom corporation tax and, if that amount would have been greater but for relief from double taxation, the amount which it would have been but for such relief, the amount of the charge for United Kingdom income tax and the amount of the charge for taxation imposed outside the United Kingdom of profits, income and (so far as charged to revenue) capital gains".

(3) In sub-paragraph (1), for head (g), there shall be substituted the following:—

"(g) the amounts respectively of income from quoted investments and income from unquoted investments;

(ga) if a substantial part of the company's revenue for the financial year consists in rents from land, the amount thereof (after deduction of ground-rents, rates and other outgoings);

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(gb) the amount, if material, charged to revenue in respect of sums payable in respect of the hire of plant and machinery ”.

(4) In sub-paragraph (1)(h), after the word “ amount ”, there shall be inserted the words “ (before deduction of income tax) ”.

(5) At the end of the paragraph, there shall be added the following sub-paragraphs:—

“ (3) If, in the case of any assets in whose case an amount is charged to revenue by way of provision for depreciation or diminution in value, an amount is also so charged by way of provision for renewal thereof, the last-mentioned amount shall be shown separately.

(4) If the amount charged to revenue by way of provision for depreciation or diminution in value of any fixed assets (other than investments) has been determined otherwise than by reference to the amount of those assets as determined for the purpose of making up the balance sheet, that fact shall be stated ”.

12. After paragraph 12, there shall be inserted the following paragraph:—

“ 12A. The amount of any charge arising in consequence of the occurrence of an event in a preceding financial year and of any credit so arising shall, if not included in a heading relating to other matters, be stated under a separate heading ”.

13. In paragraph 13, for the words “ If the remuneration of the auditors is not fixed by the company in general meeting, the amount thereof ”, there shall be substituted the words “ The amount of the remuneration of the auditors ”.

14. After paragraph 13, there shall be inserted the following paragraph:—

“ 13A.—(1) The matters referred to in sub-paragraphs (2) to (4) below shall be stated by way of note, if not otherwise shown.

(2) The turnover for the financial year, except in so far as it is attributable to the business of banking or discounting or to business of such other class as may be prescribed for the purposes of this sub-paragraph.

(3) If some or all of the turnover is omitted by reason of its being attributable as aforesaid, the fact that it is so omitted.

(4) The method by which turnover stated is arrived at.

(5) A company shall not be subject to the requirements of this paragraph if it is neither a holding company nor a subsidiary of another body corporate and the turnover which, apart from this sub-paragraph, would be required to be stated does not exceed £50,000 ”.

15.—(1) Paragraph 14 shall be amended as follows.

(2) In sub-paragraph (3), after the words “ charge for ”, there shall be inserted the words “ United Kingdom corporation tax and ”.

(3) After sub-paragraph (3), there shall be inserted the following sub-paragraph:—

“(3A) Any special circumstances which affect liability in respect of taxation of profits, income or capital gains for the financial year or liability in respect of taxation of profits, income or capital gains for succeeding financial years”.

(4) Sub-paragraph (4) shall be omitted.

Amendments of Provisions as to Modifications of and Additions to Requirements as to Company's Accounts where it is a holding or subsidiary Company

16. In paragraph 15(2)(a), after the word “investments”, there shall be inserted the words “(except those in paragraphs 11(6B) and 12(4))”.

17. At the end of paragraph 16(1), there shall be added the words “and the aggregate amount of assets consisting of shares in fellow subsidiaries”.

18. In paragraph 18, after the words “this Act” there shall be inserted the words “and the Companies Act 1967”.

19. In paragraph 19, after the words “this Act” there shall be inserted the words “and sections four and six to eight of the Companies Act 1967”.

Amendments of exceptive Provisions

20. In paragraph 23, in sub-paragraph (1), for heads (a) and (b) there shall be substituted the following:—

“(a) as respects its balance sheet, those of paragraphs 2 and 3, paragraph 4 (so far as it relates to assets), paragraph 8 (except sub-paragraphs (1)(d) and (4)), paragraphs 9 and 10 and paragraph 11 (except sub-paragraphs (6A), (6B), (6C), (8) and (8A)); and

(b) as respects its profit and loss account, those of sub-paragraph (1)(ga) and (h) of paragraph 12, paragraphs 12A and 13 and sub-paragraphs (1) and (5) of paragraph 14”; and for the words “capital reserves, revenue reserves” and the words “such a reserve or provision”, there shall be substituted respectively the word “reserves” and the words “a reserve or such a provision”.

21.—(1) Paragraph 24 shall be amended as follows.

(2) For so much of sub-paragraph (1) as precedes the proviso, there shall be substituted the following:—

“An insurance company to which the Insurance Companies 1958 c. 72 Act 1958 applies shall not be subject to the following requirements of Part I of this Schedule, that is to say—

(a) as respects its balance sheet, those of paragraphs 4 to 7 (both inclusive), sub-paragraphs (1)(a) and (3) of paragraph 8 and sub-paragraphs (4), (5) and (6A) to (8) (both inclusive) of paragraph 11;

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(b) as respects its profit and loss account, those of paragraph 12 (except sub-paragraph (1)(b), (c), (d) and (h)) and paragraph 14(2);

but, where in its balance sheet reserves or provisions (other than provisions for depreciation, renewals or diminution in value of assets) are not stated separately, any heading stating an amount arrived at after taking into account a reserve or such a provision shall be so framed or marked as to indicate that fact, and its profit and loss account shall indicate by appropriate words the manner in which the amount stated for the company's profit or loss has been arrived at".

(3) After sub-paragraph (2) there shall be inserted the following sub-paragraph :—

"(2A) The accounts of a company shall not be deemed, by reason only of the fact that they do not comply with any requirement of Part I of this Schedule from which the company is exempt by virtue of this paragraph, not to give the true and fair view required by this Act".

(4) In the proviso to sub-paragraph (1) and in sub-paragraphs (2) and (3), for the word "assurance" (wherever occurring) there shall be substituted the word "insurance".

22.—(1) Paragraph 25 shall be amended as follows.

(2) For sub-paragraph (1) there shall be substituted the following sub-paragraph :—

"(1) A shipping company shall not be subject to the following requirements of Part I of this Schedule, that is to say—

(a) as respects its balance sheet, those of paragraph 4 (except so far as it relates to assets), paragraphs 5, 6 and 7 and sub-paragraphs (6A) and (6B) of paragraph 11;

(b) as respects its profit and loss account, those of sub-paragraph (1)(a), (e) and (f) and sub-paragraphs (3) and (4) of paragraph 12 and paragraph 13A".

(3) For sub-paragraph (3) there shall be substituted the following sub-paragraph :—

"(3) In this paragraph the expression 'shipping company' means a company which, or a subsidiary of which, owns ships or includes amongst its activities the management or operation of ships, being a company which satisfies the Board of Trade that, in the national interest, it ought to be treated for the purposes of this paragraph as a shipping company".

Amendments of interpretative Provisions

23. In paragraph 27(1), at the end of head (b) there shall be added the words "or any sum set aside for the purpose of its being used to prevent undue fluctuations in charges for taxation", and head (c) shall be omitted.

24. At the end of the Schedule, there shall be added the following paragraphs:—

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“29. For the purposes aforesaid, the expression ‘long lease’ means a lease in the case of which the portion of the term for which it was granted remaining unexpired at the end of the financial year is not less than fifty years, the expression ‘short lease’ means a lease which is not a long lease and the expression ‘lease’ includes an agreement for a lease.

30. For the purposes aforesaid, a loan shall be deemed to fall due for repayment, and an instalment of a loan shall be deemed to fall due for payment, on the earliest date on which the lender could require repayment or, as the case may be, payment if he exercised all options and rights available to him.

31. In the application of this Schedule to Scotland, ‘land of freehold tenure’ means land in respect of which the company is the proprietor of the *dominium utile* or, in the case of land not held on feudal tenure, is the owner; ‘land of leasehold tenure’ means land of which the company is the tenant under a lease; and the reference to ground-rents, rates and other outgoings includes a reference to feu-duty and ground annual”.

SCHEDULE 2

FORM OF SCHEDULE 8 TO THE COMPANIES ACT 1948 AS AMENDED
BY THIS ACT

Sections 9, 56,
57 & 130.
1948 c. 38.

ACCOUNTS

PRELIMINARY

1. Paragraphs 2 to 11 of this Schedule apply to the balance sheet and 12 to 14 to the profit and loss account, and are subject to the exceptions and modifications provided for by Part II of this Schedule in the case of a holding or subsidiary company and by Part III thereof in the case of companies of the classes there mentioned; and this Schedule has effect in addition to the provisions of sections one hundred and ninety-six and one hundred and ninety-seven of this Act.

PART I

GENERAL PROVISIONS AS TO BALANCE SHEET AND PROFIT AND LOSS ACCOUNT

Balance Sheet

2. The authorised share capital, issued share capital, liabilities and assets shall be summarised, with such particulars as are necessary to disclose the general nature of the assets and liabilities, and there shall be specified—

- (a) any part of the issued capital that consists of redeemable preference shares, the earliest and latest dates on which the company has power to redeem those shares, whether those shares must be redeemed in any event or are liable to be redeemed at the option of the company and whether any (and, if so, what) premium is payable on redemption;

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- (b) so far as the information is not given in the profit and loss account, any share capital on which interest has been paid out of capital during the financial year, and the rate at which interest has been so paid ;
- (c) the amount of the share premium account ;
- (d) particulars of any redeemed debentures which the company has power to reissue.

3. There shall be stated under separate headings, so far as they are not written off,—

- (a) the preliminary expenses ;
- (b) any expenses incurred in connection with any issue of share capital or debentures ;
- (c) any sums paid by way of commission in respect of any shares or debentures ;
- (d) any sums allowed by way of discount in respect of any debentures ; and
- (e) the amount of the discount allowed on any issue of shares at a discount.

4.—(1) The reserves, provisions, liabilities and assets shall be classified under headings appropriate to the company's business:

Provided that—

- (a) where the amount of any class is not material, it may be included under the same heading as some other class ; and
- (b) where any assets of one class are not separable from assets of another class, those assets may be included under the same heading.

(2) Fixed assets, current assets and assets that are neither fixed nor current shall be separately identified.

(3) The method or methods used to arrive at the amount of the fixed assets under each heading shall be stated.

5.—(1) The method of arriving at the amount of any fixed asset shall, subject to the next following sub-paragraph, be to take the difference between—

- (a) its cost or, if it stands in the company's books at a valuation, the amount of the valuation ; and
- (b) the aggregate amount provided or written off since the date of acquisition or valuation, as the case may be, for depreciation or diminution in value ;

and for the purposes of this paragraph the net amount at which any assets stand in the company's books at the commencement of this Act (after deduction of the amounts previously provided or written off for depreciation or diminution in value) shall, if the figures relating to the period before the commencement of this Act cannot be obtained without unreasonable expense or delay, be treated as if

it were the amount of a valuation of those assets made at the commencement of this Act and, where any of those assets are sold, the said net amount less the amount of the sales shall be treated as if it were the amount of a valuation so made of the remaining assets.

(2) The foregoing sub-paragraph shall not apply—

- (a) to assets for which the figures relating to the period beginning with the commencement of this Act cannot be obtained without unreasonable expense or delay ; or
- (b) to assets the replacement of which is provided for wholly or partly—
 - (i) by making provision for renewals and charging the cost of replacement against the provision so made ; or
 - (ii) by charging the cost of replacement direct to revenue ; or
- (c) to any quoted investments or to any unquoted investments of which the value as estimated by the directors is shown either as the amount of the investments or by way of note ; or
- (d) to goodwill, patents or trade marks.

(3) For the assets under each heading whose amount is arrived at in accordance with sub-paragraph (1) of this paragraph, there shall be shown—

- (a) the aggregate of the amounts referred to in paragraph (a) of that sub-paragraph ; and
- (b) the aggregate of the amounts referred to in paragraph (b) thereof.

(4) As respects the assets under each heading whose amount is not arrived at in accordance with the said sub-paragraph (1) because their replacement is provided for as mentioned in sub-paragraph (2)(b) of this paragraph, there shall be stated—

- (a) the means by which their replacement is provided for ; and
- (b) the aggregate amount of the provision (if any) made for renewals and not used.

5A. In the case of unquoted investments consisting in equity share capital (as defined by subsection (5) of section 154 of this Act) of other bodies corporate (other than any whose values as estimated by the directors are separately shown, either individually or collectively or as to some individually and as to the rest collectively, and are so shown either as the amount thereof, or by way of note), the matters referred to in the following heads shall, if not otherwise shown, be stated by way of note or in a statement or report annexed:—

- (a) the aggregate amount of the company's income for the financial year that is ascribable to the investments ;
- (b) the amount of the company's share before taxation, and the amount of that share after taxation, of the net aggregate amount of the profits of the bodies in which the investments are held, being profits for the several periods to which

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accounts sent by them during the financial year to the company related, after deducting those bodies' losses for those periods (or vice versa);

- (c) the amount of the company's share of the net aggregate amount of the undistributed profits accumulated by the bodies in which the investments are held since the time when the investments were acquired, after deducting the losses accumulated by them since that time (or vice versa);
- (d) the manner in which any losses incurred by the said bodies have been dealt with in the company's accounts.

6. The aggregate amounts respectively of reserves and provisions (other than provisions for depreciation, renewals or diminution in value of assets) shall be stated under separate headings:

Provided that—

- (a) this paragraph shall not require a separate statement of either of the said amounts which is not material; and
- (b) the Board of Trade may direct that it shall not require a separate statement of the amount of provisions where they are satisfied that that is not required in the public interest and would prejudice the company, but subject to the condition that any heading stating an amount arrived at after taking into account a provision (other than as aforesaid) shall be so framed or marked as to indicate that fact.

7.—(1) There shall also be shown (unless it is shown in the profit and loss account or a statement or report annexed thereto, or the amount involved is not material)—

- (a) where the amount of the reserves or of the provisions (other than provisions for depreciation, renewals or diminution in value of assets) shows an increase as compared with the amount at the end of the immediately preceding financial year, the source from which the amount of the increase has been derived; and

(b) where—

(i) the amount of the reserves shows a decrease as compared with the amount at the end of the immediately preceding financial year; or

(ii) the amount at the end of the immediately preceding financial year of the provisions (other than provisions for depreciation, renewals or diminution in value of assets) exceeded the aggregate of the sums since applied and amounts still retained for the purposes thereof;

the application of the amounts derived from the difference.

(2) Where the heading showing the reserves or any of the provisions aforesaid is divided into sub-headings, this paragraph shall apply to each of the separate amounts shown in the sub-headings instead of applying to the aggregate amount thereof.

7A. If an amount is set aside for the purpose of its being used to prevent undue fluctuations in charges for taxation, it shall be stated.

8.—(1) There shall be shown under separate headings—

- (a) the aggregate amounts respectively of the company's quoted investments and unquoted investments ;
- (b) if the amount of the goodwill and of any patents and trade marks or part of that amount is shown as a separate item in or is otherwise ascertainable from the books of the company, or from any contract for the sale or purchase of any property to be acquired by the company, or from any documents in the possession of the company relating to the stamp duty payable in respect of any such contract or the conveyance of any such property, the said amount so shown or ascertained so far as not written off or, as the case may be, the said amount so far as it is so shown or ascertainable and as so shown or ascertained, as the case may be ;
- (c) the aggregate amount of any outstanding loans made under the authority of provisos (b) and (c) of subsection (1) of section fifty-four of this Act ;
- (d) the aggregate amount of bank loans and overdrafts and the aggregate amount of loans made to the company which—
 - (i) are repayable otherwise than by instalments and fall due for repayment after the expiration of the period of five years beginning with the day next following the expiration of the financial year ; or
 - (ii) are repayable by instalments any of which fall due for payment after the expiration of that period ;
 not being, in either case, bank loans or overdrafts ;
- (e) the aggregate amount (before deduction of income tax) which is recommended for distribution by way of dividend.

(2) Nothing in head (b) of the foregoing sub-paragraph shall be taken as requiring the amount of the goodwill, patents and trade marks to be stated otherwise than as a single item.

(3) The heading showing the amount of the quoted investments shall be subdivided, where necessary, to distinguish the investments as respects which there has, and those as respects which there has not, been granted a quotation or permission to deal on a recognised stock exchange.

(4) In relation to each loan falling within head (d) of sub-paragraph (1) of this paragraph (other than a bank loan or overdraft), there shall be stated by way of note (if not otherwise stated) the terms on which it is repayable and the rate at which interest is payable thereon :

Provided that if the number of loans is such that, in the opinion of the directors, compliance with the foregoing requirement would result in a statement of excessive length, it shall be sufficient to give a general indication of the terms on which the loans are repayable and the rates at which interest is payable thereon.

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9. Where any liability of the company is secured otherwise than by operation of law on any assets of the company, the fact that that liability is so secured shall be stated, but it shall not be necessary to specify the assets on which the liability is secured.

10. Where any of the company's debentures are held by a nominee or trustee for the company, the nominal amount of the debentures and the amount at which they are stated in the books of the company shall be stated.

11.—(1) The matters referred to in the following sub-paragraphs shall be stated by way of note, or in a statement or report annexed, if not otherwise shown.

(2) The number, description and amount of any shares in the company which any person has an option to subscribe for, together with the following particulars of the option, that is to say—

(a) the period during which it is exercisable ;

(b) the price to be paid for shares subscribed for under it.

(3) The amount of any arrears of fixed cumulative dividends on the company's shares and the period for which the dividends or, if there is more than one class, each class of them are in arrear, the amount to be stated before deduction of income tax, except that, in the case of tax free dividends, the amount shall be shown free of tax and the fact that it is so shown shall also be stated.

(4) Particulars of any charge on the assets of the company to secure the liabilities of any other person, including, where practicable, the amount secured.

(5) The general nature of any other contingent liabilities not provided for and, where practicable, the aggregate amount or estimated amount of those liabilities, if it is material.

(6) Where practicable the aggregate amount or estimated amount, if it is material, of contracts for capital expenditure, so far as not provided for and, where practicable, the aggregate amount or estimated amount, if it is material, of capital expenditure authorised by the directors which has not been contracted for.

(6A) In the case of fixed assets under any heading whose amount is required to be arrived at in accordance with paragraph 5(1) of this Schedule (other than unquoted investments) and is so arrived at by reference to a valuation, the years (so far as they are known to the directors) in which the assets were severally valued and the several values, and, in the case of assets that have been valued during the financial year, the names of the persons who valued them or particulars of their qualifications for doing so and (whichever is stated) the bases of valuation used by them.

(6B) If there are included amongst fixed assets under any heading (other than investments) assets that have been acquired during the financial year, the aggregate amount of the assets acquired as determined for the purpose of making up the balance sheet, and if during that year any fixed assets included under a heading in the balance

sheet made up with respect to the immediately preceding financial year (other than investments) have been disposed of or destroyed, the aggregate amount thereof as determined for the purpose of making up that balance sheet.

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(6c) Of the amount of fixed assets consisting of land, how much is ascribable to land of freehold tenure and how much to land of leasehold tenure, and, of the latter, how much is ascribable to land held on long lease and how much to land held on short lease.

(7) If in the opinion of the directors any of the current assets have not a value, on realisation in the ordinary course of the company's business, at least equal to the amount at which they are stated, the fact that the directors are of that opinion.

(8) The aggregate market value of the company's quoted investments where it differs from the amount of the investments as stated, and the stock exchange value of any investments of which the market value is shown (whether separately or not) and is taken as being higher than their stock exchange value.

(8A) If a sum set aside for the purpose of its being used to prevent undue fluctuations in charges for taxation has been used during the financial year for another purpose, the amount thereof and the fact that it has been so used.

(8B) If the amount carried forward for stock in trade or work in progress is material for the appreciation by its members of the company's state of affairs or of its profit or loss for the financial year, the manner in which that amount has been computed.

(9) The basis on which foreign currencies have been converted into sterling, where the amount of the assets or liabilities affected is material.

(10) The basis on which the amount, if any, set aside for United Kingdom corporation tax is computed.

(11) Except in the case of the first balance sheet laid before the company after the commencement of this Act, the corresponding amounts at the end of the immediately preceding financial year for all items shown in the balance sheet.

Profit and Loss Account

12.—(1) There shall be shown—

- (a) the amount charged to revenue by way of provision for depreciation, renewals or diminution in value of fixed assets ;
- (b) the amount of the interest on loans of the following kinds made to the company (whether on the security of debentures or not), namely, bank loans, overdrafts and loans which, not being bank loans or overdrafts,—
 - (i) are repayable otherwise than by instalments and fall due for repayment before the expiration of the period of five years beginning with the day next following the expiration of the financial year ; or

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(ii) are repayable by instalments the last of which falls due for payment before the expiration of that period ;

and the amount of the interest on loans of other kinds so made (whether on the security of debentures or not);

- (c) the amount of the charge to revenue for United Kingdom corporation tax and, if that amount would have been greater but for relief from double taxation, the amount which it would have been but for such relief, the amount of the charge for United Kingdom income tax and the amount of the charge for taxation imposed outside the United Kingdom of profits, income and (so far as charged to revenue) capital gains ;
- (d) the amounts respectively provided for redemption of share capital and for redemption of loans ;
- (e) the amount, if material, set aside or proposed to be set aside to, or withdrawn from, reserves ;
- (f) subject to sub-paragraph (2) of this paragraph, the amount, if material, set aside to provisions other than provisions for depreciation, renewals or diminution in value of assets or, as the case may be, the amount, if material, withdrawn from such provisions and not applied for the purposes thereof ;
- (g) the amounts respectively of income from quoted investments and income from unquoted investments ;
- (ga) if a substantial part of the company's revenue for the financial year consists in rents from land, the amount thereof (after deduction of ground-rents, rates and other out-goings) ;
- (gb) the amount, if material, charged to revenue in respect of sums payable in respect of the hire of plant and machinery ;
- (h) the aggregate amount (before deduction of income tax) of the dividends paid and proposed.

(2) The Board of Trade may direct that a company shall not be obliged to show an amount set aside to provisions in accordance with sub-paragraph (1)(f) of this paragraph, if the Board is satisfied that that is not required in the public interest and would prejudice the company, but subject to the condition that any heading stating an amount arrived at after taking into account the amount set aside as aforesaid shall be so framed or marked as to indicate that fact.

(3) If, in the case of any assets in whose case an amount is charged to revenue by way of provision for depreciation or diminution in value, an amount is also so charged by way of provision for renewal thereof, the last-mentioned amount shall be shown separately.

(4) If the amount charged to revenue by way of provision for depreciation or diminution in value of any fixed assets (other than investments) has been determined otherwise than by reference to the amount of those assets as determined for the purpose of making up the balance sheet, that fact shall be stated.

12A. The amount of any charge arising in consequence of the occurrence of an event in a preceding financial year and of any credit so arising shall, if not included in a heading relating to other matters, be stated under a separate heading.

13. The amount of the remuneration of the auditors shall be shown under a separate heading, and for the purposes of this paragraph, any sums paid by the company in respect of the auditors' expenses shall be deemed to be included in the expression "remuneration".

13A.—(1) The matters referred to in sub-paragraphs (2) to (4) below shall be stated by way of note, if not otherwise shown.

(2) The turnover for the financial year, except in so far as it is attributable to the business of banking or discounting or to business of such other class as may be prescribed for the purposes of this sub-paragraph.

(3) If some or all of the turnover is omitted by reason of its being attributable as aforesaid, the fact that it is so omitted.

(4) The method by which turnover stated is arrived at.

(5) A company shall not be subject to the requirements of this paragraph if it is neither a holding company nor a subsidiary of another body corporate and the turnover which, apart from this sub-paragraph, would be required to be stated does not exceed £50,000.

14.—(1) The matters referred to in the following sub-paragraphs shall be stated by way of note, if not otherwise shown.

(2) If depreciation or replacement of fixed assets is provided for by some method other than a depreciation charge or provision for renewals, or is not provided for, the method by which it is provided for or the fact that it is not provided for, as the case may be.

(3) The basis on which the charge for United Kingdom corporation tax and United Kingdom income tax is computed.

(3A) Any special circumstances which affect liability in respect of taxation of profits, income or capital gains for the financial year or liability in respect of taxation of profits, income or capital gains for succeeding financial years.

(5) Except in the case of the first profit and loss account laid before the company after the commencement of this Act the corresponding amounts for the immediately preceding financial year for all items shown in the profit and loss account.

(6) Any material respects in which any items shown in the profit and loss account are affected—

(a) by transactions of a sort not usually undertaken by the company or otherwise by circumstances of an exceptional or non-recurrent nature ; or

(b) by any change in the basis of accounting.

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PART II

SPECIAL PROVISIONS WHERE THE COMPANY IS A HOLDING OR
SUBSIDIARY COMPANY*Modifications of and Additions to Requirements as to
Company's own Accounts*

15.—(1) This paragraph shall apply where the company is a holding company, whether or not it is itself a subsidiary of another body corporate.

(2) The aggregate amount of assets consisting of shares in, or amounts owing (whether on account of a loan or otherwise) from, the company's subsidiaries, distinguishing shares from indebtedness, shall be set out in the balance sheet separately from all the other assets of the company, and the aggregate amount of indebtedness (whether on account of a loan or otherwise) to the company's subsidiaries shall be so set out separately from all its other liabilities and—

(a) the references in Part I of this Schedule to the company's investments (except those in paragraphs 11(6b) and 12(4)) shall not include investments in its subsidiaries required by this paragraph to be separately set out ; and

(b) paragraph 5, sub-paragraph (1)(a) of paragraph 12, and sub-paragraph (2) of paragraph 14 of this Schedule shall not apply in relation to fixed assets consisting of interests in the company's subsidiaries.

(3) There shall be shown by way of note on the balance sheet or in a statement or report annexed thereto the number, description and amount of the shares in and debentures of the company held by its subsidiaries or their nominees, but excluding any of those shares or debentures in the case of which the subsidiary is concerned as personal representative or in the case of which it is concerned as trustee and neither the company nor any subsidiary thereof is beneficially interested under the trust, otherwise than by way of security only for the purposes of a transaction entered into by it in the ordinary course of a business which includes the lending of money.

(4) Where group accounts are not submitted, there shall be annexed to the balance sheet a statement showing—

(a) the reasons why subsidiaries are not dealt with in group accounts ;

(b) the net aggregate amount, so far as it concerns members of the holding company and is not dealt with in the company's accounts, of the subsidiaries' profits after deducting the subsidiaries' losses (or vice versa)—

(i) for the respective financial years of the subsidiaries ending with or during the financial year of the company ; and

(ii) for their previous financial years since they respectively became the holding company's subsidiary ;

(c) the net aggregate amount of the subsidiaries' profits after deducting the subsidiaries' losses (or vice versa)—

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(i) for the respective financial years of the subsidiaries ending with or during the financial year of the company ; and

(ii) for their other financial years since they respectively became the holding company's subsidiary ;

so far as those profits are dealt with, or provision is made for those losses, in the company's accounts ;

(d) any qualifications contained in the report of the auditors of the subsidiaries on their accounts for their respective financial years ending as aforesaid, and any note or saving contained in those accounts to call attention to a matter which, apart from the note or saving, would properly have been referred to in such a qualification, in so far as the matter which is the subject of the qualification or note is not covered by the company's own accounts and is material from the point of view of its members ;

or, in so far as the information required by this sub-paragraph is not obtainable, a statement that it is not obtainable :

Provided that the Board of Trade may, on the application or with the consent of the company's directors, direct that in relation to any subsidiary this sub-paragraph shall not apply or shall apply only to such extent as may be provided by the direction.

(5) Paragraphs (b) and (c) of the last foregoing sub-paragraph shall apply only to profits and losses of a subsidiary which may properly be treated in the holding company's accounts as revenue profits or losses, and the profits or losses attributable to any shares in a subsidiary for the time being held by the holding company or any other of its subsidiaries shall not (for that or any other purpose) be treated as aforesaid so far as they are profits or losses for the period before the date on or as from which the shares were acquired by the company or any of its subsidiaries, except that they may in a proper case be so treated where—

(a) the company is itself the subsidiary of another body corporate ; and

(b) the shares were acquired from that body corporate or a subsidiary of it ;

and for the purpose of determining whether any profits or losses are to be treated as profits or losses for the said period the profit or loss for any financial year of the subsidiary may, if it is not practicable to apportion it with reasonable accuracy by reference to the facts, be treated as accruing from day to day during that year and be apportioned accordingly.

(6) Where group accounts are not submitted, there shall be annexed to the balance sheet a statement showing, in relation to the subsidiaries (if any) whose financial years did not end with that of the company—

(a) the reasons why the company's directors consider that the subsidiaries' financial years should not end with that of the company ; and

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(b) the dates on which the subsidiaries' financial years ending last before that of the company respectively ended or the earliest and latest of those dates.

16.—(1) The balance sheet of a company which is a subsidiary of another body corporate, whether or not it is itself a holding company, shall show the aggregate amount of its indebtedness to all bodies corporate of which it is a subsidiary or a fellow subsidiary and the aggregate amount of indebtedness of all such bodies corporate to it, distinguishing in each case between indebtedness in respect of debentures and otherwise, and the aggregate amount of assets consisting of shares in fellow subsidiaries.

(2) For the purposes of this paragraph a company shall be deemed to be a fellow subsidiary of another body corporate if both are subsidiaries of the same body corporate but neither is the other's.

Consolidated Accounts of Holding Company and Subsidiaries

17. Subject to the following paragraphs of this Part of this Schedule, the consolidated balance sheet and profit and loss account shall combine the information contained in the separate balance sheets and profit and loss accounts of the holding company and of the subsidiaries dealt with by the consolidated accounts, but with such adjustments (if any) as the directors of the holding company think necessary.

18. Subject as aforesaid and to Part III of this Schedule, the consolidated accounts shall, in giving the said information, comply so far as practicable, with the requirements of this Act and the Companies Act 1967 as if they were the accounts of an actual company.

19. Sections one hundred and ninety-six and one hundred and ninety-seven of this Act and sections four and six to eight of the Companies Act 1967 shall not, by virtue of the two last foregoing paragraphs, apply for the purpose of the consolidated accounts.

20. Paragraph 7 of this Schedule shall not apply for the purpose of any consolidated accounts laid before a company with the first balance sheet so laid after the commencement of this Act.

21. In relation to any subsidiaries of the holding company not dealt with by the consolidated accounts—

(a) sub-paragraphs (2) and (3) of paragraph 15 of this Schedule shall apply for the purpose of those accounts as if those accounts were the accounts of an actual company of which they were subsidiaries; and

(b) there shall be annexed the like statement as is required by sub-paragraph (4) of that paragraph where there are no group accounts, but as if references therein to the holding company's accounts were references to the consolidated accounts.

22. In relation to any subsidiaries (whether or not dealt with by the consolidated accounts), whose financial years did not end with that of the company, there shall be annexed the like statement as is required by sub-paragraph (6) of paragraph 15 of this Schedule where there are no group accounts.

PART III

SCH. 2

EXCEPTIONS FOR SPECIAL CLASSES OF COMPANY

23.—(1) A banking or discount company shall not be subject to the requirements of Part I of this Schedule other than—

- (a) as respects its balance sheet, those of paragraphs 2 and 3, paragraph 4 (so far as it relates to assets), paragraph 8 (except sub-paragraphs (1)(d) and (4)), paragraphs 9 and 10 and paragraph 11 (except sub-paragraphs (6A), (6B), (6C), (8) and (8A)); and
- (b) as respects its profit and loss account, those of sub-paragraph (1)(ga) and (h) of paragraph 12, paragraphs 12A and 13 and sub-paragraphs (1) and (5) of paragraph 14 ;

but, where in its balance sheet reserves or provisions (other than provisions for depreciation, renewals or diminution in value of assets) are not stated separately, any heading stating an amount arrived at after taking into account a reserve or such a provision shall be so framed or marked as to indicate that fact, and its profit and loss account shall indicate by appropriate words the manner in which the amount stated for the company's profit or loss has been arrived at.

(2) The accounts of a banking or discount company shall not be deemed, by reason only of the fact that they do not comply with any requirements of the said Part I from which the company is exempt by virtue of this paragraph, not to give the true and fair view required by this Act.

(3) In this paragraph the expression "banking or discount company" means any company which satisfies the Board of Trade that it ought to be treated for the purposes of this Schedule as a banking company or as a discount company.

24.—(1) An insurance company to which the Insurance Companies 1958 c. 72. Act 1958 applies shall not be subject to the following requirements of Part I of this Schedule, that is to say—

- (a) as respects its balance sheet, those of paragraphs 4 to 7 (both inclusive), sub-paragraphs (1)(a) and (3) of paragraph 8 and sub-paragraphs (4), (5) and (6A) to (8) (both inclusive) of paragraph 11 ;
- (b) as respects its profit and loss account, those of paragraph 12 (except sub-paragraph (1)(b), (c), (d) and (h)) and paragraph 14(2) ;

but, where in its balance sheet reserves or provisions (other than provisions for depreciation, renewals or diminution in value of assets) are not stated separately, any heading stating an amount arrived at after taking into account a reserve or such a provision shall be so framed or marked as to indicate that fact, and its profit and loss account shall indicate by appropriate words the manner in which

SCH. 2 the amount stated for the company's profit or loss has been arrived at:

Provided that the Board of Trade may direct that any such insurance company whose business includes to a substantial extent business other than insurance business shall comply with all the requirements of the said Part I or such of them as may be specified in the direction and shall comply therewith as respects either the whole of its business or such part thereof as may be so specified.

(2) Where an insurance company is entitled to the benefit of this paragraph, then any wholly owned subsidiary thereof shall also be so entitled if its business consists only of business which is complementary to insurance business of the classes carried on by the insurance company.

(2A) The accounts of a company shall not be deemed, by reason only of the fact that they do not comply with any requirement of Part I of this Schedule from which the company is exempt by virtue of this paragraph, not to give the true and fair view required by this Act.

(3) For the purposes of this paragraph a company shall be deemed to be the wholly owned subsidiary of an insurance company if it has no members except the insurance company and the insurance company's wholly owned subsidiaries and its or their nominees.

25.—(1) A shipping company shall not be subject to the following requirements of Part I of this Schedule, that is to say—

- (a) as respects its balance sheet, those of paragraph 4 (except so far as it relates to assets), paragraphs 5, 6 and 7 and sub-paragraphs (6A) and (6B) of paragraph 11;
- (b) as respects its profit and loss account, those of sub-paragraph (1)(a), (e) and (f) and sub-paragraphs (3) and (4) of paragraph 12 and paragraph 13A.

(2) The accounts of a company shall not be deemed, by reason only of the fact that they do not comply with any requirements of Part I of this Schedule from which the company is exempt by virtue of this paragraph, not to give the true and fair view required by this Act.

(3) In this paragraph the expression "shipping company" means a company which, or a subsidiary of which, owns ships or includes amongst its activities the management or operation of ships, being a company which satisfies the Board of Trade that, in the national interest, it ought to be treated for the purposes of this paragraph as a shipping company.

26. Where a company entitled to the benefit of any provision contained in this part of this Schedule is a holding company, the reference in Part II of this Schedule to consolidated accounts complying with the requirements of this Act shall, in relation to consolidated accounts of that company, be construed as referring to those requirements in so far only as they apply to the separate accounts of that company.

PART IV

SCH. 2

INTERPRETATION OF SCHEDULE

27.—(1) For the purposes of this Schedule, unless the context otherwise requires,—

(a) the expression “provision” shall, subject to sub-paragraph (2) of this paragraph, mean any amount written off or retained by way of providing for depreciation, renewals or diminution in value of assets or retained by way of providing for any known liability of which the amount cannot be determined with substantial accuracy;

(b) the expression “reserve” shall not, subject as aforesaid, include any amount written off or retained by way of providing for depreciation, renewals or diminution in value of assets or retained by way of providing for any known liability or any sum set aside for the purpose of its being used to prevent undue fluctuations in charges for taxation; and in this paragraph the expression “liability” shall include all liabilities in respect of expenditure contracted for and all disputed or contingent liabilities.

(2) Where—

(a) any amount written off or retained by way of providing for depreciation, renewals or diminution in value of assets, not being an amount written off in relation to fixed assets before the commencement of this Act; or

(b) any amount retained by way of providing for any known liability;

is in excess of that which in the opinion of the directors is reasonably necessary for the purpose, the excess shall be treated for the purposes of this Schedule as a reserve and not as a provision.

28. For the purposes aforesaid, the expression “quoted investment” means an investment as respects which there has been granted a quotation or permission to deal on a recognised stock exchange, or on any stock exchange of repute outside Great Britain, and the expression “unquoted investment” shall be construed accordingly.

29. For the purposes aforesaid, the expression “long lease” means a lease in the case of which the portion of the term for which it was granted remaining unexpired at the end of the financial year is not less than fifty years, the expression “short lease” means a lease which is not a long lease and the expression “lease” includes an agreement for a lease.

30. For the purposes aforesaid, a loan shall be deemed to fall due for repayment, and an instalment of a loan shall be deemed to fall due for payment, on the earliest date on which the lender could require repayment or, as the case may be, payment if he exercised all options and rights available to him.

31. In the application of this Schedule to Scotland “land of freehold tenure” means land in respect of which the company is the proprietor of the *dominium utile* or, in the case of land not held on feudal tenure, is the owner; “land of leasehold tenure” means land

SCH. 2 of which the company is the tenant under a lease ; and the reference to ground-rents, rates and other outgoings includes a reference to feu-duty and ground annual.

Sections 49, 56
& 130.

SCHEDULE 3

FEES TO BE PAID TO THE REGISTRAR OF COMPANIES

PART I

TABLE OF FEES

| <i>Matter in respect of which Fee is payable</i> | <i>Amount of Fee</i> |
|--|---|
| For registration on its formation under the principal Act of a company as one limited by shares, registration under that Act in pursuance of Part VIII thereof of a company as one so limited (not being a company in whose case the liability of the members thereof was, before registration in pursuance of that Part, limited by some other Act or by letters patent) or re-registration under the principal Act in pursuance of section 44 of this Act of a company as one limited by shares. | <p>If the nominal capital does not exceed £2,000, the sum of £20.</p> <p>If the nominal capital exceeds £2,000 but does not exceed £5,000, the sum of £20 with the addition of £1 for each £1,000 or part of £1,000 of nominal capital in excess of £2,000.</p> <p>If the nominal capital exceeds £5,000 but does not exceed £100,000, the sum of £23 with the addition of 5s. for each £1,000 or part of £1,000 of nominal capital in excess of £5,000.</p> <p>If the nominal capital exceeds £100,000, the sum of £46 15s. 0d. with the addition of 1s. for each £1,000 or part of £1,000 of nominal capital in excess of £100,000.</p> |
| For registration on its formation under the principal Act of a company as one not having a share capital, registration under that Act in pursuance of Part VIII thereof of a company as one limited by guarantee and not having a share capital or re-registration under that Act in pursuance of section 44 of this Act of a company as one so limited and not having a share capital. | <p>If the number of members stated in the articles does not exceed 25, the sum of £20.</p> <p>If the number of members stated in the articles exceeds 25, but does not exceed 100, the sum of £20 with the addition of £1 for each 25 members or fraction of 25 members in excess of the first 25.</p> <p>If the number of members stated in the articles exceeds 100 but is not stated to be unlimited the sum of £23 with the addition of 5s. for each 50 members or fraction of 50 members after the first 100.</p> <p>If the number of members is stated in the articles to be unlimited, the sum of £38.</p> |

***Matter in respect of which Fee
is payable******Amount of Fee***

SCH. 3

- For registration on its formation under the principal Act of a company as one limited by guarantee and having a share capital, or as an unlimited one having a share capital, registration under that Act in pursuance of Part VIII thereof of a company as one so limited and having a share capital or re-registration under that Act in pursuance of section 44 of this Act of a company as one limited by guarantee and having a share capital.
- The same amount as would be charged for registration if the company were limited by shares or the same amount as would be so charged if the company had not a share capital, whichever is the higher.
- For re-registration of a company under the principal Act in pursuance of section 43 of this Act. £5.
- For registration of an increase in the share capital of a company. An amount equal to the difference (if any) between the amount which, were the company being registered on its formation under the principal Act, would be payable by reference to its capital as increased and the amount which, were the company being so registered, would be payable by reference to its capital immediately before the increase.
- For registration of an increase in the membership of a company limited by guarantee or an unlimited company. An amount equal to the difference (if any) between the amount which, were the company being registered on its formation under the principal Act as a company limited by guarantee or as an unlimited company, would be payable by reference to its membership as increased and the amount which, were the company being so registered as such a company, would be payable by reference to its membership immediately before the increase.

| SCH. 3 | <i>Matter in respect of which Fee is payable</i> | <i>Amount of Fee</i> |
|--------|--|----------------------|
| | For registration of a copy of an annual return or copies of documents delivered to the registrar of companies in compliance with section 410 of the principal Act. | £3. |
| | For entering on the register the name of a company assumed by virtue of the passing of a special resolution by virtue of section 18(1) of the principal Act. | £10. |

PART II

LIMITATIONS ON OPERATION OF PART I

1. Where, in the case of a company limited by guarantee and having a share capital or an unlimited company having a share capital, an increase of share capital is made at the same time as an increase of membership, the company shall pay whichever fee is the higher, but not both.

2. The total of the fees to be paid by a company by reference to its membership shall in no case exceed £38.

3. The total of the fees to be paid by a company by reference to its share capital or of the fees to be paid by it by reference to its membership and the fees to be paid by it by reference to its share capital, shall in no case exceed £68.

4. In determining what fee (if any) is to be paid by a company upon an increase in its membership it shall be assumed, for the purpose of the application of the foregoing provisions of this Part of this Schedule, that the amount that would be payable by it by reference to its membership immediately before the increase has been paid, and in determining what fee (if any) is to be paid by a company upon an increase in its share capital, it shall be assumed, for that purpose, that the amount that would be payable by it by reference to its capital immediately before the increase has been paid.

Sections
56 & 130.
1948 c. 38.

SCHEDULE 4

ENACTMENTS OF THE COMPANIES ACT 1948 APPLIED

| <i>Enactment</i> | <i>Subject-matter</i> |
|--------------------|---|
| Section 149(6) ... | Penalization of failure by director to take steps to secure compliance with requirements of Act as to contents of accounts. |
| Section 163 ... | Construction of references to documents annexed to accounts. |
| Section 410 ... | Accounts of oversea company. |

| <i>Enactment</i> | <i>Subject-matter</i> | SCH. 4 |
|------------------|---|--------|
| Section 424 | ... Registration offices in England and Scotland. | |
| Section 436 | ... Form of registers, &c. | |
| Section 440 | ... Provision with respect to default fines, and meaning of "officer in default". | |
| Section 444 | ... Application of fines. | |
| Section 449 | ... Power to enforce orders. | |
| Section 451 | ... Annual report by Board of Trade. | |
| Section 454 | ... Power of Board of Trade to alter tables and forms. | |
| Section 461 | ... Application to Northern Ireland. | |

SCHEDULE 5

AMENDMENTS OF INSURANCE COMPANIES ACT 1958
CONSEQUENTIAL ON SECTIONS 59 AND 70(1) OF THIS ACT

Section 70,
107 & 130.
1958 c. 72.

| <i>Provision amended and Subject-matter thereof</i> | <i>Amendment</i> |
|--|---|
| Section 3 (separation of funds relating to certain classes of business). | <p>In subsection (1)(b), for the words "two or more of the said classes" there shall be substituted the words "both the said classes".</p> <p>In subsection (5), for the words "life assurance business, industrial assurance business, bond investment business and employers' liability insurance business" there shall be substituted the words "ordinary long-term insurance business and industrial assurance business".</p> |
| Section 5 (periodic investigation of certain companies by actuary). | <p>In subsection (1), for the words "life assurance business, industrial assurance business or bond investment business" there shall be substituted the words "ordinary long-term insurance business or industrial assurance business".</p> |
| Section 11 (provisions as to certain amalgamations and transfers). | <p>In subsection (1), in paragraphs (a) and (b), the words "or employers' liability insurance business" shall be omitted and, in the proviso, the words "carrying on life assurance business or industrial assurance business", the word "that", where secondly occurring, and the word "life", where last occurring, shall be omitted, and after the words "in the company" there shall be inserted the words "that is attributable to the carrying on of ordinary long-term insurance and industrial assurance business".</p> |

SCH. 5 *Provision amended and
Subject-matter thereof*

Amendment

Section 11 (provisions as to certain amalgamations and transfers)—*cont.*

In subsection (2)(b), the words “except in relation to a transfer of employers’ liability insurance business” shall be omitted, and for the words “sinking fund or bond investment” there shall be substituted the words “or capital redemption”.

Section 33 (interpretation).

In subsection (1), immediately before the definition of “chairman” there shall be inserted the following definition:—

“ ‘capital redemption business’ means such business as, by virtue of paragraph (c) of subsection (6) of section fifty-nine of the Companies Act 1967, falls within the definition in that subsection of ordinary long-term insurance business ”,

in the definition of “general business”, the words “of a class or classes specified in section one of this Act” shall be omitted, in the definition of “long-term business”, for the words “business of all or any of the following classes, namely, life assurance business, industrial assurance business and bond investment business” there shall be substituted the words “business of either or both of the following classes, namely, ordinary long-term insurance business and industrial assurance business”, for the definition of “policy”, there shall be substituted the following definition:—

“ policy—

- (a) in relation to ordinary long-term insurance business and industrial assurance business, includes an instrument evidencing a contract to pay an annuity upon human life;
- (b) in relation to insurance business of any other class (except capital redemption business) includes any policy under which there is for the time being an existing liability already accrued or under which a liability may accrue; and
- (c) in relation to capital redemption business, includes any policy, bond certificate, receipt or other

*Provision amended and
Subject-matter thereof*
Section 33 (interpreta-
tion)—*cont.*

Amendment

SCH. 5

instrument evidencing the con-
tract with the company”,
and, in the definition of “policy holder”,
for the words “bond investment business”
there shall be substituted the words “capital
redemption business”, immediately before
the word “bond”, where secondly occur-
ing, there shall be inserted the word
“policy”, and for paragraphs (a) to (c)
there shall be substituted the following
paragraphs:—

“(a) in relation to such ordinary long-
term insurance business or industrial
assurance business as consists in the
granting of annuities upon human
life, includes an annuitant; and

(b) in relation to insurance business of
any kind other than such as is
mentioned in the foregoing para-
graph or capital redemption business,
includes a person to whom, under a
policy, a sum is due or a periodic
payment is payable”.

SCHEDULE 6

AMENDMENTS (OF MINOR NATURE OR CONSEQUENTIAL ON
PART II) OF THE INSURANCE COMPANIES ACT 1958 AND THE
INDUSTRIAL ASSURANCE ACT 1923

Sections 99, 107
108 & 130.
1958 c. 72.
1923 c. 8.

PART I

AMENDMENTS OF THE INSURANCE COMPANIES ACT 1958

*Provision amended and
Subject-matter thereof*

Amendment

Section 1 (com-
panies to which Act
applies).

In subsection (6), at the beginning there shall
be inserted the words “With the exception
of section 6(1) thereof” and after the word
“approved” there shall be inserted the
words “for the purposes of Part II of the
Companies Act 1967”.

Section 6 (statements
of business by Com-
mittee of Lloyds,
&c.).

In subsection (1), for the words “under and
for the purposes of subsection (6) of section
one of this Act” there shall be substituted
the words “for the purposes of Part II of
the Companies Act 1967”.

Section 13 (margin of
solvency for general
business).

In subsection (2)(b), the words “(whether or
not being insurance business of a class
specified in section one of this Act)” shall
be omitted.

SCR. 6 *Provision amended and Subject-matter thereof*

Amendment

Section 17 (supplemental provisions as to winding up).

The reference to a date specified in a notice served under section 14 shall include a reference to a time specified in a direction given under section 109(1) of this Act.

Section 21 (application of Schedule 2 for adapting Act to industrial assurance companies and other special kinds of companies).

The reference to the operation of the Act shall include a reference to the operation of Part II of this Act.

Section 24 (bond investment companies).

For the words "bond investment business" there shall be substituted the words "capital redemption business in the case of which the premiums in return for which a contract is effected are payable at intervals of less than six months".

Section 32 expenses).

In subsection (1), the reference to the Act shall include a reference to Part II of this Act.

Schedule 2 (adaptations for special cases).

In paragraph 7, in the proviso, for the words "life assurance fund" there shall be substituted the words "ordinary long-term insurance fund".

In paragraph 8, the reference to the Act shall include a reference to Part II of this Act.

In paragraph 9, the reference to section 13 shall be construed as including a reference to section 62 of this Act and for the reference to £50,000 there shall be substituted a reference to sums of money.

In paragraph 10(1), the words "carrying on general business and" shall be omitted.

In paragraph 10(2), for head (a) there shall be substituted the following head:—

"(a) an insurance company authorised by or under Part II of the Companies Act 1967 to carry on insurance business of any class;"

head (c), and the word "or" immediately before that head, shall be omitted, and the words "in respect of insurance business of any class specified in section one of this Act" shall be omitted.

*Provision amended and
Subject-matter thereof*Schedule 3 (rules for
valuing policies and
liabilities).*Amendment*

SCH. 6

In paragraph 3, for the words "a bond investment policy" there shall be substituted the words "a capital redemption policy"; in paragraph 4, for the words "a current fire, accident, motor vehicle, marine, aviation or transit policy" there shall be substituted the words "a current policy of any kind other than a life policy or a capital redemption policy"; and in paragraph 5, for the words "a periodic payment under an accident or motor vehicle policy" there shall be substituted the words "a periodic payment under a policy, being a payment in respect of personal injury or of disease"; and paragraphs 6 and 7 shall be omitted".

PART II

AMENDMENTS OF THE INDUSTRIAL ASSURANCE ACT 1923

1923 c. 8.

*Provision amended and
Subject-matter thereof*Section 1 (industrial
assurance business)*Amendment*

After subsection (1), there shall be inserted the following subsection—

"(1A) In this Act 'industrial assurance company' means a body corporate which carries on industrial assurance business and 'collecting society' means a society registered under the Friendly Societies Act 1896 which carries on such business, being a friendly society within the meaning of that Act".

Section 7 (deposits by
collecting societies)

In subsection (1), for the words from the beginning to the end of paragraph (b), there shall be substituted the following words:—

"Every collecting society shall be under obligation to deposit with the Accountant General of the Supreme Court the sum of £20,000 and to keep that sum so deposited while it carries on industrial assurance business, and the following provisions shall have effect with respect to deposits under this section, namely,—

- (a) the provisions substituted by the Administration of Justice Act 1965 c. 2. 1965 for sections 19(1) and 20(1) of the Insurance Companies Act 1958 c. 2. Act 1958 shall apply for the purposes of this section subject to the modifications that, in the

SCH. 6 *Provision amended and Subject-matter thereof*

Section 7 (deposits by collecting societies)
—cont.

1909 c. 49.

1958 c. 72.

Amendment

provision so substituted for section 19(1), for the references to a company there shall be substituted references to a collecting society and for the references to section 2 of the Assurance Companies Act 1909 and paragraph 1 of Schedule 2 to the Insurance Companies Act 1958 there shall be substituted a reference to this section and that regulations under the provisions so substituted for section 20(1) shall be made by the Industrial Assurance Commissioner;

(b) a deposit under this section shall not be accepted except on a warrant of that Commissioner”, and paragraph (f) shall be omitted.

Section 129.

SCHEDULE 7

SPENT OR OBSOLETE ENACTMENTS CEASING TO HAVE EFFECT

| Chapter | Short Title | Extent to which Enactment is to cease to have Effect |
|-----------------------|------------------------------------|--|
| 13 & 14 Geo. 5. c. 8. | The Industrial Assurance Act 1923. | <p>Section 4(4). In section 7, in subsection (1), in paragraph (d), the words from the beginning to “Act” and in paragraph (e) the words “after the passing of this Act”, and subsection (4). In section 18, in subsection (1), the words “made as at the thirty-first day of December, nineteen hundred and twenty-four, or any later date” and the proviso to paragraph (d), subsection (2), and in subsection (3) the words “whether made before or after the passing of this Act” and the proviso.</p> |

SCH. 7

| Chapter | Short Title | Extent to which Enactment is to cease to have Effect |
|--|---|---|
| 13 & 14 Geo. 5. c. 8.— <i>cont.</i> | The Industrial Assurance Act 1923.— <i>cont.</i> | In section 24(3), the words "after the expiration of five years from the passing of this Act". Section 24(5). Section 30. In section 40, the words "with or without hard labour". In Schedule 1, the entry relating to section 21. |
| 16 & 17 Geo. 5. c. 9. | The Economy (Miscellaneous Provisions) Act 1926. | In section 13, subsection (2), and, in subsection (4), the words from the beginning to "and thereafter". |
| 19 & 20 Geo. 5. c. 28. | The Industrial Assurance and Friendly Societies Act 1929. | Section 3(5). |
| 11 & 12 Geo. 6. c. 38. | The Companies Act 1948. | Section 53(6). In section 124(1), in the proviso, the words from "and (d)" onwards. In section 329, the words "with or without hard labour". In section 438, the words "with or without hard labour". Section 459(9)(f). Schedule 18. |
| 11 & 12 Geo. 6. c. 39. | The Industrial Assurance and Friendly Societies Act 1948. | In section 2, in subsection (1), the words from "This subsection, and" onwards, and in subsection (3), the words "from the expiration of one year from the day appointed as aforesaid". Section 5(3). In section 6(1), in the proviso, paragraphs (a) and (b). Section 10(4). Section 11(4). In section 12, subsection (1), in subsection (3), the words from the beginning to "Provided that", and subsection (4). Section 17(2). Section 19(1) to (4). Sections 21 and 22. Section 25(5). Schedule 6. |
| 11 & 12 Geo. 6. c. 67. | The Gas Act 1948. | Section 40. |

SCH. 7

| Chapter | Short Title | Extent to which enactment is to cease to have Effect |
|-----------------------|-----------------------------------|---|
| 6 & 7 Eliz. 2. c. 72. | The Insurance Companies Act 1958. | <p>In section 1(5), the words from "and the Board" onwards.</p> <p>In section 3, in subsection (1), the words "Subject to the provisions of this Act"; in subsection (2), the words "Subject as aforesaid"; and subsections (3) and (4).</p> <p>In section 33, in subsection (1), the definition of "interest", and subsection (5).</p> <p>Section 34(4).</p> <p>In Schedule 2, paragraph 13.</p> |

Section 130.

SCHEDULE 8

ENACTMENTS REPEALED

PART I

1923 c. 8

REPEALS IN THE INDUSTRIAL ASSURANCE ACT 1923

| Provision | Extent of Repeal | Time at which Repeal is to take Effect |
|-------------|--|--|
| Section 1. | In subsection (1), the words from the beginning to "Provided that" | } The passing of this Act. |
| Section 39. | <p>Subsection (2), except in relation to contraventions or failures occurring before the passing of this Act.</p> <p>In subsection (4), the words from the beginning to "three months"</p> | |

PART II

SCH. 8

REPEAL IN THE INDUSTRIAL ASSURANCE AND FRIENDLY SOCIETIES ACT 1929

1929 c. 28.

| Provision | Extent of Repeal | Time at which Repeal is to take Effect |
|------------|---|--|
| Section 3. | Subsection (1) in so far as it penalizes industrial assurance companies, but except in relation to failures by them occurring before the passing of this Act. Subsection (4) in so far as it penalizes such companies, but except in relation to issues of premium receipt books before the passing of this Act. | The passing of this Act. |

PART III

REPEALS IN THE COMPANIES ACT 1948

1948 c. 38.

| Provision | Extent of Repeal | Time at which Repeal is to take Effect |
|--------------|--|--|
| Section 29. | The words " subsection (1) of section one hundred and twenty-nine ", the words " the first, third and fourth of " and the words " and the provisions contained in the second of those enactments shall cease to apply to the company ". | The expiration of the period of six months beginning with the day on which this Act is passed. |
| Section 129. | The whole section. | |
| Section 143. | In subsection (1), the proviso. | The passing of this Act. |
| Section 157. | Subsection (2), except in relation to a report attached to a balance sheet of a body corporate laid before it in general meeting in respect of a financial year ending before the coming into operation of section 16 of this Act, and subsection (3). | The expiration of the period mentioned above. |
| Section 161. | In subsection (1), the proviso, and, in subsection (2), the proviso. | |
| Section 162. | The whole section. | |

SCH. 8

| Provision | Extent of Repeal | Time at which Repeal is to take Effect |
|--------------|---|--|
| Section 169. | The whole section. | } The passing of this Act. |
| Section 170. | In subsection (1)(a) the words "by the Director of Public Prosecutions or by or on behalf of the Lord Advocate". | |
| Section 190. | In subsection (1), in the proviso, paragraph (a). | The expiration of the period mentioned above. |
| Section 195. | The whole section. | } The expiration of the period of three months beginning with the day on which this Act is passed. |
| Section 198. | In subsection (1), the words "one hundred and ninety-five and", and subsection (2). | |
| Section 410. | In subsection (1), the proviso. | The expiration of the period of six months beginning with the day on which this Act is passed. |
| Section 425. | In subsection (1), the proviso. | The expiration of the period of three months beginning with the day on which this Act is passed. |
| Section 442. | The whole section. | } The passing of this Act. |
| Section 452. | The whole section. | |
| Section 454. | In subsection (2), in paragraph (a), the words from "the Twelfth Schedule" to that Schedule". | The expiration of the period of three months beginning with the day on which this Act is passed. |
| Section 455. | In subsection (1), the definition of "exempt private company". | } The expiration of the period of six months beginning with the day on which this Act is passed. |
| Schedule 1. | In Table A, in Part I, in regulation 22, the words "except as provided by sub-paragraph (4) of paragraph 2 of the Seventh Schedule to the Act", and in Part II, regulation 6. | |
| Schedule 3. | In paragraph 6, the words "which is not an exempt private company". | |
| Schedule 4. | In paragraph 30, the words "which is not an exempt private company". | |

SCH. 8

| Provision | Extent of Repeal | Time at which Repeal is to take Effect |
|--------------|---|--|
| Schedule 5. | In paragraph 6, the words "which is not an exempt private company". | The expiration of the period of six months beginning with the day on which this Act is passed. |
| Schedule 6. | In Part II, in the forms of certificates and other documents accompanying the annual return, the words "(whether an Exempt Private Company or not)", the words from "either" to "below or" and the form of additional certificate to be given in the case of an exempt private company. | |
| Schedule 7. | The whole Schedule. | |
| Schedule 9. | The whole Schedule. | |
| Schedule 12. | The whole Schedule. | |
| Schedule 14. | The words "and Seventh" and the words "and the Ninth Schedule". | The expiration of the period of three months beginning with the day on which this Act is passed. |
| Schedule 15. | The entries relating to sections 129(1) and 162(1) and (3). | |
| | | The expiration of the period of six months beginning with the day on which this Act is passed. |

PART IV

REPEAL IN THE INDUSTRIAL ASSURANCE AND FRIENDLY SOCIETIES ACT 1948

1948 c. 39.

| Provision | Extent of Repeal | Time at which Repeal is to take Effect |
|-------------|---|--|
| Section 16. | Subsection (2) so far as relating to industrial assurance companies, but except in relation to contraventions or failures occurring before the passing of this Act. | The passing of this Act. |

SCH. 8

PART V

1951 c. 65.

**REPEAL IN THE RESERVE AND AUXILIARY FORCES (PROTECTION
OF CIVIL INTERESTS) ACT 1951**

| Provision | Extent of Repeal | Time at which Repeal is to take Effect |
|-------------|---|--|
| Section 57. | Subsection (5) so far as relating to industrial assurance companies, but except in relation to contraventions of failures occurring before the passing of this Act. | The passing of this Act. |

PART VI

1958 c. 72.

REPEALS IN THE INSURANCE COMPANIES ACT 1958

| Provision | Extent of Repeal | Time at which Repeal is to take Effect |
|-------------|--|--|
| Section 1. | Subsections (2) to (4). | The passing of this Act. |
| Section 2. | The whole section. | |
| Section 5. | In subsection (1), the proviso. | |
| Section 8. | Subsection (5). | |
| Section 10. | The whole section. | |
| Section 19. | Subsection (2). | |
| Section 20. | Subsections (2) and (3). | |
| Section 21. | Paragraph (a) and the words "Parts I to III of". | |
| Section 26. | Subsection (1), except as applied by the Industrial Assurance Act 1923 and except in relation to defaults in complying with requirements of the Act of 1958 occurring before the passing of this Act. Subsection (2). | |
| Section 27. | The whole section. | |
| Section 31. | The whole section. | |

SCH. 8

| Provision | Extent of Repeal | Time at which Repeal is to take Effect |
|-------------|---|--|
| Section 33. | In subsection (1), the definitions of "accident insurance business", "bond investment business", "employers' liability insurance business", and "fire insurance business"; the definition of "life assurance business", except for the purposes of section 29(8) of the Finance Act 1966; the definitions of "marine aviation and transit insurance business" and "motor vehicle insurance business"; and, in the definition of "court", the words "except in the provisions of this Act relating to deposits". Subsections (2), (3) and (4). | The passing of this Act. |
| Section 34. | In subsection (3), the words " or subsection (3) of section thirty-three thereof". | |
| Section 35. | Subsection (2). | |
| Section 36. | Subsection (6). | |
| Schedule 2. | Part I; paragraph 6(5); in paragraph 9, the words "two and"; and paragraphs 11 and 12. | |
| Schedule 5. | The words from "In subsection (1) of section one" to "not apply". | |

PART VII

REPEALS IN THE PROTECTION OF DEPOSITORS ACT 1963

1963 c. 16.

| Provision | Extent of Repeal | Time at which Repeal is to take Effect |
|------------|------------------------------|--|
| Section 4. | Paragraphs (b), (c) and (e). | The expiration of the period of six months beginning with the day on which this Act is passed. |

SCH. 8

| Provision | Extent of Repeal | Time at which Repeal is to take Effect |
|-------------|---|--|
| Section 15. | In subsection (1), the words "Subject to subsection (3)" and paragraphs (b), (c) and (d), and subsection (3). | } The passing of this Act. |
| Section 20. | The whole section. | |

PART VIII

1964 c. 71.

REPEAL IN THE TRADING STAMPS ACT 1964

| Provision | Extent of Repeal | Times at which Repeal is to take Effect |
|------------|------------------|---|
| Section 1. | Subsection (2). | As to paragraph (b), the passing of this Act, and as to the residue, the expiration of the period of six months beginning with the day on which this Act is passed. |

PART IX

1965 c. 2.

REPEALS IN THE ADMINISTRATION OF JUSTICE ACT 1965

| Provision | Extent of Repeal | Time at which Repeal is to take Effect |
|-------------|--|--|
| Section 14. | In subsection (1), paragraphs (d) and (f); and in subsection (5), paragraphs (a), (c) and (d). | } The passing of this Act. |
| Schedule 1. | The entries relating to the Industrial Assurance Act 1923 and the Civil Aviation Act 1949. | |



Dangerous Drugs Act 1967

1967 CHAPTER 82

An Act to provide for the control of drug addiction and to make further provision with respect to drugs.
[27th October 1967]

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

1.—(1) Without prejudice to the generality of section 11 of the Dangerous Drugs Act 1965 (in this Act referred to as “the principal Act”), the powers of the Secretary of State under that section (which authorises the making of regulations for preventing the improper use of drugs) shall include power to make regulations—

Control of drug addiction
1965 c. 15.

- (a) for requiring any medical practitioner who attends a person who he considers, or has reasonable grounds to suspect, is addicted (within the meaning of the regulations) to drugs of any description to furnish, to such authority as may be specified by the regulations, such particulars with respect to that person as may be so specified;
- (b) for prohibiting any medical practitioner from administering, supplying and authorising the administration and supply to persons so addicted, and from prescribing for such persons, such drugs as may be so specified except under the authority and in accordance with the conditions of a licence issued by the Secretary of State in pursuance of the regulations.

(2) In the event of a contravention of regulations made by virtue of this section or of conditions of a licence issued thereunder, the Secretary of State may, subject to and in accordance with section 2 of this Act, give a direction in respect of the medical practitioner concerned prohibiting him from prescribing,

administering and supplying and from authorising the administration and supply of such drugs as may be specified in the direction.

(3) Paragraphs (a) and (b) of section 13 of the principal Act (offences) shall not apply to any such contravention as aforesaid; but any person who contravenes a direction under subsection (2) of this section shall be guilty of an offence against the principal Act.

Investigation
of
contraventions
of regulations.

2.—(1) If the Secretary of State considers that there are grounds for giving a direction under subsection (2) of section 1 of this Act on account of such a contravention as aforesaid by a medical practitioner, he may refer the case to a tribunal constituted for the purpose in accordance with the following provisions of this Act; and it shall be the duty of the tribunal to consider the case and report on it to the Secretary of State.

(2) Where the tribunal finds that there has been no such contravention as aforesaid by the medical practitioner in respect of whom the reference is made (in this Act referred to as "the respondent") or finds that there has been such a contravention but does not recommend the giving of a direction under the said subsection (2) in respect of the respondent, the Secretary of State shall cause notice to that effect to be served on the respondent.

(3) Where the tribunal finds that there has been such a contravention as aforesaid by the respondent and considers that a direction under the said subsection (2) should be given in respect of him, the tribunal shall include in its report a recommendation to that effect indicating the drugs which the tribunal considers should be specified in the direction or indicating that it should specify all drugs.

(4) Where the tribunal makes such a recommendation as aforesaid, the Secretary of State shall cause a notice to be served on the respondent stating whether or not he proposes to give a direction pursuant thereto, and where he does so propose the notice shall—

(a) set out the terms of the proposed direction; and

(b) inform the respondent that consideration will be given to any representations relating to the case which are made by him in writing to the Secretary of State within the period of twenty-eight days beginning with the date of service of the notice.

(5) If any such representations are received by the Secretary of State within the period aforesaid, he shall refer the case to an advisory body constituted for the purpose in accordance with the following provisions of this Act; and it shall be the duty of the advisory body to consider the case and to advise

the Secretary of State as to the exercise of his powers under subsection (6) of this section.

(6) After the expiration of the said period of twenty-eight days and, in the case of a reference to an advisory body under subsection (5) of this section, after considering the advice of that body, the Secretary of State may either—

- (a) give in respect of the respondent a direction under subsection (2) of section 1 of this Act specifying all or any of the drugs indicated in the recommendation of the tribunal ; or
- (b) order that the case be referred back to the tribunal, or referred to another tribunal constituted as aforesaid ; or
- (c) order that no further proceedings under this section shall be taken in the case.

3.—(1) The provisions of the Schedule to this Act shall have effect with respect to the constitution and procedure of any tribunal or advisory body appointed for the purposes of section 2 of this Act, and with respect to the other matters there mentioned ; and any expenses of the Secretary of State under that Schedule shall be defrayed out of moneys provided by Parliament. Provisions supplementary to s. 2.

(2) Without prejudice to any other mode of service, any notice or other document falling to be served on the respondent in pursuance of the said section 2 or the following provisions of this section may be served by post and shall be deemed to be properly addressed if it is addressed to him at his last address as known to the Secretary of State.

(3) Where a case is referred or referred back to a tribunal in pursuance of subsection (6) of the said section 2, the provisions of that section shall apply as if the case had been referred to the tribunal in pursuance of subsection (1) of that section, and any finding, recommendation or advice previously made or given in respect of the case in pursuance of that section shall be disregarded.

(4) The Secretary of State shall cause a copy of any order or direction made or given by him in pursuance of the said subsection (6) to be served on the respondent and shall cause notice of any such direction to be published in the London, Edinburgh and Belfast Gazettes.

(5) The Secretary of State may at any time give a direction cancelling or suspending any direction given by him as aforesaid or cancelling any direction of his under this subsection by which a direction so given is suspended, and shall cause a copy of any direction of his under this subsection to be served on the respondent and notice of it to be published as aforesaid.

Safe custody
etc. of drugs.

4.—(1) The Secretary of State may by regulations make provision—

- (a) for requiring precautions to be taken for the safe custody of drugs of any description specified in the regulations which are kept on premises of a description so specified ;
- (b) for requiring the keeping of records of drugs in respect of which such precautions are required to be taken ;
- (c) for the inspection of any precautions taken or records kept in pursuance of this section ; and
- (d) as to the manner in which drugs are to be packed for sale by a person who, within the meaning of the regulations, is a manufacturer of drugs or a dealer in bulk in drugs.

(2) Regulations under this section may provide that such of the requirements imposed by virtue of paragraph (a) above as may be specified in the regulations shall not apply to drugs kept on premises occupied for the purposes of his business by such a person as is mentioned in paragraph (d) above ; but the Secretary of State may, by a notice in writing served on such a person in such manner as may be specified by regulations under this section, specify the precautions or further precautions to be taken for the safe custody of any drugs specified in the notice which are kept on premises so specified and occupied by him as aforesaid, and the precautions specified in such a notice shall be deemed to be required by regulations made in pursuance of the said paragraph (a).

1964 c. 64.

(3) Regulations under this section may also provide that where a person of a kind mentioned in section 1(2) of the Drugs (Prevention of Misuse) Act 1964 is convicted of an offence against the principal Act consisting of a contravention of regulations under this section the Secretary of State may, by a direction given in such manner and after such consultations (if any) as may be specified in the regulations, provide that the said section 1(2) shall not apply to that person while the direction remains in force.

(4) Without prejudice to the provisions of section 7(2) of this Act, section 14 of the principal Act (which relates to the entry and search of premises to obtain evidence of offences) shall have effect as if the reference to Part III of that Act in subsection (1) included a reference to this section and as if references to Part I of the Schedule to that Act included references to the Schedule to the said Act of 1964 ; and section 16(2) of the principal Act (which among other things limits the penalty in respect of an offence relating to the keeping of books which was committed through inadvertence) shall have effect as if the reference to the keeping of books included a reference to the

keeping of records in pursuance of paragraph (b) of subsection (1) of this section.

(5) Nothing in this section shall be construed as derogating from the provisions of any other enactment relating to matters in respect of which provision may be made under this section.

5. The Secretary of State may by regulations make provision— Further powers to make regulations.

(a) for excluding the application of section 13 of the principal Act (offences) in such cases as may be specified by the regulations ;

(b) for applying any of the provisions of sections 2 and 3 of this Act and the Schedule thereto, with such modifications (if any) as may be specified by the regulations—

(i) in relation to any proposal by the Secretary of State to give a direction in pursuance of subsection (3) of section 4 of this Act or to withdraw the authority to prescribe, possess, supply or otherwise deal in drugs conferred on any person by regulations under the principal Act ;

(ii) for such other purposes of regulations under the principal Act as may be so specified ;

(c) for the application of any of the provisions of this Act, the principal Act or regulations under either of those Acts to servants or agents of the Crown, subject to such exceptions, adaptations and modifications as may be so specified.

6.—(1) If a constable has reasonable grounds to suspect that any person is in possession of a drug in contravention of the principal Act or regulations thereunder or in contravention of the Drugs (Prevention of Misuse) Act 1964, the constable may— Further powers to search and to obtain evidence. 1964 c. 64.

(a) search that person, and detain him for the purpose of searching him ;

(b) search any vehicle in which the constable suspects that the drug may be found, and for that purpose require the person in control of the vehicle to stop it ;

(c) seize and detain, for the purposes of proceedings under either of the Acts aforesaid, anything found in the course of the search which appears to the constable to be evidence of an offence against either of those Act.

(2) Nothing in subsection (1) of this section shall be construed as prejudicing any power of search or any power to seize or detain property which is exercisable by a constable apart from that subsection.

(3) Section 14(2) of the principal Act and section 3(1) of the said Act of 1964 (which provide for the issue of a search warrant authorising any constable named in the warrant to enter and search premises in connection with suspected offences under those Acts) shall have effect, in their application to Northern Ireland, with the omission of the words "named in the warrant" and, in their application otherwise than to Northern Ireland, with the substitution for those words of the words "acting for the police area in which the premises are situated"; and at the end of section 15 of the principal Act (which provides for the arrest of a suspected offender who may abscond or whose name and address are not known) there shall be inserted the words "or if he is not satisfied that a name and address furnished by that person as his name and address are true".

Increase of
certain
penalties
under
Customs and
Excise Act
1952 c. 44.

7.—(1) In relation to offences in connection with a prohibition or restriction imposed by section 2, section 7 or section 10 of the principal Act (importation and exportation of certain drugs and other substances), being offences committed after the commencement of this Act, sections 45(1), 56(2) and 304 of the Customs and Excise Act 1952 shall have effect as if for the words "imprisonment for a term not exceeding two years" there were substituted the words "imprisonment for a term not exceeding ten years".

(2) In section 283(2)(a) of the said Act of 1952 (mode of trial of offences punishable with imprisonment for two years), after the words "two years" there shall be inserted the words "or more".

Interpretation,
etc.

8.—(1) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say—

"contravention" includes failure to comply;

"drug" means any substance for the time being specified in Part I of the Schedule to the principal Act and includes—

(a) for the purposes of sections 4 and 6 of this Act, any drug to which Part I of the principal Act applies and any substance for the time being specified in the Schedule to the Drugs (Prevention of Misuse) Act 1964;

(b) for the purposes of section 5 of this Act, any drug to which Part I of the principal Act applies; and

(c) for the purposes of the said section 6, any drug to which Part II of the principal Act applies;

"medical practitioner" means a fully registered person within the meaning of the Medical Act 1956;

1964 c. 64.

1956 c. 76.

“ the principal Act ” means the Dangerous Drugs Act 1965 c. 15. 1965 ; and

“ the respondent ” has the meaning assigned to it by section 2(2) of this Act.

(2) This Act shall be construed as one with the principal Act.

(3) Any regulations or rules made by virtue of this Act may contain such incidental and supplemental provisions as the authority making the regulations or rules considers expedient, and may make different provision for different circumstances.

9.—(1) Subject to the provisions of this section, this Act extends to Northern Ireland. Application to Northern Ireland.

(2) In the application of this Act to Northern Ireland, for any reference to the Secretary of State (except in section 3(1)), the Treasury or the Home Department there shall be substituted respectively a reference to the Ministry of Home Affairs for Northern Ireland, the Ministry of Finance for Northern Ireland and the Ministry of Health and Social Services for Northern Ireland.

(3) Nothing in this Act shall authorise any department of the Government of Northern Ireland to incur any expenses attributable to the provisions of this Act until provision has been made by the Parliament of Northern Ireland for those expenses to be defrayed out of moneys provided by that Parliament.

10. This Act may be cited as the Dangerous Drugs Act 1967, Short title and citation. and this Act and the principal Act may be cited together as the Dangerous Drugs Acts 1965 and 1967.

Section 3.

SCHEDULE

TRIBUNALS AND ADVISORY BODIES

PART I

TRIBUNALS

Membership

1.—(1) A tribunal shall consist of five persons of whom—

- (a) one shall be a barrister, advocate or solicitor of not less than seven years' standing appointed by the Lord Chancellor to be the chairman of the tribunal; and
- (b) the other four shall be persons appointed by the Secretary of State from among medical practitioners nominated for the purposes of this Schedule by any body mentioned in sub-paragraph (2) below.

(2) The bodies aforesaid are the General Medical Council, the Royal Colleges of Physicians of London and Edinburgh, the Royal Colleges of Surgeons of England and Edinburgh, the Royal College of Physicians and Surgeons (Glasgow), the Royal College of Obstetricians and Gynaecologists, the Royal College of General Practitioners, the Royal Medico-Psychological Association and the British Medical Association.

(3) Sub-paragraph (1) of this paragraph shall have effect—

- (a) in relation to a tribunal in Scotland, as if for the reference to the Lord Chancellor there were substituted a reference to the Lord President of the Court of Session;
- (b) in relation to a tribunal in Northern Ireland, as if for the reference to the Lord Chancellor there were substituted a reference to the Lord Chief Justice of Northern Ireland.

Procedure

2. The quorum of a tribunal shall be the chairman and two other members of the tribunal.

3. Proceedings before a tribunal shall be held in private unless the respondent requests otherwise and the tribunal accedes to the request.

4.—(1) Subject to paragraph 5 of this Schedule, the Lord Chancellor may make rules as to the procedure to be followed, and the rules of evidence to be observed in proceedings before tribunals, and in particular—

- (a) for securing that notice that the proceedings are to be brought shall be given to the respondent at such time and in such manner as may be specified by the rules;
- (b) for determining who, in addition to the respondent, shall be a party to the proceedings;

(c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the tribunal ;

(d) for enabling any party to the proceedings to be represented by counsel or solicitor.

(2) Sub-paragraph (1) of this paragraph shall have effect—

(a) in relation to a tribunal in Scotland, as if for the reference to the Lord Chancellor there were substituted a reference to the Secretary of State ;

(b) in relation to a tribunal in Northern Ireland, as if for the reference to the Lord Chancellor there were substituted a reference to the Ministry of Home Affairs for Northern Ireland.

(3) Section 22 of the principal Act (which provides for regulations under that Act to be made by statutory instrument and to be subject to annulment) shall apply to rules under this paragraph as it applies to regulations under that Act but as if the reference to a Secretary of State in subsection (1) included a reference to the Lord Chancellor.

5.—(1) For the purpose of any proceedings before a tribunal in England or Wales or Northern Ireland the tribunal may administer oaths and any party to the proceedings may sue out writs of subpoena ad testificandum and duces tecum, but no person shall be compelled under any such writ to give any evidence or produce any document which he could not be compelled to give or produce on the trial of an action.

(2) The provisions of section 49 of the Supreme Court of Judicature (Consolidation) Act 1925, or of the Attendance of Witnesses Act 1854 (which provide special procedures for the issue of such writs so as to be in force throughout the United Kingdom) shall apply in relation to any proceedings before a tribunal in England or Wales or, as the case may be, in Northern Ireland as those provisions apply in relation to causes or matters in the High Court or actions or suits pending in the High Court of Justice in Northern Ireland.

(3) For the purpose of any proceedings before a tribunal in Scotland, the tribunal may administer oaths and the Court of Session shall on the application of any party to the proceedings have the like power as in any action in that court to grant warrant for the citation of witnesses and havers to give evidence or to produce documents before the tribunal.

6. Subject to the foregoing provisions of this Schedule, a tribunal may regulate its own procedure.

7. The validity of the proceedings of a tribunal shall not be affected by any defect in the appointment of a member of the tribunal or by reason of the fact that a person not entitled to do so took part in the proceedings.

Financial provisions

8. The Secretary of State may pay to any member of a tribunal fees and travelling and other allowances in respect of his services in accordance with such scales and subject to such conditions as the Secretary of State may determine with the approval of the Treasury.

9. The Secretary of State may pay to any person who attends as a witness before the tribunal sums by way of compensation for the loss of his time and travelling and other allowances in accordance with such scales and subject to such conditions as may be determined as aforesaid.

10. If a tribunal recommends to the Secretary of State that the whole or part of the expenses properly incurred by the respondent for the purposes of proceedings before the tribunal should be defrayed out of public funds, the Secretary of State may if he thinks fit make to the respondent such payments in respect of those expenses as the Secretary of State considers appropriate.

11. Any expenses incurred by a tribunal with the approval of the Secretary of State shall be defrayed by the Secretary of State.

Supplemental

12. The Secretary of State shall make available to a tribunal such accommodation, the services of such officers and such other facilities as he considers appropriate for the purpose of enabling the tribunal to perform its functions.

PART II

ADVISORY BODIES

Membership

13.—(1) An advisory body shall consist of three persons of whom—

- (a) one shall be a person who is of counsel to Her Majesty and is appointed by the Lord Chancellor to be the chairman of the advisory body ; and
- (b) another shall be a person appointed by the Secretary of State, being either the Chief Medical Officer of the Home Department or the Scottish Home and Health Department or a medical practitioner who is an officer of a Government department and is nominated by the Secretary of State to act as the deputy of the Chief Medical Officer for the purposes of this paragraph ; and
- (c) the other shall be a person appointed by the Secretary of State from among medical practitioners nominated as mentioned in paragraph 1 of this Schedule.

(2) Sub-paragraph (3) of paragraph 1 of this Schedule shall apply for the purposes of this paragraph as it applies for the purposes of that paragraph, but as if for references to a tribunal there were substituted references to an advisory body.

Procedure

14. The respondent shall be entitled to appear before and be heard by the advisory body either in person or by counsel or solicitor.

15. Subject to the provisions of this Part of this Schedule, an advisory body may regulate its own procedure.

Application of provisions of Part I

16. Paragraphs 3, 7, 8 and 10 to 12 of this Schedule shall apply in relation to an advisory body as they apply in relation to a tribunal.



Sea Fisheries (Shellfish) Act 1967

1967 CHAPTER 83

An Act to consolidate certain enactments relating to shellfish fisheries and shellfish, with amendments to give effect to recommendations of the Law Commission and the Scottish Law Commission. [27th October 1967]

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

Fisheries for shellfish

1.—(1) Subject to the provisions of this section, the appropriate Minister may, on an application made to him in accordance with subsection (2) of this section, by order provide for the establishment or improvement, and for the maintenance and regulation, of a fishery for shellfish of any one or more of the following descriptions, that is to say, oysters, mussels and cockles, on any portion of the shore and bed of the sea, or of an estuary or tidal river, above or below, or partly above and partly below, low water mark and within so much of the exclusive fishery limits of the British Islands as is adjacent to Great Britain (which shore and bed are in this Act referred to as "the sea shore") and, if desirable, for the constitution of a board or body corporate for the purposes of the order.

Power to make orders as to fisheries for shellfish.

(2) An application for an order under this section shall be made in such form and manner as may be prescribed by regulations made by the appropriate Minister; and the provisions of Schedule 1 to this Act shall have effect in relation to the making of orders under this section.

(3) An order under this section may confer on such persons as may be specified in the order—

- (a) a right of several fishery with respect to the whole of the area of the fishery to which the order relates, or
- (b) a right of regulating a fishery with respect to the whole of that area, or
- (c) a right of several fishery with respect to such part of that area as may be specified by or under the order and a right of regulating a fishery with respect to the remainder,

but shall not confer either right for a longer period at one time than sixty years.

(4) An order under this section shall not be made with respect to any portion of the sea shore which belongs to Her Majesty in right of the Crown or forms part of the possessions of the Duchy of Lancaster or of the Duchy of Cornwall except with the appropriate consent, that is to say—

- (a) the consent of the Crown Estate Commissioners, or
- (b) the consent of the Chancellor of the Duchy of Lancaster in writing under his hand attested by the clerk of the Council of the Duchy, or
- (c) the consent of the Duke of Cornwall or the other persons for the time being empowered to dispose for any purpose of lands of the Duchy of Cornwall,

as the case may be.

(5) No order under this section shall take away or abridge any right of several fishery or any right on, to or over any portion of the sea shore, being a right enjoyed by any person under any local or special Act of Parliament or any Royal charter, letters patent, prescription, or immemorial usage, except with the consent of that person.

(6) Any order made under this section may be varied by a subsequent order made thereunder ; and the foregoing provisions of this section shall apply in relation to any such subsequent order and to an application for such an order as they apply in relation to an original order made under this section and to an application for such an order.

Effect of grant of right of several fishery.

2.—(1) Where an order under section 1 of this Act confers a right of several fishery, then, subject to any restrictions and exceptions contained in the order and to section 12 of this Act, the grantees shall have within the limits of the fishery, or of that part of the fishery within which the right is exercisable, the exclusive right of depositing, propagating, dredging, fishing for and taking shellfish of any description to which

the order applies, and in the exercise of that right may within those limits—

- (a) make and maintain beds for such shellfish ;
- (b) at any season collect such shellfish and remove them from place to place and deposit them as and where the grantees think fit ;
- (c) do all other things which the grantees think proper for obtaining, storing and disposing of the produce of their fishery.

(2) In this section “ the grantees ” means the persons for the time being entitled to the right of several fishery conferred by the order under the said section 1.

3.—(1) Where an order under section 1 of this Act confers on the grantees a right of regulating a fishery for any specified description of shellfish and imposes restrictions on, or makes regulations respecting, the dredging, fishing for and taking of any specified description of shellfish within the limits of the regulated fishery, or of that part of the fishery within which the right is exercisable, or imposes tolls or royalties upon persons dredging, fishing for and taking any specified description of shellfish within the limits of that fishery or part, then, subject to any restrictions and exceptions contained in the order and to section 12 of this Act, the grantees shall have power to do all or any of the following things, namely—

Effect of grant of right of regulating a fishery.

- (a) to carry into effect and enforce any such restrictions and regulations ;
- (b) to levy any such tolls or royalties ;
- (c) to provide for depositing and propagating shellfish of any description to which the order applies within those limits and for improving and cultivating the regulated fishery or regulated part, as the case may be.

(2) Subject to the provisions of section 4 of this Act, all such restrictions, regulations, tolls and royalties as aforesaid shall be imposed on and apply to all persons equally, and shall be for the benefit of the regulated fishery or part only, and any such tolls and royalties shall be applied in the improvement and cultivation of that fishery or part.

(3) Any person who dredges, fishes for or takes shellfish of any description to which any such order applies in contravention of any such restriction or regulation, or without paying any such toll or royalty, as aforesaid shall be guilty of an offence and liable on summary conviction to a fine not exceeding £20 and to

forfeit all such shellfish so taken or, if they have been sold, a sum equal to their value ; and any shellfish or sum so forfeited shall be recoverable in like manner as a fine.

(4) The court by which any such forfeiture is imposed may direct the shellfish or sum forfeited to be delivered or paid to the grantees to be applied by them for the improvement and cultivation of the regulated fishery or part.

Licensing powers in case of regulated fishery.

4.—(1) This section applies to an order made under section 1 of this Act, being an order which confers a right of regulating a fishery.

(2) The restrictions imposed by an order to which this section applies may include restrictions prohibiting all persons from dredging, fishing for or taking, within the limits of the fishery or of that part of the fishery within which the right is exercisable, shellfish of the description to which the order applies except under the authority of a licence issued in that behalf by the grantees.

(3) Any power to vary an order to which this section applies shall (without prejudice to the generality of that power) include power to vary the order so as to impose restrictions in accordance with subsection (2) of this section.

(4) Where an order to which this section applies (either as originally made or as varied) imposes any such restrictions, then, subject to the provisions of the order and of this section, licences may be issued under the order in such numbers and to such persons, and operative for such periods, and may authorise the dredging, fishing for or taking of shellfish at such times, in such manner and to such extent, as the grantees may determine.

(5) Where in pursuance of such an order the grantees propose to issue licences, they shall, unless they propose to issue licences to all such persons as may apply for them, notify the appropriate Minister of their intention ; and the appropriate Minister may give directions to the grantees as to the exercise of their powers under subsection (4) of this section.

(6) If the grantees issue or withhold licences without complying with the requirements of subsection (5) of this section or of any directions given thereunder, then, for the purposes of section 5 of this Act (and without prejudice to the generality of that section) the grantees shall be taken not to be properly carrying into effect the restrictions imposed by the order ; but no licence issued in contravention of any such requirements shall be invalid by reason only that it was so issued.

(7) Any licence issued under an order to which this section applies may with the consent of the appropriate Minister be cancelled by the grantees if the person to whom the licence is issued, having been convicted of an offence of contravening a restriction imposed by the order, is subsequently convicted of another such offence ; but, except as provided by this subsection, a licence so issued shall not be cancelled before it is due to expire unless the person to whom it was issued dies or surrenders the licence.

(8) In this section any reference to the imposition of restrictions includes a reference to the making of regulations.

5.—(1) If, in the case of any right of several fishery or of regulating a fishery conferred by an order made under section 1 of this Act, the appropriate Minister is not satisfied, either as respects the whole of the area within which that right is exercisable or as respects any part of that area, that the grantees are properly cultivating the ground for shellfish of any description to which the order applies within the limits of that area or part or properly carrying into effect and enforcing any restrictions and regulations contained in the order and levying any tolls or royalties imposed thereby, he may make a certificate to that effect and thereupon that right shall be absolutely determined as respects that area or, as the case may be, that part thereof, and the provisions of this Act shall cease to operate in relation to that area or, as the case may be, that part thereof as, or, as the case may be, as part of, a several or regulated fishery.

Cesser of
right conferred
by order
under s.1.

(2) For the purpose of subsection (1) of this section, the appropriate Minister may from time to time, with respect to any such fishery, make such inquiries and examination by an inspector or otherwise, and require from the grantees such information, as that Minister thinks necessary or proper, and the grantees shall afford all facilities for such inquiries and examination, and give such information, accordingly.

(3) For the purpose of carrying out any inquiry or examination with respect to a fishery in pursuance of subsection (2) of this section, any inspector or other person appointed by the appropriate Minister under that subsection may take evidence, and by summons under his hand require the attendance of any person and examine him and any person who attends before him, on oath or otherwise, as he thinks expedient, and may administer an oath or take any affidavit or declaration for the purpose of the inquiry or examination.

(4) For the purpose of carrying out any such inquiry or examination, a person authorised in that behalf by the appropriate Minister shall, subject to subsection (5) of this section, have the right, at any reasonable time, to enter any land within the limits of the fishery, and to obtain and take away samples

(which shall be marked, labelled or otherwise made capable of identification) of any shellfish found within those limits; and, notwithstanding anything contained in this Act, when the purpose for which any such sample was taken has been satisfied the person by whom the sample was taken may dispose of it as he may determine.

(5) A right of entry under subsection (4) of this section shall not be exercisable in respect of any land unless not less than twenty-four hours' notice of the intended entry has been given to the occupier of the land, and also to the grantees if they are not the occupiers of the land; and the person exercising the right shall, if so requested, produce written evidence of his authority before entering.

(6) Any duty imposed on any person by subsection (2) of this section to afford facilities for any inquiry or examination in respect of a fishery shall include a duty to afford facilities for the exercise of any right exercisable in respect of the fishery in accordance with subsections (4) and (5) of this section.

(7) Any person who obstructs an inspector or other person in the exercise of any power or right conferred by this section, or who refuses or without reasonable excuse fails to provide any information reasonably required by an inspector or other person in the exercise of any such power or right, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(8) In this section "the grantees", in relation to a right of several fishery, means the persons for the time being entitled to that right.

(9) In the application of this section to Scotland, subsection (3) shall have effect as if for the words "summons under his hand" there were substituted the words "an order signed by him".

Report to
Parliament.

6. The appropriate Minister shall after the end of every year prepare a report respecting the applications to, and proceedings of, that Minister under the foregoing provisions of this Act during that year and shall lay a copy of it before each House of Parliament.

Protection of
fisheries.

7.—(1) The provisions of this section shall have effect where—
(a) an order under section 1 of this Act grants a right of several fishery, or
(b) a private oyster bed is owned by any person independently of this Act and is sufficiently marked out or sufficiently known as such.

(2) All shellfish of a description to which the order applies in or on a bed for such shellfish within the area of the fishery with respect to which the right of several fishery is conferred, or, as the case may be, all oysters in or on the private oyster bed, shall be the absolute property of the grantees or, as the case may be, of the owner of the bed and in all courts and for all purposes shall be deemed to be in the actual possession of the grantees or, as the case may be, owner.

(3) All such shellfish removed by any person from a bed for such shellfish within the area of the fishery with respect to which the right of several fishery is conferred, or, as the case may be, all oysters removed by any person from the private oyster bed, shall, unless sold in market overt or disposed of by or under the authority of the grantees or, as the case may be, of the owner of the bed, be the absolute property of the grantees or, as the case may be, of the owner, and in all courts and for all purposes the absolute right to the possession thereof shall be deemed to be in the grantees or, as the case may be, owner.

(4) Subject to subsection (5) of this section, if within the limits of the area of the fishery with respect to which the right of several fishery is conferred or in any part of that area described for the purposes of this subsection in the order, or within the limits of any such private oyster bed, any person other than the grantees or an agent or employee of theirs or, as the case may be, the owner or an agent or employee of his knowingly does any of the following things, namely—

- (a) uses any implement of fishing except—
 - (i) a line and hook ; or
 - (ii) a net adapted solely for catching floating fish and so used as not to disturb or injure in any manner shellfish of the description in question or any bed therefor or the fishery therefor ;
- (b) dredges for any ballast or other substance except under a lawful authority for improving the navigation ;
- (c) deposits any ballast, rubbish or other substance ;
- (d) places any implement, apparatus or thing prejudicial or likely to be prejudicial to any such shellfish, bed or fishery except for a lawful purpose of navigation or anchorage ;
- (e) disturbs or injures in any manner, except for a lawful purpose of navigation or anchorage, any such shellfish, bed or fishery ;

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding, in the case of a first offence, £2 or, in the case of a second offence, £5, or, in the case of a third or subsequent offence, £10, and shall also be liable to

make full compensation to the grantees or, as the case may be, owner for all damage sustained by them or him by reason of the unlawful act; and such compensation in default of payment may be recovered from him by the grantees or owner as the case may be by proceedings in any court of competent jurisdiction whether he has been prosecuted for or convicted of the offence in question or not.

(5) Nothing in subsection (4) of this section shall make it unlawful for any person to do any of the things therein mentioned—

(a) in the case of a right of several fishery granted by an order under section 1 of this Act, if at the time of his doing that thing the limits of the area of the fishery within which that right is exercisable or of the part of that area described for the purposes of the said subsection (4) in the order are not sufficiently marked out in manner prescribed by or under the order or if notice of those limits has not been given to that person in manner so prescribed;

(b) in the case of a private oyster bed owned by any person independently of this Act, if the bed is not sufficiently marked out and known as such.

(6) In this section “the grantees” means the persons for the time being entitled to the right of several fishery conferred by the order under section 1 of this Act.

Proof of
certain matters.

8. Whenever it is necessary in any legal proceedings to prove that the requirements of an order under section 1 of this Act or of any other Act as to—

(a) the buoying or other marking of the limits of any fishery for shellfish of any description to which the order applies or, as the case may be, of any fishery for oysters or mussels to which that other Act applies, or

(b) the publication, posting or distribution of notices of those limits,

have been complied with, or that notice of the provisions of the order or Act relating to the fishery has been duly published, a certificate, purporting to be under the hand of one of the secretaries, under secretaries or assistant secretaries of the appropriate Minister's department, certifying that that Minister is satisfied that those requirements have been complied with or that the said notice was duly published shall be received as evidence of compliance with those requirements or publication of that notice.

Grants and
loans for
restoration of
fisheries.

9.—(1) The appropriate Minister may, with the approval of the Treasury, make grants or loans to any person in respect of any expenses incurred or to be incurred by him in cleansing

and reinstating (including restocking) any shellfish beds to which this subsection applies which have been affected by any disease or pest.

(2) Subsection (1) of this section applies—

- (a) to any shellfish bed within the limits of a fishery in respect of which an order under section 1 of this Act is for the time being in force, and
- (b) to any other shellfish bed used for the propagation or cultivation of oysters, mussels or cockles, being a shellfish bed in respect of which a person has an exclusive right to take oysters, mussels or cockles.

10. The portion of the sea shore to which an order under section 1 of this Act relates shall for all purposes of jurisdiction be deemed to be within the body of the adjoining county, borough or burgh (so far as it is not by law within it) or to be within the body of each of them, if more than one.

Fishery to be within county etc. for purposes of jurisdiction.

11. Without prejudice to any provision made by or under any other Act prescribing the manner in which service of any document may be effected, service of any summons or other document in any proceedings under section 3(3) or 7(4) of, or paragraph 4(5) of Schedule 1 to, this Act may be effected by leaving the document for the person to be served on board any sea fishing boat to which he belongs with the person being or appearing to be in charge of the boat.

Service of certain documents.

Further provisions with respect to shellfish

12.—(1) The appropriate Minister may by order designate any waters to which this section applies, and prohibit the deposit in those waters of shellfish of any description, or of shellfish of a description specified in the order, being (in either case) shellfish taken (as the order may provide) either—

Power to prohibit deposit of shellfish.

- (a) from any shellfish bed outside the waters so designated, or
- (b) from any shellfish bed in an area specified in the order.

(2) This section applies to the following waters, that is to say—

- (a) all tidal waters (whether forming part of the sea or not) within the seaward limits of the territorial waters adjacent to Great Britain, and
- (b) all inland waters from which, in the opinion of the appropriate Minister, diseases or pests carried by shellfish deposited in them may be conveyed into any such tidal waters as are mentioned in paragraph (a) above.

(3) An order under this section designating any waters may also designate any land adjacent to those waters, being land from which, in the opinion of the appropriate Minister, diseases or pests carried by shellfish deposited on it may be conveyed into those waters; and any prohibition imposed by the order on depositing shellfish in those waters shall apply also to depositing shellfish on that land.

(4) An order under this section may provide that the prohibition thereby imposed shall not apply to any shellfish if—

- (a) they are deposited under the authority of a licence granted by the appropriate Minister, and
- (b) the conditions (if any) specified in that licence are complied with.

(5) Where any person deposits any shellfish in any waters or on any land in contravention of an order under this section, and is convicted of an offence under this Act in respect of that contravention, the appropriate Minister shall have power to remove those shellfish from those waters or that land, and also to remove therefrom any other shellfish which, in his opinion, may have become affected by any disease or pest carried by the shellfish so deposited.

(6) The appropriate Minister may cause any shellfish removed under subsection (5) of this section to be disposed of (whether by destruction, sale or otherwise) as he may think fit, and shall be entitled to recover from the person convicted as mentioned in that subsection any expenses reasonably incurred by the appropriate Minister in removing the shellfish under that subsection, or in disposing of them under this subsection.

(7) For the purposes of this section a person shall be taken to deposit shellfish in any particular waters if he causes the shellfish to enter those waters; and any reference in this section to depositing shellfish on land includes a reference to throwing down, dropping or otherwise discharging the shellfish on that land.

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

Power to prohibit importation of shellfish in certain cases.

13.—(1) Where any waters are for the time being designated by an order under section 12 of this Act, the appropriate Minister may by order made under this section designate any area, consisting of any part of the coast or other land adjacent to those waters, and prohibit shellfish of any description specified in the order from being imported into that area, except at such places (if any) as may be specified in the order.

(2) A person shall be taken to contravene an order under this section if any shellfish to which the prohibition imposed

by the order applies are imported in contravention of the order, and he, whether as owner, consignor or consignee, agent or broker, is in possession, or is in any way entitled to the custody or control, of the shellfish at the time when they are imported.

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

(4) In this section "imported" means imported on board any vessel, hover vehicle or aircraft, whether from a place outside Great Britain or not, and "hover vehicle" means a vehicle designed to be supported on a cushion of air.

14.—(1) Where the appropriate Minister makes an order under section 12 or 13 of this Act, he shall take such steps (whether by the publication or display of notices or otherwise) as he may consider most suitable for informing all persons concerned of the effect of the order. Supplementary provisions as to orders under ss. 12 and 13.

(2) Any person who contravenes the provisions of any order made under the said section 12 or 13 (including any person who contravenes those provisions by not complying with any conditions specified in a licence granted thereunder) shall be guilty of an offence under this subsection, and shall be liable on summary conviction—

(a) in the case of a first offence under this subsection, to a fine not exceeding £100 ;

(b) in the case of a second or subsequent offence under this subsection, to imprisonment for a term not exceeding three months, or a fine not exceeding £200, or both.

(3) A person authorised in that behalf by the appropriate Minister (in this section referred to as an "inspector") shall, subject to subsection (4) of this section, have the right, at any reasonable time, to enter any land designated by an order under the said section 12, or any waters, or land covered by waters, designated by such an order, where either—

(a) the inspector has reasonable grounds for believing that the prohibition imposed by the order is being or has been contravened, or

(b) entry is required for the purpose of removing any shellfish which the appropriate Minister is empowered to remove under subsection (5) of that section ;

and an inspector having a right to enter any land or waters under this subsection shall also have the right to obtain and take away samples (which shall be marked, labelled or otherwise made capable of identification) of any shellfish found there,

and to dispose of any such sample as the inspector may determine:

Provided that where an inspector enters any land or waters by virtue of paragraph (a) above, he shall retain any shellfish so taken for as long as may be necessary to secure that they are available for production in any proceedings for an offence under this section in respect of the contravention in question.

(4) A right of entry under subsection (3) of this section shall not be exercisable in respect of any occupied land unless not less than twenty-four hours' notice of the intended entry has been given to the occupier; and the inspector shall, if so required, produce written evidence of his authority before entering.

(5) Any person who obstructs an inspector in the exercise of any right conferred by subsection (3) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

Public
fisheries:
elimination of
disease or
pest affecting
shellfish.

15.—(1) This section applies to any waters in which the public have a right to fish, other than—

- (a) waters which are within the limits of a fishery in respect of which a right (whether a right of several fishery or of regulating a fishery) conferred by an order under section 1 of this Act is for the time being in force;
- (b) waters (not falling within paragraph (a) above) in which a person has an exclusive right to take shellfish of any description.

(2) The appropriate Minister may take any action which appears to him to be requisite—

- (a) for destroying any shellfish which are in any waters to which this section applies and which appear to him to be affected by a disease or pest, or
- (b) for eliminating from any such waters any disease or pest affecting shellfish;

and (where he has taken any action in respect of any waters in accordance with paragraph (a) or paragraph (b) above) for causing those waters to be restocked with shellfish.

Oysters not
to be sold
between
certain dates.

16.—(1) Subject to subsection (2) of this section, any person who between the 14th May in any year and the following 4th August sells, exposes for sale, buys for sale, or consigns to any person for the purpose of sale, any description of oysters shall be guilty of an offence and liable on summary conviction to a fine not exceeding, in the case of a first offence, £2 or, in the case of a second or subsequent offence, £10 and, in any case,

to forfeit the oysters exposed for sale, bought for sale or consigned to any person for the purpose of sale, in contravention of this subsection.

(2) A person shall not be guilty of an offence under this section if he satisfies the court that the oysters alleged to have been sold, exposed for sale, bought for sale or consigned to any person for the purpose of sale—

- (a) were originally taken within the waters of a foreign state, or
- (b) were preserved in tins or otherwise cured, or
- (c) were intended for the purpose of oyster cultivation within the same district in which the oysters were taken, or
- (d) were taken from any place for cultivation with the consent of the appropriate Minister.

(3) For the purposes of subsection (2)(c) of this section a district is—

- (a) the Thames Estuary, bounded by a line drawn from Orford Ness to the North Foreland, and
- (b) any other area for the time being constituted a district for the purposes of this section by an order of the appropriate Minister ;

and where the place at which oysters are taken is not within any such district, so much of the area within ten miles of that place as is not included in any such district shall be deemed to be a district for those purposes.

(4) The appropriate Minister may by a subsequent order revoke or vary any order made by him under subsection (3)(b) of this section.

17.—(1) Subject to subsection (2) of this section, any person who takes, has in his possession, sells, exposes for sale, buys for sale, or consigns to any person for the purpose of sale,—

- (a) any edible crab carrying any spawn attached to the tail or other exterior part of the crab, or
 - (b) any edible crab which has recently cast its shell,
- shall be guilty of an offence.

(2) A person shall not be guilty of an offence under subsection (1) of this section if he satisfies the court that the edible crabs found in his possession or alleged to have been sold, exposed for sale, bought for sale, or consigned to any person for the purpose of sale, were intended for bait for fishing.

(3) If the Minister and the Secretary of State by order so direct, no person shall, in Great Britain, land, sell, expose or offer for sale, or have in his possession for the purpose of sale, any lobster which is carrying any spawn attached to the tail or some other exterior part of the lobster, or which is in such a condition as to show that, at the time when it was taken, it was carrying spawn so attached; and any person who contravenes an order under this subsection shall be guilty of an offence.

(4) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, £25 and, in the case of a second or subsequent offence, £50, and the court by which the offender is convicted may order the forfeiture of all crabs or lobsters found in his possession or alleged to have been sold, exposed or offered for sale, bought for sale, or consigned to any person for the purpose of sale, in contravention of subsection (1) of this section or of an order under subsection (3) thereof, as the case may be.

(5) An order under subsection (3) of this section may be varied or revoked by a subsequent order thereunder.

Power to search for, seize, etc. oysters, crabs and lobsters illegally in possession of any person, etc.

18. Any person who has power under any Act, charter or byelaw to search for, seize, remove or condemn any food unfit for human consumption or to order any such food to be destroyed or otherwise disposed of, may exercise the like power with respect to any oysters, crabs or lobsters which, in contravention of section 16 or 17 of this Act, are in the possession of any person or exposed or offered by any person for sale or have been bought by, or consigned to, any person for the purpose of sale.

Supplemental

Jurisdiction to try certain offences and applications of certain fines.

19.—(1) For the purposes of and incidental to the jurisdiction of any magistrates' court, or, in Scotland, of the sheriff, any offence under section 16 or 17 of this Act shall be deemed to have been committed either in the place in which it was actually committed or in any place in which the offender may for the time being be found.

1954 c. 48.

(2) Any offence under any of the provisions of this Act mentioned in subsection (4) of this section committed in Scotland may be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act 1954 having jurisdiction in the place where the offence was committed.

1949 c. 101.

(3) Any sum paid to the Secretary of State in pursuance of section 27 of the Justices of the Peace Act 1949 in respect of a fine recovered under any of the provisions of this Act mentioned in subsection (4) of this section, or in respect of any shellfish or

sum forfeited under section 3(3) of this Act, shall be deemed to be Exchequer moneys within the meaning of the said section 27 and shall be paid by the Secretary of State into the Exchequer.

(4) The provisions of this Act referred to in subsections (2) and (3) of this section are sections 3(3) and 7(4) and paragraph 4(5) of Schedule 1.

20.—(1) Any power to make orders or regulations under this Act shall be exercisable by statutory instrument. Orders and regulations.

(2) Any instrument containing an order under section 1 of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Any instrument containing an order under section 17(3) of this Act shall be laid before Parliament.

21.—(1) There shall be paid out of moneys provided by Financial Parliament any expenditure incurred by the Minister or the Secretary of State under this Act. provisions.

(2) There shall be paid into the Exchequer any receipts of the Minister or the Secretary of State in pursuance of section 12(6) of this Act or paragraph 8 of Schedule 1 thereto and any sums received by the Minister or the Secretary of State by way of interest on, or repayment of, loans under section 9 of this Act.

22.—(1) In this Act “the Minister” means the Minister of Agriculture, Fisheries and Food and “the appropriate Minister”, in relation to England and Wales, means the Minister and, in relation to Scotland, means the Secretary of State. Interpretation.

(2) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

“land” includes land covered by water;

“sea fish” means fish of any description found in the sea, other than fish of the salmon species, and includes shellfish;

“sea fishing boat” means a vessel of whatever size, and in whatever way propelled, which is used by any person in fishing for sea fish;

“shellfish” includes crustaceans and molluscs of any kind, and includes any part of a shellfish and any (or any part of any) brood, ware, half-ware or spat of shellfish, and any spawn of shellfish, and the shell, or any part of the shell, of a shellfish, and references in this Act to shellfish of any particular description shall be construed accordingly;

“ shellfish bed ” means any bed or ground in which shellfish are usually found or which is used for the propagation or cultivation of shellfish.

Isle of Man
and Channel
Islands.

23.—(1) Sections 16, 17, 18 and 19(1) of this Act shall extend to the Isle of Man and the Channel Islands, and shall have effect in those Islands subject to such adaptations and modifications as Her Majesty may by Order in Council specify.

(2) Any Order in Council made under subsection (1) of this section may be varied or revoked by a subsequent Order in Council so made.

Consequential
amendments,
repeals and
transitional
provisions.

24.—(1) The enactments mentioned in Schedule 2 to this Act shall have effect subject to the amendments specified therein, being amendments consequential on the provisions of this Act.

(2) The Acts specified in Schedule 3 to this Act shall be repealed to the extent specified in the third column of that Schedule.

(3) In so far as any order, regulation or licence made or granted under any enactment repealed by this Act, or any other thing done under any such enactment, could have been made, granted or done under a corresponding provision of this Act, it shall not be invalidated by the repeals effected by this section but shall have effect as if made, granted or done under that corresponding provision.

(4) Without prejudice to subsection (3) of this section, any reference in this Act to a thing done under any provision of this Act shall, except where the context otherwise requires, be construed as including a reference to the corresponding thing done under the corresponding provision of the enactments repealed by this Act.

(5) Where any Act or any document refers, either expressly or by implication, to an enactment repealed by this Act, the reference shall, except where the context otherwise requires, be construed as a reference to the corresponding provision of this Act.

(6) For the purpose of determining the punishment (by fine, imprisonment or both) which may be imposed on a person in respect of an offence under any provision of this Act, an offence committed by that person under the corresponding enactment repealed by this Act shall be deemed to have been committed under that provision.

1889 c. 63.

(7) Nothing in this section shall be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).

Citation,
commencement
and extent.

25.—(1) This Act may be cited as the Sea Fisheries (Shellfish) Act 1967 and shall come into force at the expiration of a period of one month beginning with the date on which it is passed.

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

SCHEDULES

SCHEDULE 1

Section 1.

PROVISIONS WITH RESPECT TO MAKING OF ORDERS UNDER SECTION 1

1. Where an application for an order under section 1 of this Act is made to the appropriate Minister, that Minister may either refuse the application or prepare a draft order and serve a copy of it on the applicants.

2. Where a draft order is prepared and a copy thereof served on the applicants under paragraph 1 above, the applicants shall cause printed copies of the draft order to be published and circulated in such manner as the appropriate Minister thinks sufficient and proper for giving information to all parties interested, and shall give notice of the application, in such manner as that Minister directs or approves, to the owners or reputed owners, lessees or reputed lessees, and occupiers, if any, of the portion of the sea shore to which the proposed order relates and of the lands adjoining thereto.

3. During the period of one month after the first publication of the draft order under paragraph 2 above, the appropriate Minister shall receive any objections or representations made to him in writing respecting the proposed order.

4.—(1) The provisions of this paragraph shall have effect where any objection with respect to the proposed order which the appropriate Minister considers to be neither frivolous nor irrelevant has been duly made to that Minister under paragraph 3 above and has not been withdrawn.

(2) The appropriate Minister shall as soon as conveniently may be after the expiration of the period of one month referred to in paragraph 3 above appoint some fit person to act as inspector respecting the proposed order.

(3) The inspector shall proceed to make an inquiry concerning the subject matter of the proposed order, and for that purpose to hold a sitting or sittings in some convenient place in the neighbourhood of the portion of the sea shore to which the proposed order relates and thereat to take and receive any evidence and information offered, and hear and inquire into any objections or representations made respecting the proposed order with power from time to time to adjourn any sitting.

(4) The inspector may for the purpose of the said inquiry take evidence, and by summons under his hand require the attendance of any person, and examine him and any person who attends before him, on oath or otherwise, as he thinks expedient, and may administer an oath or take any affidavit or declaration for the purposes of the inquiry.

(5) Any person so summoned who, after tender to him of his reasonable expenses, refuses or neglects to obey the summons, and any person who refuses or neglects to answer any question which the inspector is authorised to ask, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £10.

SCH. 1

(6) Not less than fourteen days' notice shall be published in such manner as the appropriate Minister may direct of every sitting of the inquiry other than an adjourned sitting.

(7) The inspector shall make a report in writing to the appropriate Minister, setting forth the result of the inquiry, and stating whether in his opinion the proposed order should be made, with or without alteration, specifying any alteration he recommends and his reasons therefor, and stating the objections and representations, if any, made on the inquiry and his opinion thereon.

(8) In the application of this paragraph to Scotland, in sub-paragraph (4) for the words "summons under his hand" there shall be substituted the words "an order signed by him", and in sub-paragraph (5) for the words "summoned" and "summons" there shall be substituted the words "ordered" and "order" respectively.

5. Without prejudice to paragraph 4 above, the appropriate Minister may, in the case of any proposed order, cause any such inquiry as he thinks fit to be held with respect thereto.

6. As soon as conveniently may be after the expiration of the period of one month referred to in paragraph 3 above or after the receipt by the appropriate Minister of any report of the inspector under paragraph 4(7) above, that Minister shall, after considering the objections or representations, if any, that have been made with respect to the proposed order and any such report, either refuse the application or settle and make an order in such form and containing such provisions as he thinks expedient.

7. Where the appropriate Minister makes an order under section 1 of this Act, the applicants for the order shall cause notice of the making of the order to be published in such manner as that Minister thinks sufficient for giving information to all parties interested and shall give notice of the making of the order, in such manner as that Minister directs or approves, to the owners or reputed owners, lessees or reputed lessees, and occupiers, if any, of the portion of the sea shore to which the order relates and of the lands adjoining thereto.

8. All expenses incurred by the appropriate Minister in relation to any application for an order under section 1 of this Act or to any order made in consequence thereof shall be defrayed by the applicants; and the appropriate Minister shall, if he thinks fit, on or at any time after the making of the application, require the applicants to pay to him such sum as he thinks requisite for or on account of those expenses, or to give security to his satisfaction for the payment of those expenses on demand.

Section 24.

SCHEDULE 2

CONSEQUENTIAL AMENDMENTS

1881 c. 11.

THE SEA FISHERIES (CLAM AND BAIT BEDS) ACT 1881

In section 4 for the words from "sections", where first occurring, to the end of the first paragraph there shall be substituted the words "the following provisions of the Sea Fisheries (Shellfish) Act 1967,

that is to say, section 1(2), so far as it relates to Schedule 1, section 1(4) and (5), sections 6, 8 and 10 and Schedule 1, shall apply as if those provisions were re-enacted in this Act with the necessary modifications”.

SCH. 2

In section 6 for the words “Part III of the Sea Fisheries Act 1868” there shall be substituted the words “section 1 of the Sea Fisheries (Shellfish) Act 1967”.

In section 8 for the words “under the Sea Fisheries Act 1868, and any Act amending the same” there shall be substituted the words “for an offence under section 7(4) of the Sea Fisheries (Shellfish) Act 1967”.

THE SEA FISHERIES (SCOTLAND) AMENDMENT ACT 1885

1885 c. 70.

In section 3 after the word “1883” there shall be inserted the words “sections 3(3) and 7(4) of, and paragraph 4(5) of Schedule 1 to, the Sea Fisheries (Shellfish) Act 1967”.

THE SEA FISHERIES REGULATION (SCOTLAND) ACT 1895

1895 c. 42.

In section 8(1)(b) for the words “section four of the Fisheries (Oyster, Crab and Lobster) Act 1877” there shall be substituted the words “section 16(2) of the Sea Fisheries (Shellfish) Act 1967”.

In section 8(1)(c) for the words “the proviso to section eight of the Fisheries (Oyster, Crab and Lobster) Act 1877” there shall be substituted the words “section 17(2) of the said Act” and the words “or under a certain size” shall be omitted.

THE SEA FISHERIES REGULATION ACT 1966

1966 c. 38.

In section 5(1)(e) for the words “section 4 of the Fisheries (Oyster, Crab and Lobster) Act 1877” there shall be substituted the words “section 16(2) of the Sea Fisheries (Shellfish) Act 1967”.

In section 5(1)(f) for the words “the proviso to section 8” there shall be substituted the words “section 17(2)”.

SCHEDULE 3

Section 24.

ENACTMENTS REPEALED

| Chapter | Short title | Extent of Repeal |
|-------------------------|---|--|
| 31 & 32 Vict. c. 45. | The Sea Fisheries Act 1868. | Part III. |
| 32 & 33 Vict. c. 31. | The Oyster and Mussel Fisheries Orders Confirmation Act 1869 (No. 2). | Sections 58 and 68. Sections 2 and 3. |
| 38 & 39 Vict. c. 15. | The Sea Fisheries Act 1875. | The whole Act. |
| 40 & 41 Vict. c. 42. | The Fisheries (Oyster, Crab and Lobster) Act 1877. | The whole Act. |
| 47 & 48 Vict. c. 27. | The Sea Fisheries Act 1884. | The whole Act. |

SCH. 3

| Chapter | Short title | Extent of Repeal |
|----------------------------|---|--|
| 48 & 49 Vict. c. 70. | The Sea Fisheries (Scotland) Amendment Act 1885. | In section 3, the words "the Sea Fisheries Act, 1875, and". In section 11, paragraphs (a) and (b). |
| 58 & 59 Vict. c. 42. | The Sea Fisheries Regulation (Scotland) Act 1895. | Sections 11 to 17. |
| 3 Edw. 7. c. 31. | The Board of Agriculture and Fisheries Act 1903. | In the Schedule, Part 4. |
| 23 & 24 Geo. 5. c. 45. | The Sea-Fishing Industry Act 1933. | In section 4 (as substituted by section 38 of the Sea Fish Industry Act 1938), subsection (2). |
| 1 & 2 Geo. 6. c. 30. | The Sea Fish Industry Act 1938. | Section 58. In section 59, the words from the beginning to "1868". Section 61(2). |
| 10 & 11 Eliz. 2. c. 31. | The Sea Fish Industry Act 1962. | Sections 19 to 26. In section 32(1)(a), the words from "section nineteen" to "twenty-six" and section 32(2)(a), except in so far as it relates to receipts in pursuance of an order made in accordance with section 11(5) of that Act. In section 33(1), the definitions of "land", "mussel", "oyster" and "shellfish bed". In section 34(2), the words from "and", where first occurring, to "twenty", and section 34(3) so far as it relates to orders under Part III of the Sea Fisheries Act 1868. In section 35(5), the words "nineteen to". In Schedule 2, paragraphs 1 to 4. |



Sea Fish (Conservation) Act 1967

1967 CHAPTER 84

An Act to consolidate (with corrections and improvements made under the Consolidation of Enactments (Procedure) Act 1949) certain enactments which provide for regulating the commercial use of, fishing for, and landing of, sea fish, and for authorising measures for the increase or improvement of marine resources.
[27th October 1967]

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

Restrictions on commercial use of under-sized, etc., sea fish

1.—(1) Subject to the provisions of this section and of **Size limits,** section 9(1) of this Act, no person shall, in Great Britain, land, **etc. for fish.** sell, expose or offer for sale, or have in his possession for the purpose of sale, any sea fish of any description, being a fish of a smaller size than such size as may be prescribed in relation to sea fish of that description by an order of the Ministers, and orders under this subsection may prescribe a different size in relation to landing from that prescribed for other purposes.

(2) Where an order under subsection (1) above prescribes a size for fish of any description (whether in relation to landing only or for all the purposes of the subsection), then, except in so far as provision to the contrary is made by such an order, a person who in Great Britain lands a part of a fish of that

description, shall, subject to section 9(1) of this Act, be deemed to contravene subsection (1) above if the part is of a smaller size than the one so prescribed.

(3) Where, in the course of any fishing operations conducted by means of a fishing boat, any sea fish of any description which are of less than the minimum size prescribed in relation to sea fish of that description by any order under subsection (1) above are taken on board the boat, those fish shall, subject to section 9(2) of this Act, be returned to the sea forthwith.

(4) Subsection (3) above shall apply to all fishing boats in waters adjacent to the United Kingdom and within the fishery limits of the British Islands and also to British fishing boats registered in the United Kingdom wherever they may be.

(5) An order under subsection (1) above may provide for exempting any fishing boat or class of fishing boat from the obligation to return fish of any description specified in the order, if and so long as such conditions as may be imposed by or under the order are complied with; and if and so long as such further conditions (if any) as may be imposed are complied with, any fish retained on board under such an exemption shall be excepted from the prohibitions of the said subsection (1).

(6) Any person who contravenes subsection (1) above shall be guilty of an offence under that subsection and if subsection (3) above is not complied with in the case of any fishing boat, the master, the owner and the charterer (if any) shall each be guilty of an offence under that subsection.

Size limits for fish for use in course of any business.

2.—(1) Subject to any exemption granted under this section, no person shall in Great Britain have in his possession any fish to which this section applies for the purpose of processing or otherwise using it in the course of any business.

(2) This section applies to any fish which under section 1(1) of this Act is prohibited from being sold in Great Britain.

(3) Where it appears to an officer authorised in that behalf by the appropriate Minister that any fish which have been caught are fish to which this section applies, the officer may grant to any person such exemption from subsection (1) above as the officer considers requisite to enable the fish to be disposed of.

(4) Any person who contravenes this section shall be guilty of an offence under this section.

Regulation of fishing for sea fish

3.—(1) The Ministers may make an order for securing that the nets and other fishing gear carried in any British fishing boat registered in the United Kingdom comply with such requirements as to construction, design, material, or size, including, in the case of nets, size of mesh, as may be prescribed by the order, and an order under this section, or any provisions of such an order, may be framed so as to apply only in relation to fishing for specified descriptions of sea fish, to specified methods of fishing or to fishing in specified areas or during specified periods.

Regulation of
nets and other
fishing gear.

(2) An order under this section may be made so as to extend to nets or other fishing gear carried in any waters adjacent to the United Kingdom and within the fishery limits of the British Islands by fishing boats registered in any country outside the United Kingdom or not registered in any country.

(3) An order under this section prescribing minimum sizes of mesh may also—

- (a) prescribe the manner in which the sizes of mesh are to be measured and, in the case of any class of nets, prescribe different sizes for the nets when in different conditions ;
- (b) make provision for securing that the restrictions imposed by the order are not evaded by the use of any nets in such manner as practically to diminish their mesh, or by the covering of nets with canvas or any other material, or by the use of any other artifice ;
- (c) provide for exempting any nets from any such restrictions as aforesaid, either generally or in relation to particular fishing boats or classes of fishing boats, if and so long as such conditions as may be imposed by or under the order are complied with.

(4) Without prejudice to subsection (3) above, an order under this section may, in relation to any fishing gear,—

- (a) restrict the manner in which it may be used ;
- (b) prescribe the manner in which its size is to be measured ;
- (c) make provision for securing that the restrictions imposed by the order are not evaded ;
- (d) make the like provision for exemption as is mentioned in relation to nets in subsection (3)(c) above.

(5) If any order under this section is contravened in the case of any fishing boat, the master, the owner and the charterer (if any) shall each be guilty of an offence under this section.

(6) Any restrictions imposed by an order under this section shall be in addition to, and not in substitution for, any restriction imposed by or under any other Act, and nothing in this section shall affect any power conferred by any Act to regulate sea fishing.

(7) Nothing in any byelaw, rule, order or regulation made under section 4 of the Sea Fisheries (Scotland) Amendment Act 1885, section 6 of the Herring Fishery (Scotland) Act 1889 or section 8 of the Sea Fisheries Regulation (Scotland) Act 1895, or in any byelaw made, or having effect as if made, under section 5 of the Sea Fisheries Regulation Act 1966, or in any regulation made, or deemed to be made, under the Fisheries Act (Northern Ireland) 1966, shall be taken to authorise the carrying of fishing nets in circumstances where the carrying of those nets would otherwise be unlawful by virtue of an order made under this section.

Licensing
of British
fishing
boats.

1894 c. 60.

4.—(1) As from such day as may be appointed by an order made by the Ministers and subject to such exceptions as may be made by any such order, no British fishing boat registered in the United Kingdom shall be used by way of trade or business for fishing in any area specified in the order, and no fishing boat which is British-owned but not registered under the Merchant Shipping Act 1894 shall be used by way of trade or business for fishing for salmon or migratory trout in any area so specified, except under the authority of a licence granted by one of the Ministers and for the time being in force.

(2) An order made under this section in respect of fishing in any area may be made so as to apply to fishing in that area generally, or may be made subject to any one or more, or any combination, of the following limitations, that is to say, limitations whereby the order applies to fishing in that area—

- (a) for fish of a description specified in the order and not for any other descriptions of fish, or for fish of any description except a description so specified ;
- (b) by a method specified in the order and not by any other method, or by any method except a method so specified ;
- (c) during a season of the year specified in the order and not during any other season of the year, or at any season of the year except a season so specified ;
- (d) during a period specified in the order and at no other time.

(3) Subject to subsection (4) below, any licence granted under this section may authorise either fishing generally or fishing for, or except for, any description of fish specified in the licence, and may do so either unconditionally or subject to such conditions as appear to the Minister granting the licence expedient for the purpose of preventing overfishing.

(4) Where an order under this section is made subject to any such limitations as are mentioned in subsection (2) above, the licensing powers exercisable under this section in pursuance of that order shall be exercisable only within those limitations.

(5) The licensing powers conferred by this section may be so exercised as to limit the number of British fishing boats, or any class of such boats, engaged in fishing in any area or in fishing in any area for any description of fish to such extent as appears to the Ministers to be necessary or expedient for the purpose of preventing overfishing, but the Ministers shall exercise those powers in such a way as appears to them to be likely to cause the least possible hardship.

(6) An order under this section, made with the consent of the Treasury for the purposes of this subsection, may authorise any of the Ministers to make a charge, not exceeding such amount as may be specified in the order, for the granting of a licence under this section, and different amounts may be so specified in relation to different classes of licences.

(7) If subsection (1) above is contravened in the case of any fishing boat, the master, the owner and the charterer (if any) shall each be guilty of an offence under this section.

(8) Subject to subsection (9) below, an order appointing a day for the purposes of this section shall not be made in relation to any area unless the Ministers are satisfied that measures substantially equivalent to the provisions of this section are being taken by the governments of other countries interested in fishing in that area, and in exercising in relation to any area the powers conferred by this section the Ministers shall have regard to the extent to which fishing in that area is being restricted by those governments.

(9) Subsection (8) above shall not apply in relation to the imposition of any restriction—

- (a) on fishing for salmon or migratory trout, whether within or outside the fishery limits of the British Islands, or
- (b) on fishing for any other sea fish in any waters adjacent to Great Britain and within those limits.

5.—(1) Subject to the provisions of this section, where it appears to the Ministers necessary or expedient to do so for the purpose of giving effect to any convention or agreement for the time being in force between Her Majesty's Government Power to restrict fishing for sea fish.

in the United Kingdom and the government of any other country, they may by order prohibit, for any period and in any area specified in the order—

(a) all fishing for sea fish, or

(b) the fishing for any description of sea fish specified in the order, or

(c) the fishing for sea fish, or for any description of sea fish specified in the order, by any method so specified, by any fishing boat to which the prohibition applies; and where any fishing boat is used in contravention of any prohibition imposed by an order under this section, the master, the owner and the charterer (if any) shall each be guilty of an offence under this subsection.

(2) The power conferred by subsection (1) above shall, in relation to the imposition of any prohibition—

(a) on fishing for salmon or migratory trout, whether within or outside the fishery limits of the British Islands, or

(b) on fishing for any other sea fish in any waters adjacent to Great Britain and within those limits,

be exercisable wherever it appears to the Ministers to be necessary or expedient to exercise that power, whether for the purpose of giving effect to such a convention or agreement as is therein mentioned or not.

(3) Where an order under this section is not made for the sole purpose of giving effect to such a convention or agreement as is mentioned in subsection (1) above, the order shall contain a statement to that effect.

(4) Any order under this section, except an order which—

(a) has effect in relation to salmon or migratory trout (whether it has effect in relation to any other description of fish or not), and

(b) is not made for the sole purpose of giving effect to such a convention or agreement as is mentioned in subsection (1) above,

may be made so as to continue in force either for a period specified in the order or without limitation of time.

(5) Any prohibition imposed by an order under this section may be made so as to have effect either at all times while the order is in force or at such times as (whether by reference to particular months, weeks, days or hours, or to any combination thereof) are specified in the order.

(6) Where an order under this section is made in respect of a description of sea fish specified in the order, and, in the course of any fishing operations conducted in an area so specified and

at a time when a prohibition imposed by the order in relation to sea fish of that description has effect in that area, any sea fish of that description (or, if the prohibition applies only to fishing for sea fish of that description by a method specified in the order, any sea fish of that description caught by that method) are taken on board a fishing boat to which the obligation imposed by this subsection applies, those sea fish shall, subject to section 9 of this Act, be returned to the sea forthwith.

(7) Where subsection (6) above is not complied with in the case of any fishing boat, the master, the owner and the charterer (if any) shall each be guilty of an offence under that subsection.

(8) Subject to section 9 of this Act, any prohibition imposed by an order under this section, and the obligation imposed by subsection (6) above, shall apply to all British fishing boats registered in the United Kingdom and, in any waters adjacent to the United Kingdom which are within the fishery limits of the British Islands, also to all other fishing boats; and any prohibition imposed by such an order, in so far as it relates to fishing for salmon or migratory trout, shall apply also to any fishing boats which are British-owned but not registered under the Merchant Shipping Act 1894.

1894 c. 60.

Regulation of the landing of sea fish

6.—(1) The Ministers, after consultation with the Board of Trade, may by order prohibit, in accordance with the provisions of this section, the landing in the United Kingdom of sea fish, or any particular description of sea fish, being fish caught in any such waters as may be specified in the order.

Prohibition on landing of sea fish caught in certain areas.

(2) Any prohibition imposed by an order under this section in relation to sea fish, or any particular description of sea fish, caught in any waters specified in the order may be so imposed either for a period specified in the order or without limitation of time, and either free from, or subject to, all or any, or any combination, of the following limitations, that is to say, limitations whereby the prohibition has effect in relation to sea fish, or sea fish of that description, as the case may be—

- (a) caught while in a condition specified in the order and not while in any other condition, or caught while in any condition except a condition so specified;
- (b) caught by a method specified in the order and not by any other method, or caught by any method except a method so specified;
- (c) caught at any such times as (whether by reference to particular months, weeks, days or hours, or to any combination thereof) are specified in the order.

(3) Without prejudice to subsection (2) above, any prohibition imposed by an order under this section may be imposed subject to such exceptions as may be specified in the order.

(4) Where an order is made under this section the enactments relating to customs shall apply accordingly, but no steps shall be taken under those enactments for the purposes of this section by any officer of customs and excise except at the request of an officer of the Ministry of Agriculture, Fisheries and Food, the Secretary of State for Scotland or the Ministry of Agriculture for Northern Ireland, as the case may be.

(5) If any sea fish are landed from a vessel in contravention of an order under this section, the master, the owner and the charterer (if any) of the vessel shall each be guilty of an offence under this section.

(6) In this and the next following section "sea fish" includes salmon and migratory trout.

Declarations
required for
purposes of
orders under
s. 6.

7.—(1) Any British sea-fishery officer may serve on the master of any vessel a notice in writing under the hand of the officer requiring the master to make, on each occasion when any sea fish are about to be landed in the United Kingdom from that vessel while any order under section 6 of this Act is in force, a written declaration that those sea fish are not sea fish the landing of which is prohibited by the order, and to deliver the declaration, before any of the sea fish are landed, to such person, or at such place, in the port of landing as may be specified in the notice:

Provided that a notice under this subsection shall not be taken to require the making or delivery of any declaration in respect of the landing of any sea fish after the end of the period of six months from the date on which the notice is served.

(2) Where any sea fish are brought to land in the United Kingdom in any vessel, any British sea-fishery officer may, at any time before the vessel next puts out to sea, request the master to make, in respect of any of those sea fish which have been, or are being, or are about to be, landed from the vessel while any order under section 6 of this Act is in force a written declaration that the sea fish in question are not sea fish the landing of which is prohibited by the order, and to deliver the declaration to the officer or to such person, or at such place, in the port of landing as he may designate.

Nothing in this subsection shall be taken to affect the operation of subsection (1) above.

(3) If the master of any vessel makes for the purposes of this section a declaration which is to his knowledge false in

any material particular, he shall be guilty of an offence under this section; and if the master of any vessel fails to make, in respect of any sea fish, a declaration in accordance with the requirements of a notice duly served on him under this section or in accordance with a request duly made under this section by a British sea-fishery officer, as the case may be, the said sea fish shall be presumed until the contrary is proved to be sea fish the landing of which is prohibited under section 6 of this Act.

(4) A notice under subsection (1) above relating to any vessel may be addressed to "The Master" of the vessel (identifying it by name or otherwise) and shall be deemed to be duly served if it is delivered or sent by post to, or to the agent of, the owner or the charterer (if any) of the vessel, together with a written request that it be transmitted to the master, and, if the notice is served by being so delivered or sent as aforesaid, it shall be deemed to be served on the master of the vessel for the time being and on every other person who at any material time thereafter is the master of the vessel.

8.—(1) Subject to the provisions of this section and of section 9 of this Act, the Board of Trade, after consultation with the Ministers, may by order regulate the landing in the United Kingdom of sea fish which have not been both—

Regulation of landing of foreign-caught sea fish.

(a) taken by British fishing boats registered in the United Kingdom, the Isle of Man or any of the Channel Islands; and

(b) brought to land in the United Kingdom without having been previously landed outside the United Kingdom; and, without prejudice to the generality of the power conferred by the foregoing provisions of this section, an order under this section may determine for any such period as may be specified in the order—

(i) the descriptions of such sea fish as aforesaid which may be landed in the United Kingdom;

(ii) the quantity of such sea fish, or of any description thereof, which may be so landed;

but the landing of sea fish taken by a British fishing boat registered in the Isle of Man or any of the Channel Islands shall not be exempt from the operation of an order under this section unless the master is either a British subject or a citizen of the Republic of Ireland and the second hand is also either a British subject or such a citizen.

(2) Any order under this section may contain such provisions as appear to the Board of Trade, after consultation with the Ministers, to be necessary for securing the due operation and enforcement of the scheme of regulation contained in the order.

(3) An order under this section regulating the landing of sea fish shall not be made unless it appears to the Board of Trade, after consultation with the Ministers, that there have been, or are being, taken all such steps (if any) as are practicable and necessary for the efficient reorganisation of that branch of the sea fishing industry of the United Kingdom or of that branch of the fish curing industry in the United Kingdom, as the case may be, in whose interests the order is proposed to be made.

(4) In deciding whether or not to make an order under this section, and in settling the terms of any such order, the Board of Trade shall, among other considerations, have regard to the interests of consumers of the sea fish to which the order relates (including persons who purchase such sea fish for the purpose of subjecting them to any treatment or process of manufacture) and to the effect which the regulation of the landing of such sea fish in the United Kingdom is likely to have upon commercial relations between the United Kingdom and other countries; and the Board of Trade shall not make such an order unless they are satisfied that it is not at variance with any treaty, convention or agreement for the time being in force between Her Majesty and any foreign power or between Her Majesty's Government in the United Kingdom and the government of any other country.

Exemption for certain operations

Exemption for operations for scientific and other purposes.

9.—(1) Nothing in section 1(1) or (2) of this Act shall restrict the landing of fish taken in the course of fishing operations which, under the authority of one of the Ministers, are conducted for the purpose of scientific investigation.

(2) Nothing in section 1(3) of this Act or in any order made under section 3 thereof shall apply in relation to fishing operations which, under the authority of one of the Ministers, are conducted for the purpose of scientific investigation or for the purpose of transplanting fish from one fishing ground to another.

(3) Neither a prohibition imposed by an order under section 5 of this Act, nor the obligation imposed by subsection (6) of that section, shall apply in relation to fishing operations conducted under the authority of one of the Ministers for either of the purposes mentioned in subsection (2) above.

(4) No enactment to which this subsection applies, and no order or byelaw made (whether before or after the passing of this Act) under any such enactment, shall restrict the carrying on of any operations which, under the authority of one of the

Ministers, are conducted for the purpose of scientific investigation, or for the purpose of transplanting sea fish from one fishing ground to another, or shall restrict the landing of sea fish caught in the course of any such operations.

(5) Subsection (4) above applies to sections 4, 5, 6 and 8 of this Act and to any other enactment which provides for regulating the catching or landing of sea fish.

(6) Subsection (4) above shall have effect in addition to, and not in derogation of, subsections (1), (2) and (3) above and any express saving or exemption contained in such other enactment as is referred to in subsection (5) above or in any order or byelaw made under an enactment to which the said subsection (4) applies.

(7) In this section "sea fish" includes salmon and migratory trout.

Measures for increase or improvement of marine resources

10. The Ministers may take or concur or assist in the taking of such measures for the increase or improvement of marine resources as may be required for giving effect to any convention or agreement for the time being in force between Her Majesty's Government in the United Kingdom and the government of any other country.

Measures for increase or improvement of marine resources.

Penalties for, and other provisions as to, offences

11.—(1) Any person guilty of an offence under any provision of this Act shall be liable on summary conviction—

Penalties for offences.

- (a) in the case of a first offence under that provision, to a fine not exceeding £100;
- (b) in the case of a second or subsequent offence under section 1(1) or (3), section 2 or section 5(6), to a fine not exceeding £200; and
- (c) in the case of a second or subsequent offence under any other provision of this Act, to imprisonment for a term not exceeding three months or a fine not exceeding £200 or both.

(2) Subject to the following provisions of this section, the court by which a person is convicted of an offence under any of the following provisions of this Act, that is to say, sections 1(3), 3, 4, 5(1) or (6) and 6, may—

- (a) in the case of an offence under section 1(3), order the forfeiture of any fish in respect of which the offence was committed;

- (b) in the case of an offence under section 3, order the forfeiture of the net or other fishing gear in respect of which the contravention constituting the offence occurred ;
- (c) in the case of an offence under section 4 or section 5(1) or (6), order the forfeiture of any fish in respect of which the offence was committed and of any net or other fishing gear used in committing the offence ;
- (d) in the case of an offence under section 6, order the forfeiture of any fish in respect of which the offence was committed and of any net or other fishing gear used on the vessel in catching any fish landed in contravention of an order under that section.

(3) Any person guilty of an offence under section 4, section 5(1) or (6) or section 6 of this Act shall, subject to subsection (5) below, be liable on summary conviction to a fine not exceeding the value of the fish in respect of which the offence was committed.

(4) A person shall not be liable to a fine under subsection (3) above in respect of an offence if, under subsection (2) above, the court orders the forfeiture of the fish in respect of which the offence was committed ; and where a fine is imposed under subsection (3) above in respect of any offence, the court shall not have power under subsection (2) above to order the forfeiture of the fish in respect of which the offence was committed.

(5) Subject to subsection (4) above, any fine to which a person is liable under subsection (3) above in respect of an offence shall be in addition to any other penalty (whether pecuniary or otherwise) to which he is liable in respect of that offence under this section or under any other enactment.

Offences
committed
by bodies
corporate.

12. Where any offence under any of the following provisions of this Act, that is to say, section 1(1) and (3) and sections 3 and 6, committed by a body corporate is proved to have been committed with the consent or approval of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Institution of
proceedings
by local
fisheries
committee.

13.—(1) A local fisheries committee may take proceedings in respect of any contravention of section 1, 2 or 3 of this Act occurring within the district of the committee.

(2) For the purposes of subsection (1) above, in so far as it applies to a contravention of the said section 1 or 2, the district of a local fisheries committee shall be deemed to extend throughout the area of any council liable to pay, or contribute to the

payment of, the expenses of the committee, except that the powers conferred by that subsection on the committee shall not be exercisable in respect of any matter arising within the limits of any market under the control of the council of any county borough or county district.

14. Section 684 of the Merchant Shipping Act 1894 (which relates to the jurisdiction of courts) shall apply for the purposes of sections 3, 4 and 5 of this Act as it applies for the purposes of that Act. Jurisdiction of court to try offences. 1894 c. 60.

Enforcement of orders, etc.

15.—(1) Subject to the provisions of section 18 of the Sea Fish Industry Act 1962, every British sea-fishery officer shall have the powers conferred by the following provisions of this section. Powers of British sea-fishery officers for enforcement of Act. 1962 c. 31.

(2) Any such officer may seize—

- (a)** any net or other fishing gear in respect of which a contravention of an order under section 3 of this Act has been, or is being, committed ;
- (b)** any fish caught by the use of a fishing boat contravening section 4(1) of this Act, or caught in contravention of a prohibition imposed by an order under section 5 thereof, where the fish are on the fishing boat or, as the case may be, on the fishing boat used in contravention of such a prohibition or are in the ownership or custody, or under the control, of the owner or master or the charterer (if any) of the fishing boat ;
- (c)** any net or other fishing gear used in contravening the said section 4(1) or used in contravention of a prohibition imposed by an order under the said section 5 ;
- (d)** any fish landed in contravention of an order under section 6 of this Act, and any net or other fishing gear used in catching any fish so landed.

(3) Any such officer may exercise, with respect to any fishing boat in any waters adjacent to the United Kingdom and within the fishery limits of the British Islands, and with respect to any British fishing boat registered in the United Kingdom, wherever it may be, such of the powers conferred on British sea-fishery officers by paragraphs (1) to (8) of section 12 of the Sea Fisheries Act 1883 as may be conferred on him by order of the Ministers, being powers which the Ministers consider necessary for the enforcement of section 1, 3, 4(1) or 5(6) of this Act or of any order under section 1, 3, 5 or 6 thereof. 1883 c. 22.

1894 c. 60.

(4) Any such officer may exercise with respect to any fishing boat which is British-owned but not registered under the Merchant Shipping Act 1894, wherever it may be, such of the powers mentioned in subsection (3) above as may be conferred on him by order of the Ministers, being powers which (in so far as they are not exercisable with respect to any such fishing boat by virtue of an order under subsection (3) above) the Ministers consider necessary for the enforcement of section 4(1) of this Act in respect of fishing for salmon or migratory trout or of any order under section 5 or 6 thereof in relation to the fishing for, or landing of, salmon or migratory trout.

(5) Any such officer may make any examination or inquiry which he deems necessary to ascertain whether any contravention of any of the following provisions of this Act, that is to say, sections 1, 3, 4(1), 5, 6 and 7, or of an order under any of the said sections, 1, 3, 5 and 6, has been committed and may administer an oath for that purpose.

(6) Any such officer shall be entitled to the same protection in respect of any action brought against him for any act done or omitted to be done in the exercise of any power conferred on him by virtue of this section to seize or detain a fishing boat as is given, with respect to the seizure or detention of any ship, to an officer of customs by section 76 of the Merchant Shipping Act 1894.

(7) If any person obstructs any such officer in acting under the powers conferred by this section or refuses or neglects to comply with any requisition or direction lawfully made, or to answer any question lawfully asked, by any such officer in pursuance of this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 or, in the case of a conviction in Scotland, £200 or to imprisonment for a term not exceeding three months.

Enforcement
of orders
under ss.
1 and 2.

16.—(1) With a view to enforcing any order under section 1 of this Act, and with a view to enforcing section 2 thereof, any of the following officers, that is to say—

- (a) any officer authorised by the appropriate Minister,
- (b) any police officer,
- (c) any officer of a market authority, acting within the limits of any market which that authority has power to regulate,
- (d) any fishery officer of a local fisheries committee acting within the district of the committee, and
- (e) any officer authorised by the Fishmongers' Company and acting within the City of London,

may, at all reasonable times, go on board any fishing boat or enter any premises used for carrying on any business in connection with the treatment, storage or sale of sea fish, may search for and examine any sea fish in any place, whether on board a fishing boat or elsewhere, and whether in a receptacle or not, and may seize any sea fish which have been landed, sold or exposed or offered for sale by any person in contravention of the said section 1, or which any person has in his possession in contravention of the said section 1 or 2, as the case may be.

(2) For the purposes of this section the district of a local fisheries committee shall be deemed to extend throughout the area of any council liable to pay, or contribute to the payment of, the expenses of the committee, except that the powers conferred by this section on the committee or any officer thereof shall not be exercisable in respect of any matter arising within the limits of any market under the control of the council of any county borough or county district.

17. With a view to enforcing any order made under section 3 of this Act, any fishery officer of a local fisheries committee may, within the district of the committee, go on board any British fishing boat registered in the United Kingdom and search for and examine all nets or other fishing gear carried in that boat, and may seize any net or other fishing gear in respect of which a contravention of an order under that section has been, or is being, committed. Enforcement of orders under s. 3.

18.—(1) In so far as section 4 of this Act, or any order under section 5 or 6 thereof, imposes any prohibition or restriction on fishing for salmon or migratory trout within any waters which, for the purposes of the functions of a river authority relating to fisheries, are included in the area of the river authority, or on landing salmon or migratory trout at a place within a river authority area— Enforcement of orders in relation to salmon and migratory trout.

- (a) section 67(1)(d) of the Salmon and Freshwater Fisheries Act 1923 (which confers powers of seizure on water bailiffs) shall apply as if the reference therein to that Act included a reference to this Act, and the references to the said Act of 1923 in subsections (3) and (4) of the said section 67 and in section 79 of that Act (which contain provisions ancillary thereto) shall be construed accordingly as including references to that Act as applied by this subsection; 1923 c. 16.
- (b) the provisions of subsections (1), (3) and (4) of section 111, and subsections (1) to (7) of section 112, of the Water Resources Act 1963 (which confer powers for the enforcement of that Act) shall apply as if section 1963 c. 38.

4 of this Act, and any order under section 5 or 6 thereof, were an enactment relating to the functions of the river authority.

1951 c. 26. (2) Where the said section 4, or any order under the said section 5 or 6, imposes any prohibition or restriction on fishing for salmon or migratory trout within any waters which form part of the district of a district board within the meaning of the Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951, or on landing salmon or migratory trout at a place within such a district as aforesaid, any water bailiff, constable or any person appointed by the Secretary of State in pursuance of section 10(5) of the said Act of 1951 may exercise in relation to the contravention of the said section 4 or of any such order any of the powers conferred upon him in relation to a contravention of that Act by the following provisions thereof, that is to say—

(a) sections 11 and 12 (which confer powers of search and arrest); and

(b) sections 10(1)(d) and 20, so far as those provisions relate to the seizure of fish, instruments or articles liable to forfeiture or to the disposal of such fish,

and subsections (3) and (6) of the said section 10 (which contain provisions ancillary thereto) shall apply as if the Acts therein mentioned included a reference to this Act.

Supplemental

Financial provisions.

19.—(1) Any expenses incurred under section 8 of this Act by the Board of Trade for the purpose of regulating the landing of sea fish in the United Kingdom, and any expenses incurred by the Ministers under section 10 of this Act, shall be defrayed out of moneys provided by Parliament.

(2) Any receipts of the Minister of Agriculture, Fisheries and Food or of the Secretary of State in pursuance of an order made in accordance with section 4(6) of this Act shall be paid into the Exchequer.

Orders.

20.—(1) Any power conferred by this Act to make an order includes power to vary or revoke the order by a subsequent order.

(2) Any power conferred by section 1, 3, 4, 5, 6, 8 or 15 of this Act to make an order shall be exercisable by statutory instrument.

(3) A statutory instrument containing an order made under the said section 1, 3 or 8, and a statutory instrument containing an order made under the said section 15 in relation to the said section 1 or 3 or an order thereunder, shall be laid before Parliament.

(4) A statutory instrument containing an order made under the said section 8 shall cease to have effect on the expiration of a period of twenty-eight days beginning with the date on which it is made unless before the expiration of that period it has been approved by a resolution of each House of Parliament, but without prejudice to anything previously done under the instrument or to the making of a new statutory instrument.

In reckoning for the purpose of this subsection any period of twenty-eight days, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which the House of Commons is adjourned for more than four days.

(5) A statutory instrument containing an order made under section 4, 5 or 6 of this Act, and a statutory instrument containing an order made under section 15 thereof in relation to any of those sections or an order thereunder, except a statutory instrument to which subsection (6) below applies, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) Where an order under section 5(1) of this Act is made so as to have effect in relation to salmon or migratory trout (whether it is made so as to have effect in relation to any other description of fish or not), then, if the order contains a statement in accordance with subsection (3) of that section, the statutory instrument containing the order shall be of no effect unless it is approved by a resolution of each House of Parliament.

(7) As soon as may be after the making of any of the following orders, that is to say, an order under section 1, 3, 6 or 8 of this Act and an order under section 15 thereof relating to the said section 1 or 3 or an order thereunder, the authority making the order shall, in such manner as that authority thinks best for informing persons concerned, publish a notice stating that the order has been made and specifying the place where copies of the order may be purchased.

21. The functions of the Board of Trade under this Act may be exercised by the President of the Board, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board or any person authorised in that behalf by the President of the Board.

Exercise of powers by Board of Trade.

22.—(1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

Interpretation.

“British-owned”, in relation to a fishing boat, means owned by a person who is (within the meaning of the Merchant Shipping Act 1894) a person qualified to 1894 c. 60.

own a British ship, or owned by two or more persons any one of whom is (within the meaning of that Act) a person so qualified ;

1883 c. 22.

1951 c. 30.

“ British sea-fishery officer ” means any person who by virtue of section 11 of the Sea Fisheries Act 1883 or of section 25 of the Sea Fish Industry Act 1951 is a British sea-fishery officer ;

“ fishing boat ” means a vessel of whatever size, and in whatever way propelled, which is for the time being employed in sea fishing or (except in section 5 and except in section 15 in so far as that section applies to sections 5 and 6 of this Act and orders made under those sections) the sea fishing service ;

“ the Fishmongers’ Company ” means the wardens and commonalty of the Mystery of Fishmongers in the City of London ;

1966 c. 38.

“ local fisheries committee ” means a local fisheries committee constituted by an order made, or having effect as if made, under section 1 of the Sea Fisheries Regulation Act 1966 ;

“ market authority ” means any person having power to regulate a market ;

“ master ” includes, in relation to any vessel, the person for the time being in command or charge of the vessel ;

“ migratory trout ” means trout which migrate to and from the sea ;

“ processing ” (in relation to fish) includes preserving or preparing fish, or producing any substance or article from fish, by any method for human or animal consumption ;

“ salmon ” includes any fish of the salmon species ;

“ sea fish ” means fish, whether fresh or cured, of any kind found in the sea, including shellfish, and any parts of any such fish but (except in sections 4, 5, 6, 7 and 9) does not include salmon or migratory trout ;

“ shellfish ” includes crustaceans and molluscs of any kind and any spat or spawn of shellfish ;

“ vessel ” includes any ship or boat or any other description of vessel used in navigation.

(2) In this Act “ the appropriate Minister ”, in relation to England and Wales, means the Minister of Agriculture, Fisheries and Food, and, in relation to Scotland, means the Secretary of State concerned with the sea fishing industry in Scotland, and “ the Ministers ”—

(a) except in sections 1 and 9(1) and (4) of this Act means the Minister of Agriculture, Fisheries and Food and

the Secretaries of State respectively concerned with the sea fishing industry in Scotland and Northern Ireland ;

(b) in the said sections 1 and 9(1) means the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with the sea fishing industry in Scotland ;

(c) in the said section 9(4) means the Minister of Agriculture, Fisheries and Food, the Secretary of State concerned with the sea fishing industry in Scotland and the Ministry of Agriculture for Northern Ireland.

(3) Anything which is required or authorised under this Act to be done by the Ministers shall be done by the Ministers acting in conjunction.

(4) Except in so far as the context otherwise requires, references in this Act to any enactment are references to that enactment as amended by or under any other enactment.

23.—(1) Sections 4(9) and 5(2) of this Act shall not apply to Northern the imposition of any prohibition or restriction on fishing Ireland. within such part of the fishery limits of the British Islands as is mentioned in section 4(2) of the Fishery Limits Act 1964. 1964 c. 72.

(2) Sections 6 and 7 of this Act shall not apply to the landing of salmon or migratory trout in Northern Ireland.

(3) So much of sections 4 and 5 of this Act, as modified by subsection (1) above, and of the other provisions of this Act (except section 9(4), (5) and (6)), as relates to matters in respect of which the Parliament of Northern Ireland has power to make laws shall be deemed for the purposes of section 6 of the Government of Ireland Act 1920 to be contained in an Act passed before the day appointed for the purposes of that section. 1920 c. 67.

(4) The following provisions of this Act, that is to say,—

(a) section 1(1) and (2), section 1(6) so far as it relates to a contravention of section 1(1), and section 2,

(b) section 9(1),

(c) sections 11 and 12, so far as they relate to offences under section 1(1) or section 2,

(d) section 15, so far as it relates to the enforcement of section 1(1) or of orders made thereunder, and

(e) sections 13, 16, 17 and 18,

shall not extend to Northern Ireland.

Isle of Man
and Channel
Islands.

24.—(1) Her 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 following provisions of this Act, that is to say,—

- (a) sections 1, 3, 4, 5, 9(1), (2) and (3) and 14,
- (b) section 11, so far as it relates to offences under section 1, 3, 4 or 5, and
- (c) sections 15 and 16, so far as they relate to the enforcement of section 1, 3, 4 or 5 or of orders made thereunder,

shall apply in relation to British fishing boats registered in the Isle of Man or any of the Channel Islands as those provisions apply in relation to British fishing boats registered in the United Kingdom.

(2) Her Majesty may by Order in Council direct that, subject as aforesaid, the following provisions of this Act, that is to say,—

- (a) the provisions mentioned in subsection (1) above, and
- (b) section 2, sections 11(1) and 13, so far as they relate to an offence under section 2, and section 16, so far as it relates to the enforcement of section 2, and
- (c) section 9(4), (5), (6) and (7),

shall extend to the Isle of Man or any of the Channel Islands.

(3) An Order in Council under subsection (1) or (2) of this section may be varied or revoked by a subsequent Order thereunder.

Repeals,
savings and
consequential
amendment.

25.—(1) The Acts specified in the Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule.

(2) In so far as any order, Order in Council, notice or licence made, given or granted under any enactment repealed by this Act, or any other thing done under any such enactment, could have been made, given, granted or done under a corresponding provision of this Act, it shall not be invalidated by the repeals effected by this section but shall have effect as if made, given, granted or done under that corresponding provision.

(3) Without prejudice to subsection (2) above, any reference in this Act to a thing done under any provision of this Act shall, except where the context otherwise requires, be construed as including a reference to the corresponding thing done under the corresponding provision of the enactments repealed by this Act.

(4) Where any Act or any document refers, either expressly or by implication, to an enactment repealed by this Act, the

reference shall, except where the context otherwise requires, be construed as, or as including, a reference to the corresponding provision of this Act.

(5) For the purpose of determining the punishment (by fine, imprisonment, forfeiture or any one or more of them) which may be imposed on a person in respect of an offence under any provision of this Act, an offence committed by that person under the corresponding enactment repealed by this Act shall be deemed to have been committed under that provision.

(6) Nothing in the foregoing provisions of this section shall be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).

(7) In section 10 of the White Fish and Herring Industries Act 1948 (which defines "the Ministers") for the words "the last mentioned Secretary of State" there shall be substituted the words "the Secretary of State concerned with the sea-fishing industry in Northern Ireland".

26. This Act may be cited as the Sea Fish (Conservation) Act 1967 and shall come into force at the expiration of a period of one month beginning with the date on which it is passed.

Citation and commencement.

Section 25.

SCHEDULE
ENACTMENTS REPEALED

| Chapter | Short Title | Extent of Repeal |
|----------------------------|---|--|
| 23 & 24 Geo. 5. c. 45. | The Sea-Fishing Industry Act 1933. | The whole Act, except section 4(2). |
| 1 & 2 Geo. 6. c. 30. | The Sea Fish Industry Act 1938. | Part II, except so much of section 38 as substituted a new provision for section 4(2) of the Sea-Fishing Industry Act 1933. Section 62(1). |
| 11 & 12 Geo. 6. c. 51. | The White Fish and Herring Industries Act 1948. | Sections 1, 2 and 10(a). |
| 14 & 15 Geo. 6. c. 30. | The Sea Fish Industry Act 1951. | Sections 22 and 23. |
| 1 & 2 Eliz. 2. c. 17. | The White Fish and Herring Industries Act 1953. | In Part I of the Schedule, in the entry relating to section 10 of the White Fish and Herring Industries Act 1948, the words from "for" where first occurring to "and" where last occurring. |
| 8 & 9 Eliz. 2. c. 7. | The Sea Fish Industry Act 1959. | Sections 4 to 8. Section 9(1)(a) and (b). Sections 10, 11 and 12. Section 13(1) except the definition of "the Ministers", and in that definition the words from "and except" to the end. Section 14(2). |
| 10 & 11 Eliz. 2. c. 31. | The Sea Fish Industry Act 1962. | Sections 10 to 15. In section 17, in subsection (1), the words "or byelaw", in subsection (2), the words from "contained" to the end except the words "having effect as modified by section sixteen of this Act", and, in subsection (3), the words "or byelaw". Section 32(2)(a) so far as it relates to receipts in pursuance of an order made in accordance with section 11(5) of that Act. In section 33(1), the definitions of "British-owned" and "fishing boat". |

SCH.

| Chapter | Short Title | Extent of Repeal |
|-------------|-------------------------------|--|
| | | <p>In section 33(2)(a) and (b), the words " sections ten to twelve and ".</p> <p>Section 34(3), except in so far as it relates to orders under Part III of the Sea Fisheries Act 1868, and section 34(4) and (5).</p> <p>Section 35(3) and (4) and in section 35(5), the words " fourteen, fifteen ".</p> <p>Section 36(2) and, in section 36(3), the words " fifteen and ".</p> <p>In section 37(2), the words from " and the " to the end.</p> <p>In Schedule 2, paragraphs 5, 6, 10, 25 and 26.</p> |
| 1963 c. 38. | The Water Resources Act 1963. | In Schedule 13, paragraph 17. |
| 1964 c. 72. | The Fishery Limits Act 1964. | In Schedule 1, the entries relating to the Sea-Fishing Industry Act 1933, the White Fish and Herring Industries Act 1948, the Sea Fish Industry Act 1959 and the Sea Fish Industry Act 1962 except the entry relating to section 16(1) of the last mentioned Act. |



Vessels Protection Act 1967

1967 CHAPTER 85

An Act to make it an offence to take away a vessel without authority or to use or be a party to the use of a vessel so taken; and for purposes connected therewith.

[27th October 1967]

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

- Taking &c. vessel without authority.**
1. Subject to section 4 of this Act, a person shall be guilty of an offence if, without having the consent of the owner or other lawful authority, he takes and uses any vessel, or, knowing that any vessel has been taken without such authority, uses it or allows himself to be carried in or on it.
- Penalties.**
2. A person guilty of an offence under section 1 of this Act shall be liable—
- (a) on conviction on indictment, to a fine, or to imprisonment for a term not exceeding twelve months, or to both such fine and such imprisonment;
- (b) on summary conviction, to a fine not exceeding £50, or to imprisonment for a term not exceeding three months.
- Power of jury on trial of indictment for stealing a vessel.**
3. If on the trial of an indictment for stealing a vessel, the jury are not satisfied that the accused stole the vessel, but it is proved that the accused committed an offence under section 1 of this Act, the jury may find him guilty of the offence under section 1.

4. A person does not commit an offence under this Act by **Saving.** anything done in the reasonable belief that he has lawful authority to do it or in the reasonable belief that in the circumstances of the case the owner, if asked, would have given consent to his doing it.

5. A police constable may arrest without warrant a person **Power of** reasonably suspected by him of having committed or of attempting arrest. to commit an offence under section 1 of this Act.

6. For the purposes of this Act—

Interpretation.

- (a) "vessel" shall have the meaning assigned to it by section 742 of the Merchant Shipping Act 1894; and **1894 c. 60.**
- (b) "owner", in relation to a vessel which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vessel under that agreement.

7.—(1) This Act may be cited as the Vessels Protection Act **Short title** 1967. **and extent.**

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



Countryside (Scotland) Act 1967

1967 CHAPTER 86

An Act to make provision for the better enjoyment of the Scottish countryside, for the establishment of a Countryside Commission for Scotland and for the improvement of recreational and other facilities; to extend the powers of local planning authorities as respects land in their districts; to make financial provision with respect to the matters aforesaid; and for connected purposes. [27th October 1967]

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

PART I

THE COUNTRYSIDE COMMISSION FOR SCOTLAND

1.—(1) There shall be established a Countryside Commission for Scotland (in this Act referred to as "the Commission") who shall exercise the functions conferred on them by this Act for the provision, development and improvement of facilities for the enjoyment of the Scottish countryside, and for the conservation and enhancement of the natural beauty and amenity thereof. The
Countryside
Commission
for Scotland.

(2) In the exercise of their functions the Commission shall have due regard to the need for the development of recreational and tourist facilities and for the balanced economic and social development of the countryside.

(3) The Commission shall consist of such number of members not exceeding fourteen, as the Secretary of State may from time

PART I

to time determine, and the members shall, in accordance with subsection (4) below, be appointed by the Secretary of State, who may appoint one of them to be chairman.

(4) The Commission shall be comprised of—

- (a) persons appointed after consultation with such associations of local authorities as appear to the Secretary of State to represent local planning authorities ;
- (b) persons appointed after consultation with such organisations as appear to the Secretary of State to be representative of countryside interests ; and
- (c) such other persons as the Secretary of State may think fit.

(5) The provisions of Schedule 1 to this Act shall have effect with respect to the Commission.

(6) The Secretary of State may, after consultation with the Commission, give to them directions of a general character as to the exercise of their functions, and the Commission shall give effect to any such directions.

1957 c. 20.

(7) In Part III of Schedule 1 to the House of Commons Disqualification Act 1957 (which specifies offices the holders of which are disqualified under that Act) as it applies to the House of Commons of the Parliament of the United Kingdom, there shall be inserted at the appropriate point in alphabetical order the entry "Chairman of the Countryside Commission for Scotland".

The
countryside.

2.—(1) In this Act "the countryside" means the areas which are for the time being designated as such on maps prepared and approved by the Secretary of State in accordance with subsections (2) to (5) below, or as amended by him under subsection (6) below, or, before the approval of those maps, such areas as are described in subsection (8) below.

(2) The Secretary of State shall, as soon as may be after the passing of this Act, prepare maps relating to the areas of local planning authorities designating the parts of those areas which are to be treated as the countryside for the purposes of this Act, and in preparing those maps he shall consult with the Commission and the local planning authorities concerned and shall have regard to the following considerations—

- (a) whether land is of a rural character or otherwise ;
- (b) in the case of extensive areas of open land within burghs or other centres of population, the suitability of that land for open-air recreation ;
- (c) the indications as to the use or proposed use of land given by a development plan for the time being in force by virtue of the Act of 1947 ;

(d) whether land is for the time being treated as part of the countryside by virtue of subsection (8) below.

(3) The Secretary of State shall refer the maps mentioned in subsection (2) above to the Commission and to the local planning authorities concerned, who may make representations to him with respect thereto.

(4) Having considered any representations made to him under subsection (3) above the Secretary of State may make such amendments, if any, to the maps as he considers appropriate and may from time to time approve those maps.

(5) The Secretary of State shall complete his approval of all the maps referred to in subsection (2) above within one year from the passing of this Act or within such longer period (not exceeding two years from the passing of this Act) as may be specified in an order made by statutory instrument by him, and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) After the completion of his approval of the maps in accordance with subsection (5) above the Secretary of State may, having regard to any changes in the circumstances affecting the areas concerned, from time to time prepare and approve amendments to those maps, and the provisions of subsections (2) to (4) above with regard to the preparation and approval of maps shall, apart from any provision as to time, apply with any necessary modifications to the preparation and approval of those amendments.

(7) Every local planning authority shall make available for inspection by the public at all reasonable hours and without charge copies of the maps relating to their district which have been approved by the Secretary of State under this section, including any amendments of those maps which have been approved as aforesaid, and copies thereof, including reproductions on such scale as may be appropriate, shall be made available by them on sale to the public at a reasonable cost.

(8) Before the approval by the Secretary of State of maps relating to an area, "the countryside" in relation to that area means the landward areas of counties and the areas of small burghs containing according to the last published census a population of less than 5,000 inhabitants, but excludes such areas or includes such other areas as the Secretary of State, having regard to the considerations mentioned in paragraphs (a) to (c) of subsection (2) above, may, after consultation with the Commission and the local planning authorities concerned, by order from time to time designate.

PART I
Duties of the
Commission.

3. The Commission shall have the following duties—

- (a) to keep under review all matters relating to the provision, development and improvement of facilities for the enjoyment of the countryside, the conservation and enhancement of its natural beauty and amenity, and the need to secure public access to the countryside for the purposes of open-air recreation ; and to consult with such local planning authorities and other bodies as appear to the Commission to have an interest in those matters ;
- (b) to encourage, assist, concert or promote the implementation of any proposals with respect to those matters made by any other person or body, being proposals which the Commission consider to be suitable ;
- (c) to exercise the functions relating to development projects or schemes conferred on them by section 5 below ;
- (d) to consult with local planning authorities regarding the exercise of their powers under section 48 below and from time to time to advise them thereanent ;
- (e) to advise the Secretary of State or any other Minister or any public body on such matters relating to the countryside as he or they may refer to the Commission or as the Commission may think fit.

Powers of the
Commission.

4. The Commission shall have the following powers—

- (a) where it appears to the Commission that it would assist them in the exercise of their functions, to establish, promote or assist in the establishment of committees or other appropriate bodies, to promote or assist in the promotion of conferences or meetings, to participate in such committees, bodies, conferences or meetings, and to defray in whole or in part the expenses of participants ;
- (b) where it appears to the Commission that the provision, development or improvement of recreational or tourist facilities or the conservation or enhancement of the natural beauty or amenity of any area of the countryside involves special problems or requires the application of special professional or technical skill, on being so requested by any local planning authority concerned, to place at the disposal of the authority the services of officers or servants of the Commission on such terms as may be agreed with the authority and are approved by the Secretary of State ;
- (c) to carry out or commission the carrying out of such inquiries, investigations or researches, either on their own account or jointly with other persons, as the Commission may deem necessary or expedient for the purposes of their functions ;

PART I

- (d) to engage in any activity which they may consider appropriate for the purpose of educating and informing persons in the proper use of, and behaviour in, the countryside ;
- (e) to provide or assist in the provision of publicity and information services relating to the countryside, to places of beauty or interest therein or to the functions of the Commission ;
- (f) to make such charges for any of their services as they think fit ;
- (g) to make to any public body recommendations as to the making of byelaws affecting the countryside or any area therein ;
- (h) to accept any gift or contribution made to them for the purposes of any of their functions, and, subject to the terms of the gift or contribution and to the provisions of this Act, to apply it for those purposes ;
- (i) for the purpose of providing themselves with office or other accommodation in connection with the exercise of any of their functions, to acquire land in manner provided by section 6(1) (a) below, to erect and maintain buildings or other structures thereon, and, when the land is no longer required for such purpose, to dispose of it in manner provided by the said section 6 ;
- (j) to do all such things as are incidental to, or conducive to the attainment of the purposes of, any of their functions.

5.—(1) In pursuance of section 3(c) above the Commission shall have the following functions—

Development projects or schemes.

- (a) after consultation with such local authorities and other bodies as appear to the Commission to have an interest, from time to time to prepare and submit to the Secretary of State for his approval proposals with respect to any area for a development project or scheme designed to facilitate the enjoyment of the countryside or to conserve or enhance its natural beauty or amenity, which—
 - (i) in relation to that area involves the application of new or developed methods, concepts or techniques, and
 - (ii) is designed to illustrate the appropriateness of such a project or scheme to that area or other areas of a similar nature or which present similar problems to that area ;
- (b) to concert, promote or to undertake, either by themselves or in conjunction with any other authority or person, measures to implement any proposals so approved.

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(2) The Secretary of State may approve in whole or in part or with modifications any proposals submitted to him under paragraph (a) of the foregoing subsection, or may refuse to approve them.

1965 c. 64.

(3) Section 14(2) of the Highlands and Islands Development (Scotland) Act 1965 (approval deemed to be planning permission) shall apply to an approval under subsection (2) above as it applies to an approval under that Act, so however that for any reference to the Board in that section there shall be substituted a reference to the Commission.

Powers of Commission in relation to development projects or schemes.

6.—(1) For the purpose of their functions under section 5(1)(b) above the Commission may—

- (a) with the approval of the Secretary of State, by agreement acquire land, whether by way of purchase, feu, lease or excambion ;
- (b) acquire land compulsorily ;
- (c) hold and manage land, and with the approval of the Secretary of State, and subject to the subsequent provisions of this section, dispose of or otherwise deal with land ;
- (d) erect buildings or other structures and carry out works or other operations on land ;
- (e) provide equipment and services on or in connection with land or with the use of land ;
- (f) hold, manage, maintain, hire, let or otherwise dispose of such works, equipment or services ;
- (g) exercise any powers to carry out work or provide services or facilities conferred by this Act on local authorities or local planning authorities ;
- (h) with the approval of the Secretary of State and the Treasury, acquire by agreement and carry on or set up and carry on, directly or through an agent, or themselves carry on as agent, any business or undertaking, and, subject to such approval, may dispose of any such business or undertaking.

(2) The disposal of land under this section may be by way of sale, feu, lease, or excambion, and there may be created in relation to land held by the Commission any servitude, right or other privilege, but such land may not be disposed of by way of gift.

(3) The powers conferred by paragraphs (d) to (g) of subsection (1) above—

- (a) may be exercised by the Commission either on or in connection with land belonging to them, or with the consent of all persons having an interest therein, on or in connection with other land, and

(b) shall be exercisable in relation to land not belonging to them on such terms as may be arranged by agreement with the persons having an interest in the land.

(4) Where any person having such an interest in any land as enables him to bind the land enters into any such agreement as aforesaid, the agreement may be recorded in the Register of Sasines, and if so recorded shall be enforceable at the instance of the Commission against persons deriving title to the land from the person who entered into the agreement:

Provided that any such agreement shall not be enforceable against a third party who shall have in good faith and for value acquired right (whether completed by infetment or not) to the land prior to the agreement being recorded as aforesaid, or against any person deriving title from such third party.

7.—(1) In accordance with arrangements approved by the Secretary of State and the Treasury, the Commission shall have power to give financial assistance by way of grant or loan, or partly in one way and partly in the other, to any person, other than a public body, carrying on or proposing to carry on any project approved by the Secretary of State for the purposes of this section which in the opinion of the Commission is conducive to the attainment of any of the purposes of this Act.

Grants and loans to persons other than public bodies.

(2) Before applying for the approval of the Secretary of State to any such project the Commission shall satisfy themselves that in all the circumstances it is preferable that the project should be carried out by a person other than a public body.

(3) On making a grant or loan under this section the Commission may impose such conditions as they think fit, including (in the case of a grant) conditions for repayment in specified circumstances.

(4) In this section "public body" does not include The National Trust for Scotland for Places of Historic Interest or Natural Beauty incorporated by the Order confirmed by the National Trust for Scotland Order Confirmation Act 1935.

26 Geo. 5 & 1 Edw. 8 c. ii.

8.—(1) The Commission may, and if so requested by the Secretary of State or any local planning authority shall, advise the Secretary of State or, as the case may be, the authority, in relation to any matter arising under the Planning Acts which affects land in the countryside.

Advisory functions of Commission regarding planning matters.

(2) In this section "the Planning Acts" means the Town and Country Planning (Scotland) Act 1945 and the Town and Country Planning (Scotland) Acts 1947 to 1966.

1945 c. 33.

PART I
Areas of
special
planning
control.

9.—(1) The Commission may, and if so requested by the Secretary of State shall, advise him as to the exercise of his powers under subsections (2) and (3) below.

(2) Where the Secretary of State is satisfied that any area in the countryside should by reason of its beauty or amenity or other special characteristics be the subject of further planning control, he may, after consultation with any local planning authority concerned, by order designate that area as an area of special planning control, and where an area is so designated the following provisions of this section shall apply.

(3) The Secretary of State may give directions to any local planning authority requiring them to give in accordance with subsection (4) below such information as may be specified in the directions regarding applications made to them for planning permission in respect of all development or any class of development as may be so specified in or in any part of an area of special planning control.

(4) Where directions under subsection (3) above are in force in relation to any application for planning permission the information specified in the directions shall, within 21 days of receipt by them of the application or such longer period as the Secretary of State may in any particular case allow, be given by the local planning authority to the Secretary of State and to the Commission, and the authority may when giving that information indicate the manner in which they propose to dispose of the application.

(5) After consultation with the local planning authority concerned the Commission shall, within 21 days of the receipt by them of such information relating to an application for planning permission, or such longer period as the Secretary of State may in any particular case allow, make recommendations to the local planning authority as to the manner in which they should dispose of the application, including, where appropriate, recommendations as to the conditions which should be attached to a grant of planning permission, and the authority shall notify the Secretary of State whether or to what extent those recommendations are acceptable to them.

(6) The Secretary of State shall as respects any application for planning permission in relation to which directions under subsection (3) above are in force intimate to the local planning authority concerned whether he desires that the application should be referred to him under section 13 of the Act of 1947 (reference of applications to the Secretary of State) and the authority shall not grant planning permission in respect of any such application until the Secretary of State intimates to them that he does not so desire.

(7) Expressions used in this section have the same meanings as in the Act of 1947.

PART II

ACCESS TO OPEN COUNTRY

10.—(1) For the purpose of enabling the public to have access for open-air recreation to open country, the provisions of this Part of this Act shall apply to land which is or which gives or forms part of access to open country, being land—

Provision for public access to open country.

- (a) to which the provisions of the next following section are applied by an agreement under this Part of this Act (hereinafter referred to as an “access agreement”) or by an order under this Part of this Act (hereinafter referred to as an “access order”),
- (b) acquired under this Part of this Act for the aforesaid purpose.

(2) In this Part of this Act “open country” means any land appearing to the authority with whom an access agreement is made or to the authority by whom an access order is made or by whom the land is acquired, as the case may be, to consist wholly or predominantly of mountain, moor, heath, hill, woodland, cliff or foreshore, with the waterways therein or contiguous or adjacent thereto (including any bank, barrier, dune, beach, flat or other land adjacent to the waterway or foreshore).

11.—(1) Subject to the following provisions of this Part of this Act, where an access agreement or order is in force as respects any land, a person who enters upon land comprised in the agreement or order for the purpose of open-air recreation without causing damage, or who is on such land for that purpose after having so entered thereon, shall not be treated as a trespasser on that land or incur any other liability by reason only of so entering or being on the land:

Rights of public where access agreement or order in force.

Provided that this subsection shall not apply to land which for the time being is excepted land as hereinafter defined except in so far as an access agreement provides that it shall so apply.

In this subsection “means of access” has the same meaning as in section 17 below.

(2) Nothing in the provisions of the foregoing subsection shall entitle a person to enter or be on any land, or to do anything thereon, in contravention of any prohibition contained in or having effect under any enactment.

(3) An access agreement or order may specify or provide for imposing restrictions subject to which persons may enter or be upon land by virtue of subsection (1) above, including in particular, but without prejudice to the generality of this subsection, restrictions excluding the land or any part thereof at

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particular times from the operation of the said subsection (1); and that subsection shall not apply to any person entering or being on the land in contravention of any such restriction or failing to comply therewith while he is on the land.

(4) Without prejudice to the provisions of the last foregoing subsection, subsection (1) above shall have effect subject to the provisions of Schedule 2 to this Act as to the general restrictions to be observed by persons having rights of access by virtue of the said subsection (1).

(5) For the purposes of this Part of this Act, the expression "excepted land" means land which for the time being is of any of the following descriptions, that is to say—

- (a) land used for agricultural purposes other than livestock rearing land, being land which was so used at the date when the relevant access agreement or order was made ;
- (b) land comprised in a declaration for the time being in force under section 19 of the National Parks and Access to the Countryside Act 1949 (declarations that areas are nature reserves) or that section as applied by section 21 of that Act, in so far as that land is subject to byelaws made under section 20 of that Act or under that section as applied by the said section 21 prohibiting entry of persons ;
- (c) land covered by buildings or the curtilage of such land ;
- (d) land used for the purpose of a park, garden or pleasure ground, being land which was so used at the date when the relevant access agreement or order was made ;
- (e) land used for the getting of minerals by surface working (including quarrying), land used for the purposes of a railway (including a light railway) or tramway, or land used for the purposes of a golf course, sports ground, playing field, racecourse or aerodrome within the meaning of the Civil Aviation Act 1949 as extended by the Airports Authority Act 1965 ;
- (f) land (not falling within the foregoing paragraphs of this subsection) covered by works used for the purposes of a statutory undertaking or the curtilage of such land ;
- (g) land excepted from the application of this section in accordance with the provisions of section 15 below ;
- (h) land as respects which development is in course of being carried out which will result in the land becoming such land as is specified in paragraphs (c), (e) and (f) of this subsection :

1949 c. 67.

1965 c. 16.

Provided that land which is for the time being comprised in an access agreement or order shall not become excepted land by reason of any development carried out thereon, or any change of use made thereof, if the development or change

of use is one for which under the Act of 1947 planning permission is required and either that permission has not been granted or any condition subject to which it was granted has been contravened or has not been complied with.

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12.—(1) In the exercise of their duty under section 3(a) above to keep under review the need to secure public access to the countryside for the purposes of open-air recreation, the Commission shall consult from time to time with local planning authorities and with such bodies as appear to the Commission to be representative of owners and occupiers of land for the purpose of ascertaining what land there is of the descriptions specified in section 10(2) above and considering what action should be taken, whether by the making of access agreements or orders or by the acquisition of land, for securing such public access.

Commission to consult with local planning authorities and other bodies on access requirements.

(2) In considering what action should be taken as aforesaid, the Commission and the local planning authority shall have regard to all relevant circumstances, including—

- (a) in the case of particular land, the extent to which such access as aforesaid is likely to be available without such action being taken, and
- (b) generally, the extent to which there is a need for greater facilities in the area of the authority for such access, whether for persons living in their area or for other persons.

13.—(1) A local planning authority may with the approval of the Secretary of State make an access agreement with any person having an interest in land in the area of the authority whereby the provisions in that behalf of this Part of this Act shall apply to the land.

Access agreements.

(2) An access agreement may provide for the making of payments by the local planning authority of either or both of the following descriptions, that is to say in consideration of the making of the agreement and by way of defraying or contributing towards expenditure incurred by the person making the agreement in consequence thereof.

(3) An access agreement may be made subject to such provisions for revocation or variation as may be specified in the agreement.

(4) Any person, being the liferenter or the heir of entail, in possession of any land shall have power to enter into access agreements relating to the land or any part thereof.

(5) The Trusts (Scotland) Act 1921 shall have effect as if among the powers conferred on trustees by section 4 thereof (which relates to the general powers of trustees) there were included a power to enter into access agreements relating to the trust estate or any part thereof.

1921 c. 58.

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(6) Where after consultation with the local planning authority it appears to the Commission desirable that an access agreement should be made in respect of any land, they may request the local planning authority to enter into such an agreement; and before entering into an access agreement in respect of land in any area of special planning control, the local planning authority shall consult with the Commission.

(7) Subject to the provisions of subsection (8) below, where an access agreement is made with one or some, but not all, of the persons having interests in the land to which the agreement relates, the provisions of this Part of this Act shall not, as against any person for the time being entitled to an interest in the land who is not a party to the agreement, operate so as to prejudice his rights in relation to that interest, or impose any restriction on him or confer any right against him, and the local planning authority shall, as soon as may be after the agreement is made, serve a copy of the agreement on every such person who is not a party thereto.

1955 c. 21. (8) A grazings committee appointed under section 24 of the Crofters (Scotland) Act 1955 may, with the consent of a majority of the crofters ordinarily resident in the township, enter into an access agreement in relation to any part of the common grazings and may agree to the revocation or variation of any such agreement, and such agreement, revocation or variation shall be binding upon all the crofters who share in the common grazings and upon their successors.

(9) Where any agreement referred to in the last foregoing subsection contains a provision for the making of a payment under subsection (2) above, the payment shall be made to the grazings committee and shall be applied by them—

(a) in the case of a payment in consideration of the making of the agreement, either by division among the crofters who share in the common grazings in proportion to their respective rights therein or, with the consent of a majority of the crofters ordinarily resident in the township and with the approval of the Crofters Commission, in carrying out works for the improvement of the common grazings or the fixed equipment required in connection therewith;

(b) in the case of a payment in respect of expenditure incurred in consequence of the agreement, by defraying or contributing towards that expenditure.

1961 c. 58. (10) In this section "crofter" has the meaning assigned to it by section 3 of the Crofters (Scotland) Act 1955 as read with section 15(6) of the Crofters (Scotland) Act 1961.

Access orders. 14.—(1) Subject to the provisions of this section, the authority by whom an access order may be made shall be the local

planning authority in whose area the land in question is situated; and an order made by such an authority shall be submitted to the Secretary of State and shall not have effect unless confirmed by him.

(2) An access order shall not be made as respects any land—

(a) if an access agreement or access agreements are in force which in the opinion of the authority having power to make such an order adequately secure to the public access to the open country in question for open-air recreation ;

(b) where such an agreement or agreements are not in force, unless it appears to the said authority impracticable to secure the making of such an agreement or agreements.

(3) An access order shall contain a map, on such scale as may be prescribed, defining in such manner as may be prescribed—

(a) the land comprised in the order and, if it is not itself open country, its relation to the open country in question, and

(b) any land comprised in the order which is excepted land ;

and the order shall also include such descriptive matter, if any, as may be prescribed or as may appear to the said authority to be requisite for the purposes of the order.

(4) The provisions in that behalf of Schedule 3 to this Act shall apply to the making, confirmation, coming into operation and validity of access orders.

(5) The Secretary of State shall not confirm or make an access order before byelaws have been made and confirmed under section 54 or made under section 55 of this Act in relation to the land in question.

(6) Where after consultation with the local planning authority it appears to the Commission desirable that an access order should be made in respect of any land, the Commission may request the authority to make an order accordingly ; and before making an access order in respect of land in any area of special planning control, the local planning authority shall consult with the Commission.

(7) If in respect of any land—

(a) it appears to the Secretary of State that an access order should be made in respect thereof, or

(b) it is represented to the Secretary of State by the Commission that a local planning authority have not

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complied with a request made under the last foregoing subsection,

the Secretary of State, after consultation with the local planning authority and with the Commission, may direct the authority to make the order or may himself make the order.

(8) An access order may specify work or other things to be done (either at one time or from time to time) on the land in the exercise of the powers conferred by section 61 below.

Provisions
as to land
used for
agricultural
purposes or as
woodlands.

15.—(1) If, on the submission of an access order to the Secretary of State for confirmation, a representation is duly made as respects any land—

- (a) that the land is used, or about to be brought into use, for agricultural purposes, and that the use or proposed use as aforesaid will be prejudiced by the application of the provisions of section 11 above to the land; or
- (b) that the land is used, or about to be brought into use, for the growing of timber for commercial purposes, and that the use or proposed use as aforesaid will be prejudiced as aforesaid; or
- (c) that the land is used for the growing of timber so as to be of value for the amenity of the neighbourhood and that the growth or regeneration of the timber will be prejudiced as aforesaid.

then, subject to the provisions of this section, if the Secretary of State is satisfied that the conditions specified in paragraph (a), (b) or (c) of this subsection are fulfilled and outweigh the benefit arising from the increased facilities for public access, he shall not confirm the order so as to apply the said provisions to the land.

(2) Where, as respects land comprised in an access agreement, it is represented to the Secretary of State that the conditions specified in paragraph (a), (b) or (c) of the foregoing subsection are fulfilled, and the Secretary of State is satisfied as stated in that subsection, then subject to the provisions of this section—

- (a) the Secretary of State shall notify to the authority by whom the agreement was made the fact that he is satisfied as aforesaid, and thereupon the authority shall vary the agreement so as to exclude the land;
- (b) the fact that the agreement is expressed to be irrevocable shall not prevent its variation so as to exclude the land; and
- (c) if the concurrence of any party to the agreement other than the said authority, or of the successor in title to his interest, cannot be obtained to the variation of the

agreement as aforesaid, the authority may by order made with the approval of the Secretary of State vary the agreement.

(3) Where, as respects land comprised in an access order (whether made by the Secretary of State or by a local planning authority), it is represented to the Secretary of State that the conditions specified in paragraph (a), (b) or (c) of subsection (1) above are fulfilled, and the Secretary of State is satisfied as stated in that subsection, then subject to the provisions of this section the Secretary of State shall make an order varying the access order so as to exclude the land.

(4) Before exercising any of his functions under this section the Secretary of State shall consult with the Commission; and before coming to a conclusion on any such representation as is mentioned in the two last foregoing subsections, the Secretary of State shall either cause a local inquiry to be held or afford to the person by whom the representation was made and to the local planning authority concerned an opportunity of being heard by a person appointed by the Secretary of State for the purpose, and shall consider the report of the person by whom the inquiry was held or the person appointed as aforesaid as the case may be.

(5) In determining whether the conditions specified in paragraph (a), (b) or (c) of subsection (1) above are fulfilled in the case of any proposed access order, the Secretary of State shall have regard to the provisions of section 11(3) above; and references in this section to varying an agreement or order so as to exclude land shall include references to varying an agreement or order by the imposition of such restrictions under the said section 11(3) as may be specified by the Secretary of State as requisite for the purposes of this section.

(6) In this section the expression "timber" includes trees of every description, and also saleable underwood.

16.—(1) A person interested in any land comprised in an access agreement or order, not being excepted land, shall not carry out any work thereon whereby the area to which the public are able to have access by virtue of the agreement or order is substantially reduced:

Effect of access agreement or order on rights and liabilities of persons interested in land.

Provided that nothing in this subsection shall affect the doing of anything whereby any land becomes excepted land.

(2) Any restriction arising under an agreement or otherwise as to the use of any land comprised in an access agreement or order shall have effect subject to the provisions of this Part of this Act, and any liability of a person interested in such land in respect of such a restriction shall be limited accordingly.

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(3) For the purposes of any enactment or rule of law as to the circumstances in which a right of way or servitude may be constituted, use of land by the public or by any person at any time while it is comprised in an access agreement or order shall be disregarded.

1874 c. 94.

(4) Every access agreement and access order and every instrument or order varying or revoking any such agreement or order shall contain a particular description of the lands affected or a description by reference of those lands in the manner provided by section 61 of the Conveyancing (Scotland) Act 1874.

(5) As soon as may be after any such agreement or instrument as is referred to in the last foregoing subsection is made, or after any such order is confirmed, the local planning authority shall cause it to be recorded in the Register of Sasines, and when so recorded, it shall be enforceable at the instance of the local planning authority against persons deriving title to the land or to the relevant interest therein from the person so entitled when the agreement, order or instrument was made:

Provided that any such agreement, order or instrument shall not be so enforceable against a third party who shall have in good faith and for value acquired right (whether completed by infetment or not) to the land or to the relevant interest therein prior to the agreement, order or instrument being recorded as aforesaid, or against any person deriving title from such third party.

In this subsection, "relevant interest" means an interest which is subject to such an agreement, order or instrument as is referred to in the last foregoing subsection.

Provisions for
securing safe
and sufficient
access.

17.—(1) An access agreement or order may make such provision as appears expedient for the purposes of the agreement or order for securing that safe and sufficient access will be available for the public on the land comprised in the agreement or order.

(2) Provision made by an access agreement or order by virtue of this section may be provision for any one or more of the following matters—

- (a) the improvement or repair of any means of access to the land in existence at the time when the agreement or order is made ;
- (b) the construction of new means of access to the land ;
- (c) the carrying out of work to protect persons who are on land comprised in the agreement or order from injury or damage due to the state of the land or anything done or omitted to be done on it ;

- (d) the imposition of restrictions on the destruction, removal, alteration or closure of any means of access to the land or of any works provided under the last foregoing paragraph, or the doing of any thing whereby the use of any such means of access by the public would be impeded or the safety of the public would be endangered ; and
- (e) the maintenance of any such means of access to the land as are mentioned in paragraphs (a) and (b) of this subsection or of any works carried out in accordance with paragraph (c) of this subsection.

(3) No provision made by an access order by virtue of this section shall—

- (a) apply to land which is for the time being excepted land, or authorise or require any thing to be done in relation to such land or any means of access thereto ;
- (b) affect the doing of any thing whereby any land becomes excepted land ; or
- (c) require, or authorise any person to require, any work to be carried out at the expense of any person interested in the land except as hereafter in this section expressly provided.

(4) Where it appears to the local planning authority in whose area the land is situated that any work is required for giving effect to any such provision of an access agreement or order as is specified in paragraphs (a), (b), (c) and (e) of subsection (2) above, the authority may agree with the owner and occupier of the land as to the carrying out of the work, and where it is agreed that it shall be carried out otherwise than by the authority may defray the cost of the carrying out thereof, or may contribute such part of that cost as may be specified in the agreement.

(5) If, in a case falling within the last foregoing subsection—

- (a) the local planning authority are unable to make an agreement, or
- (b) the owner or occupier fails to carry out within a reasonable period any work which he has agreed to carry out,

the local planning authority, after giving to the owner and the occupier not less than fourteen days' notice of their intention so to do, may take all necessary steps for carrying out the work ; and where, in a case to which paragraph (b) of this subsection applies, the agreement provided that the authority should contribute part of the cost of carrying out the work, the authority may recover the amount of any expenses reasonably incurred

PART II

by them in carrying out the work, reduced by their contribution under the agreement, from the person by whom under the agreement the cost (apart from the authority's contribution) of carrying out the work would fall to be borne.

(6) In this section the expression "means of access," in relation to land, means any opening in a wall, fence or hedge bounding the land or any part thereof, with or without a gate, stile or other works for regulating passage through the opening, any stairs or steps for enabling persons to enter on the land or any part thereof, or any bridge, stepping stone or other works for crossing a water-course, ditch or bog on the land or adjoining the boundary thereof.

Power of local
planning
authority
to enforce
access.

18.—(1) If any person contravenes the provisions of section 16(1) above, or any such restriction as is specified in paragraph (d) of subsection (2) of the last foregoing section, any local planning authority whose area includes land in respect of which the contravention occurred may serve on that person a notice requiring him, within such period as may be specified in the notice, to carry out such work so specified as may appear to the authority to be requisite for remedying the contravention, being work for restoring or re-opening any means of access or for providing new means of access.

(2) If within the period specified in a notice under the foregoing subsection the person on whom the notice is served fails to comply therewith, the local planning authority may take all necessary steps for carrying out the work specified in the notice and may recover from that person any expenses reasonably incurred by them in carrying it out.

(3) Any person on whom a notice is served under subsection (1) above may, at any time within the period specified in the notice for carrying out the work so specified, appeal against the notice to the sheriff on the ground—

- (a) that the period specified as aforesaid is too short;
- (b) that the work specified in the notice, or some of that work, is not requisite for remedying the contravention;
- (c) that he has not contravened the provisions or restriction in question; or
- (d) that the work specified in the notice, or so much of the work as is requisite for remedying the contravention, has been carried out.

(4) On any such appeal the sheriff, if satisfied of the grounds of the appeal, may—

- (a) extend the period within which the work was required to be carried out by the notice, or

(b) quash the notice as respects the whole or any part of the work specified therein,

as the nature of the appeal may require ; but if not so satisfied shall dismiss the appeal.

(5) The sheriff on such an appeal to him may, and if so directed by the Court of Session shall, state a case for the opinion of that Court on any question of law arising in the proceedings, and an appeal shall lie to the Court of Session on any question of law from the decision of the sheriff.

(6) Where an appeal is taken under this section, the time between the taking of the appeal and the final determination thereof shall be disregarded in determining the period within which, in accordance with the notice, the work specified therein is to be carried out.

19. If the Secretary of State is satisfied that, by reason of any conditions of weather for the time being prevailing, public access to land comprised in an access agreement or order or any part thereof is likely to result in fires occurring thereon, he may direct that section 11(1) above shall not have effect in relation to such parts of the land and during such period as may be specified in the direction.

Suspension of public access to avoid risk of fire.

20. Where the value of the interest of any person in land is depreciated, or any person has suffered damage by being disturbed in his enjoyment of land, in consequence of the coming into operation of an access order, then subject to the following provisions of this Part of this Act the local planning authority in whose area the land comprised in the order is situated shall pay to that person compensation equal to the amount of the depreciation or damage:

Compensation for access orders.

Provided that nothing in this section shall confer on a person a right to compensation for depreciation of the value of an interest in land or for disturbance in his enjoyment of land, being land which in either case is not comprised in the order or if so comprised is excepted land, except if and in so far as either—

- (a) it is held with land comprised in the order which is not excepted land, or
- (b) the omission of any other person to exclude the public from the land comprised in the order or any part thereof would have been actionable at the instance of the first-mentioned person if the access order had not come into operation.

PART II
 Compensation
 to be
 assessed with
 regard to
 effect of
 first five years
 of access.

21.—(1) For the purpose of enabling compensation under the last foregoing section to be assessed in the light of experience gained of the actual effect on land of the coming into operation of access orders, any such compensation shall not, save as hereinafter provided, be claimed or payable before the expiration of a period of five years from the coming into operation of the order giving rise to the compensation (in this and the next following section referred to as “the relevant order”).

(2) Nothing in the foregoing subsection shall be construed as requiring such compensation to be assessed as at a date later than the date of the coming into operation of the relevant order; but in calculating the compensation it shall be assumed that on a sale at that date of the interest in respect of which the compensation is claimed, the purchaser would have had knowledge—

- (a) of the actual effect during the said period, on the land in which the said interest subsists and the use of that land, of the coming into operation of the relevant order;
- (b) of the fact and date of any revocation or variation during that period of the relevant order;
- (c) of the fact and date of any changes during that period, as respects land comprised in the relevant order, from or to excepted land.

(3) If during the said period of five years the relevant order is revoked or varied so as to exclude from the operation thereof any land not being excepted land, the foregoing provisions of this section shall thereupon have effect, so far as concerns any claim for compensation in respect of the operation of the relevant order as respects the said land, as if for any reference to the said period of five years there were substituted a reference to the period beginning with the coming into operation of the relevant order and ending with the said revocation or variation.

(4) Where at different times within a period of five years two or more areas of land which are contiguous or adjacent to one another become comprised in access orders, and any person has an interest in each of those areas, then, with consent of every person having an interest in each of the areas other than the one first so comprised, the foregoing provisions of this section shall apply in relation to each of the last-mentioned areas with the substitution for any reference to the period of five years from the coming into operation of the order by virtue of which that area became so comprised as aforesaid of a reference to a period of five years from the coming into operation of the order by virtue of which the first of the areas became so comprised.

22.—(1) Any person claiming to be entitled to an interest in land in respect of the depreciation or the disturbance in the enjoyment of which compensation will become payable under section 20 above may apply to the local planning authority by whom the compensation will be payable to record his claim; and where an application is duly made under this subsection the authority shall record the claim accordingly in such manner as may be prescribed.

PART II
Claims for
compensation
and interest.

(2) An application under the foregoing subsection shall be made in such manner and within such period (not being less than three months) after the date when the relevant order came into operation as may be prescribed, and shall be accompanied by such particulars of the interest in land in respect of which it is made as may be prescribed:

Provided that nothing in this subsection shall authorise the imposition of any requirement that an applicant under the foregoing subsection shall state the amount of the compensation.

(3) Within such period as may be prescribed (not being less than three months) after the end of the period after which under the last foregoing section compensation may be claimed, any person who has applied under subsection (1) above for the recording of a claim to compensation, or any person claiming under him in respect of that compensation, may apply to the local planning authority, in such manner as may be prescribed, for the payment of the compensation.

(4) An application under the last foregoing subsection shall state the amount of compensation claimed by the applicant; and the application shall be accompanied by such evidence of the title of the applicant to the compensation as may be prescribed.

(5) Any compensation payable under section 20 above shall become due when, on an application for the payment thereof duly made under subsection (3) above, the amount of the compensation has been agreed or, in default of agreement, has been determined in manner provided under section 70 below; and any such compensation shall be payable with interest, at such rate as may be prescribed, from the date on which the relevant order came into operation to the date at which the compensation is paid.

23.—(1) At any time during the period after which, under section 21 above, compensation may be claimed in respect of the coming into operation of an order, a person claiming to be entitled to such compensation may apply to the local planning

Payments on
account in
special
circumstances.

PART II

authority for a payment on account of the compensation on the ground of special circumstances; and if the authority are satisfied that such circumstances exist they shall make to him a payment on account of the compensation of such amount as they may determine.

(2) Any person aggrieved by the refusal of a local planning authority to make a payment on account under the last foregoing subsection, or by their determination thereunder of the amount of the payment to be made to him, may appeal to the Secretary of State; and the Secretary of State, after affording to the said person and to the authority an opportunity of being heard by a person appointed by the Secretary of State for the purpose, may either confirm the decision of the authority or direct that they shall make a payment on account of such amount as appears to the Secretary of State to be just.

Acquisition
by local
planning
authorities
of land for
public access.

24.—(1) Where it appears to a local planning authority, as respects any land in their area which is or which gives or forms part of access to open country,—

- (a) that it is requisite that the public should have access to that open country for open-air recreation; and
- (b) that in the circumstances it is expedient that for that purpose the land should be acquired by the local planning authority,

the authority, if it appears to them impracticable to obtain such access by an access agreement or access order, may, with the consent of the Secretary of State, acquire the land by agreement, whether by way of purchase, feu, lease or excambion, or acquire the land compulsorily.

(2) A local planning authority may carry out on land acquired by them for the purposes of this section, and for the time being held by them for those purposes, such work as they may consider requisite for providing convenient means of access to the land or otherwise for the said purposes.

(3) While land acquired by a local planning authority under this section is held by them for the purposes thereof, it shall be the duty of the authority so to manage the land as to give to the public access for open-air recreation to so much thereof as appears to the authority to be practicable, having regard to the nature of the different parts of the land, to anything done thereon which may result in danger to the public or to persons employed thereon unless public access to the land or to adjoining land is restricted, and to all other relevant circumstances.

- 25.—**(1) Where it appears to the Secretary of State, as respects any land which is or which gives or forms part of access to open country—
- PART II
Acquisition
by Secretary
of State of
land for
public access.
- (a) that it is requisite that the public should have access to that open country for open-air recreation ; and
- (b) that in the circumstances it is expedient that for that purpose the land should be acquired by him,

the Secretary of State may, with the consent of the Treasury, acquire the land by agreement, whether by way of purchase, feu, lease or excambion, or acquire the land compulsorily.

(2) Unless in any particular case the Secretary of State otherwise determines, any land acquired by the Secretary of State under this section shall be transferred to such other persons on such trusts or subject to such conditions as may appear to him expedient for securing to the public access for open-air recreation to so much thereof as appears to the Secretary of State to be practicable, having regard to the matters mentioned in subsection (3) of the last foregoing section.

(3) Subject to the provisions of the last foregoing subsection, the transfer of land under that subsection may be on such terms as to payment or otherwise as may, with the consent of the Treasury, be provided for by the arrangements for the transfer ; and where the arrangements so provide the Secretary of State may defray or contribute to the cost of managing the land while it is managed in accordance with the trusts or conditions referred to in the last foregoing subsection.

(4) The Secretary of State may carry out on land acquired by him for the purposes of this section, and for the time being held by him for those purposes, such work as he may consider requisite for providing convenient means of access to the land or otherwise for the said purposes, or may arrange for any such work to be carried out by persons to whom the land is transferred.

(5) The Secretary of State may defray the cost of managing any land acquired by him under this section and not transferred to other persons.

- 26.—**(1) A local planning authority whose area comprises any land—
- Maps of land
subject to
public access.
- (a) which is subject to an access agreement or order, or

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(b) which has been acquired under either of the two last foregoing sections and is for the time being held for the purpose for which it was acquired,

shall prepare and keep up to date a map, on such scale as may be prescribed, defining in such manner as may be prescribed—

- (i) the land subject to the agreement or order or the land acquired and held as aforesaid, as the case may be ;
- (ii) in the case of land subject to such an agreement or order, any land comprised therein which is excepted land ;
- (iii) in the case of land acquired and held as aforesaid, any land comprised therein from which, for the purpose of avoiding danger to the public or to persons employed thereon or for any other reason, the public are excluded.

(2) An authority who are required by the foregoing subsection to prepare and keep up to date any map shall, so long as they are required so to do, have copies of the map and of the notices referred to in paragraph (b) below available for inspection by the public at such places as the authority may determine ; and the authority shall display, at such places as they think fit, including places where the public obtain access to the land to which the map relates—

(a) reproductions of the map on an appropriate scale,

(b) notices specifying any restrictions on access to the land or any part thereof, whether the restrictions have effect by virtue of any of the provisions of this Part of this Act or otherwise.

Provisions as
to danger
areas.

27.—(1) The authority making an access agreement or order shall, after consulting with the owner and occupier of any land concerned, so delimit the land to which the agreement or order applies as to exclude all land which, by reason of anything done thereon or on other land contiguous or adjacent thereto, it appears to the authority expedient to exclude for the purpose of avoiding danger to the public or to persons employed on any of the said land.

(2) Where, while an access agreement or order is in force, the authority by whom the agreement or order was made are satisfied, as respects any land to which the agreement or order applies, that by reason of anything done or proposed to be done on that land or on other land contiguous or adjacent thereto it is expedient for the purpose aforesaid that the first-mentioned land should be excluded from the operation of the agreement or

order, the authority shall vary the agreement or order so as to exclude that land.

PART II

(3) The fact that an access agreement is expressed to be irrevocable shall not prevent its variation in pursuance of the last foregoing subsection; and where the concurrence of any party to an access agreement other than the said authority, or of the successor in title to his interest, cannot be obtained to the variation of the agreement in pursuance of that subsection, the said authority may by order made with the approval of the Secretary of State vary the agreement.

(4) A local planning authority shall have power, as respects any land which is subject to an access agreement or order, or as respects land held by the authority to which section 26(1)(b) above applies, to take such steps and carry out such work (including the erection and maintenance of fences or notices) as appear to them requisite for protecting the public from any source of danger on the land or on adjoining land.

(5) The provisions of the last foregoing subsection shall apply to the Secretary of State as respects land for the time being held by him under section 25 above as they apply to a local planning authority as respects land held by them.

(6) The application of section 11 above to any land shall not, in relation to any factory, magazine, store or premises already established, constitute the land an open place of resort for the public, or a public place, for the purposes of the Explosives Acts 1875 and 1923, or any order made or licence granted thereunder.

(7) The application of the said section 11 to any land shall, in relation to any factory, magazine, store or premises subsequently established, constitute the land such a place as aforesaid for the purposes of the said Acts or any such order or licence.

28. A local planning authority shall have power to erect and maintain notices or other means of indicating the boundaries of land comprised in an access agreement or order and of excepted land. Boundary notices.

29. A local planning authority shall have power, as respects any land in their area which is subject to an access agreement or order, to defray or contribute towards, or to undertake to defray or contribute towards, expenditure incurred or to be incurred in relation to the land by any person interested therein in taking such steps or carrying out such work as is mentioned in section 27(4) above, or in erecting and maintaining such notices or other means of indicating boundaries as are mentioned in the last foregoing section or section 26(2) above. Power of local planning authority to contribute to work carried out by other persons.

PART III

PUBLIC PATHS AND LONG-DISTANCE ROUTES

Creation of public paths

Creation of
public paths
by agreement.

30.—(1) A local planning authority shall have power to enter into an agreement with any person having the necessary power in that behalf for the creation by that person of a public path over land in their area.

(2) An agreement made under the foregoing subsection (in this Act referred to as a “public path creation agreement”) shall be on such terms as to payment or otherwise as may be specified in the agreement, and may, if it is so agreed, provide for the creation of the public path subject to limitations or conditions affecting any public right of way thereover.

(3) In this Part of this Act “public path” means a way which is a footpath or bridleway or a combination of those.

Compulsory
powers for
creation of
public paths.

31.—(1) Where it appears to a local planning authority that there is need for a public path over land in their area and they are satisfied that, having regard to—

- (a) the extent to which the path would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of persons resident in the area, and
- (b) the effect which the creation of the path would have on the rights of persons interested in the land, account being taken of the provisions as to compensation contained in section 37 below,

it is expedient that the path should be created, the authority, if it appears to them impracticable to create the path by means of a public path creation agreement, may by order (in this Act referred to as a “public path creation order”) made by them and submitted to and confirmed by the Secretary of State create a public path.

(2) A right of way created by a public path creation order may be either unconditional or subject to such limitations or conditions as may be specified in the order, and the Secretary of State may confirm such an order subject to such modifications or conditions as he thinks fit.

(3) A public path creation order shall be in such form as may be prescribed and shall contain a map, on such scale as may be prescribed, defining the land over which a public path is thereby created.

(4) The provisions in that behalf of Schedule 3 to this Act shall apply to the making, confirmation, validity and date of operation of public path creation orders.

32.—(1) Before exercising any of the powers conferred by the two last foregoing sections, a local planning authority shall consult with the Commission where the proposed exercise relates to an area of special planning control.

PART III
Exercise of
powers under
ss. 30 and 31.

(2) Where a proposed public path lies partly within and partly outside the area of a local planning authority, the powers conferred by the two last foregoing sections on the authority shall extend to the whole of the path as if it lay wholly within their area:

Provided that, in relation to so much of the path as lies outside the area of the authority, the said powers shall not be exercisable as respects any part thereof in the area of any other local planning authority, except with the consent of that authority.

(3) Where it appears to the Secretary of State in any particular case that there is need for a public path as mentioned in section 31(1) above, and he is satisfied as mentioned in that subsection, the Secretary of State after consultation with every local planning authority in whose area the proposed public path will lie and with the Commission where any part of the proposed public path will lie within an area of special planning control, may direct any such authority to make and submit to him a public path creation order creating the public path or may himself make the order, and in relation to any order made in accordance with the provisions of this subsection, the proviso to the last preceding subsection shall not apply.

33.—(1) On the creation of a public path in pursuance of a public path creation agreement, or on the coming into operation of a public path creation order or public path diversion order, the local planning authority shall carry out such work as appears to them to be necessary to bring it into a fit condition for use by the public as a public path in conformity with the terms and conditions of the said agreement or order, as the case may be, and shall maintain it in such condition.

Making up and
maintenance
of public paths.

(2) If the Secretary of State is not satisfied that the local planning authority have carried out such work as is necessary to bring a public path referred to in subsection (1) above into a fit condition for use by the public as a public path or to maintain it in that condition, he may certify what work appears to him to be necessary for this purpose.

(3) If the local planning authority are not satisfied with a certificate made under subsection (2) above, the Secretary of State shall either cause a local inquiry to be held or shall give to the local planning authority an opportunity of being heard by a person appointed by him for the purpose, and, after considering the report of the person appointed to hold the inquiry or the person appointed as aforesaid, shall make such order either confirming or varying the certificate as he may think fit.

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(4) Subject to the provisions of subsection (3) above, it shall be the duty of the local planning authority to carry out the work specified in a certificate made under subsection (2) above.

Closure of public paths.

34.—(1) Where it appears to a local planning authority as respects a public path in their area that it is expedient that the path should be closed on the ground that the path is not needed for public use, the authority may by order (in this Act referred to as a “public path extinguishment order”) made by them and submitted to and confirmed by the Secretary of State extinguish the right of way over the path.

(2) The Secretary of State shall not confirm a public path extinguishment order unless he is satisfied that it is expedient so to do having regard to the extent to which it appears to him that the path would, apart from the order, be likely to be used by the public, and having regard to the effect which the extinguishment of the right of way would have as respects land served by the path, account being taken of the provisions as to compensation contained in section 37 below.

(3) A public path extinguishment order shall be in such form as may be prescribed and shall contain a map, on such scale as may be prescribed, defining the land over which the right of way is thereby extinguished.

(4) Schedule 3 to this Act shall have effect as to the making, confirmation, validity and date of operation of public path extinguishment orders.

(5) Where in accordance with regulations made under paragraph 3 of the said Schedule proceedings preliminary to the confirmation of a public path extinguishment order are taken concurrently with proceedings preliminary to the confirmation of a public path creation order or of a public path diversion order made under the next following section then, in considering—

- (a) under subsection (1) above whether the path to which the public path extinguishment order relates is needed for public use, or
- (b) under subsection (2) above to what extent that path would apart from the order be likely to be used by the public,

the local planning authority or the Secretary of State, as the case may be, may have regard to the extent to which the public path creation order or the public path diversion order would provide an alternative path.

(6) For the purposes of subsections (1) and (2) above, any temporary circumstances preventing or diminishing the use of a path by the public shall be disregarded.

35.—(1) Where an owner, tenant or occupier of land crossed by a public path satisfies the local planning authority in whose area the land is situated that for securing the efficient use of the land or of other land held therewith or providing a shorter or more convenient path across his land, it is expedient that the line of the path across his land, or part of that line, should be diverted (whether on to other land of his or on to land of another owner, tenant or occupier), the authority may by order (in this Act referred to as a “public path diversion order”) made by them and submitted to and confirmed by the Secretary of State—

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Diversion of
public paths.

- (a) create, as from such date as may be specified in the order, any such new public path as appears to the authority requisite for effecting the diversion, and
- (b) extinguish, as from such date as may be so specified in accordance with the provisions of the next following subsection, the right of way over so much of the path as appears to the authority requisite as aforesaid.

(2) Where it appears to the authority that work requires to be done to provide necessary facilities for the convenient use of any such new public path as is mentioned in subsection (1)(a) above, the date specified under subsection (1)(b) above shall be later than the date specified under subsection (1)(a) above by such time as appears to the authority requisite for enabling the work to be carried out.

(3) A right of way created by a public path diversion order may either be unconditional or may (whether or not the right of way extinguished by the order was subject to limitations or conditions of any description) be subject to such limitations or conditions as may be specified in the order, and the Secretary of State may confirm the order subject to such modifications or conditions as he thinks fit.

(4) Before determining to make a public path diversion order on the representation of an owner, tenant or occupier, the authority may require him to enter into an agreement with them to defray, or to make such contribution as may be specified in the agreement towards—

- (a) any compensation which may become payable under section 37 below;
- (b) any expenses which any local planning authority may incur in bringing the new site of the path into a fit condition for use by the public.

(5) The Secretary of State shall not confirm a public path diversion order unless he is satisfied that the diversion to be effected thereby is expedient as mentioned in subsection (1) above, and further that the path will not be substantially less

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convenient to the public in consequence of the diversion and that it is expedient to confirm the order having regard to the effect which—

- (a) the diversion would have on public enjoyment of the path as a whole,
- (b) the coming into operation of the order would have as respects other land served by the existing right of way, and
- (c) any new right of way created by the order would have as respects the land over which the right is so created and any land held therewith,

so, however, that for the purposes of paragraphs (b) and (c) of this subsection the Secretary of State shall take into account the provisions as to compensation of section 37 below.

(6) A public path diversion order shall be in such form as may be prescribed and shall contain a map, on such scale as may be prescribed, showing the existing site of so much of the line of the path as is to be diverted by the order and the new site to which it is to be diverted, and indicating whether a new right of way is created by the order over the whole of the new site or whether some part thereof is already comprised in a public path and, in the latter case, defining the part thereof so comprised.

(7) Schedule 3 to this Act shall have effect as to the making, confirmation, validity and date of operation of public path diversion orders.

Exercise of powers under sections 34 and 35.

36.—(1) Subject to the provisions of this section, section 32(1) and (2) above shall apply in the exercise of the powers conferred by the two last foregoing sections in relation to any public path as they apply in the exercise of the powers referred to in the said subsections.

(2) Where it appears to the Secretary of State as respects a public path that it is expedient as mentioned in section 34(1) above that the path should be closed, or where an owner, tenant or occupier of land crossed by a public path satisfies the Secretary of State that a diversion thereof is expedient as mentioned in section 35(1) above, then if—

- (a) no local planning authority in whose area the public path lies have made or submitted to him a public path extinguishment order or a public path diversion order, as the case may be, and
- (b) the Secretary of State is satisfied that, if such an order were made and submitted to him, he would have power to confirm the order in accordance with the provisions in that behalf of the two last foregoing sections,

the Secretary of State, after consultation with every such authority, may direct any such authority to make and submit to him a public path extinguishment order or a public path diversion order, as the case may be, or may himself make the order and, in relation to any order made in accordance with the provisions of this subsection, the proviso to section 32(2) above shall not apply.

(3) In relation to a public path diversion order made in accordance with the provisions of the last foregoing subsection, the Secretary of State or the authority, as the case may be, shall have the power conferred by section 35(4) above.

(4) An authority proposing to make a public path diversion order such that the authority who will be responsible for a part of the path after the diversion will be a different body from the authority who before the diversion are so responsible shall, before making the order, consult the authority who will be responsible for that part.

37.—(1) Subject to the following provisions of this section, if, on a claim made in accordance with this section, it is shown that the value of an interest of any person in land is depreciated, or that any person has suffered damage by being disturbed in his enjoyment of land, in consequence of the coming into operation of a public path creation order, a public path diversion order or a public path extinguishment order, the authority by whom the order was made shall pay to that person compensation equal to the amount of the depreciation or damage.

Compensation for creation, diversion and closure of public paths.

(2) A claim for compensation under this section shall be made within such time and in such manner as may be prescribed and shall be made to the authority by whom the order was made.

(3) For the purposes of the application of this section to an order made by the Secretary of State under section 32(3) or section 36(2) above, references in this section to the authority by whom the order was made shall be construed as references to the authority who, immediately before the making of the order, were, for the purposes of the said section 32(3) or 36(2) the appropriate authority in relation to the making of an order for the creation, diversion or closure of the public path or part of a public path to which the order relates.

(4) Nothing in this section shall confer on any person, in respect of a right of way created by a public path creation order or a public path diversion order, a right to compensation for depreciation of the value of an interest in land, or for disturbance in his enjoyment of land, not being in either case land over which the right of way was created or land held therewith, unless the creation of the right of way would have been actionable at his instance if it had been effected otherwise than in the exercise of statutory powers.

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Supplementary provisions as to creation, closure and diversion of public paths.

38.—(1) Sections 34 to 36 above shall apply in relation to all public rights of way, whether created before or after the commencement of this Act.

(2) The provisions of sections 34 to 36 above shall not prejudice any power conferred by any other enactment to close or divert a road, and shall not otherwise affect the operation of any enactment relating to the extinguishment, suspension, diversion or variation of rights of way.

(3) A public path creation order, a public path extinguishment order or a public path diversion order affecting in any way the area of more than one local planning authority may contain provisions requiring one of the authorities to defray, or contribute towards, expenses incurred in consequence of the order by another of the authorities; and a public path diversion order diverting a part of the line of a path from a site in the area of one local planning authority to a site in the area of another may provide that the first mentioned authority shall continue to be responsible for the maintenance of that part of the path after the diversion.

1874 c. 94.

(4) Every public path creation agreement, public path creation order, public path extinguishment order and public path diversion order shall contain a particular description of the lands affected or a description by reference of those lands in the manner provided by section 61 of the Conveyancing (Scotland) Act 1874.

(5) As soon as may be after any such agreement as is referred to in the last foregoing subsection is made, or after any such order is confirmed, the local planning authority shall cause it to be recorded in the Register of Sasines, and when so recorded, it shall be enforceable at the instance of the local planning authority against persons deriving title to the land from the person so entitled when the agreement or order was made:

Provided that any such agreement or order shall not be so enforceable against a third party who shall have in good faith and for value acquired right (whether completed by infertment or not) to the land prior to the agreement or order being recorded as aforesaid, or against any person deriving title from such third party.

(6) The Secretary of State shall not make or confirm a public path creation order, a public path extinguishment order or a public path diversion order relating to a right of way over land under, in, upon, over, along or across which there is any apparatus belonging to or used by any statutory undertakers for the purpose of their undertaking unless the undertakers have consented to the making or confirmation of the order, as the case may be; and any such consent may be given subject to

the condition that there are included in the order such provisions for the protection of the undertakers as they may reasonably require.

The consent of statutory undertakers to any such order shall not be unreasonably withheld, and any question arising under this subsection whether the withholding of a consent is unreasonable or whether any requirement is reasonable shall be determined by the appropriate Minister within the meaning of section 113(1) of the Act of 1947.

(7) Where in pursuance of a public path extinguishment order or a public path diversion order a public path is closed or diverted and, immediately before the date on which the order comes into force, there was under, in, upon, over, along or across the path any telegraphic line belonging to or used by the Postmaster General, the Postmaster General shall have the same powers in respect of that line as if the order had not come into force:

Provided that if any person entitled to land over which the path subsisted requires that the telegraphic line shall be altered, paragraphs (1) to (8) of section 7 of the Telegraph Act 1878 shall apply to the alteration, and accordingly shall have effect, subject to any necessary modifications, as if references therein to undertakers included references to the person so requiring the line to be altered. 1878 c. 76.

Long-Distance Routes

39.—(1) Where it appears to the Commission that the public should be enabled to make extensive journeys on foot, on pedal cycles or on horseback along a particular route, being a route which for the whole or the greater part of its length does not pass along roads mainly used by vehicles, the Commission may prepare and submit to the Secretary of State a report under this section. General provisions as to long-distance routes.

(2) A report under this section shall contain a map showing the route, defining those parts thereof over which there exists a public right of way, and indicating in each case the nature of that right; and the report shall set out such proposals as the Commission may think fit for the provision, maintenance and enjoyment of the route, and without prejudice to that generality—

- (a) for the maintenance or improvement of any public path or road along which the route passes;
- (b) for the provision and maintenance of such new public paths as may be required for enabling the public to journey along the route;
- (c) for the provision and operation of ferries where they are needed for completing the route; and

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(d) for the provision of accommodation, toilet facilities, meals and refreshments along the route.

(3) A report under this section may also include such recommendations as the Commission may think fit for the restriction of traffic on existing roads along which the route passes.

(4) Before submitting a report under this section the Commission shall consult with every local planning authority through whose area the route passes; and it shall be the duty of every such authority to furnish to the Commission such information as the Commission may reasonably require for the purposes of the report.

(5) A report under this section shall contain an estimate, in such form as the Secretary of State may require, of the capital outlay and annual expenditure likely to be incurred by any authority in carrying out any such proposals contained therein as are mentioned in subsection (2) above; the report shall also contain any representations made by any authority consulted under subsection (4) above.

Approval of proposals relating to a long-distance route.

40.—(1) On the submission to the Secretary of State of a report under the last foregoing section, he shall consider any proposals contained in the report under subsection (2) of that section, any recommendations made under subsection (3) thereof and any representations referred to in subsection (5) thereof, and may either approve the proposals, with or without modifications or subject to such conditions as he thinks fit, or reject the proposals:

Provided that where the Secretary of State does not propose to approve the proposals as set out in the report he shall, before coming to a determination as to what action to take under this subsection, consult with the Commission and such other authorities and persons as he may think fit.

(2) As soon as may be after the Secretary of State determines under the last foregoing subsection either to approve any proposals, with or without modifications or conditions, or to reject them, he shall notify his determination to the Commission and to every local planning authority whose area is traversed by the route to which the report relates.

(3) Proposals approved by the Secretary of State under subsection (1) above, either as originally set out in the report or as modified by the Secretary of State, are hereinafter referred to as “approved proposals relating to a long-distance route”, and such proposals shall be implemented by the local planning and other authorities concerned as soon as may be after their approval as aforesaid.

41.—(1) Where approved proposals relating to a long-distance route include proposals for the provision and operation of a ferry, the authority who are responsible for the maintenance of the roads or public paths to be connected by the ferry or, where there is more than one such authority, those authorities acting jointly or any such authority as may mutually be agreed—

PART III
Ferries for purposes of long-distance routes.

- (a) shall have power to provide and operate the ferry and to carry out such work and do all such things as appear to them expedient for the purpose of operating the ferry ;
- (b) may with the approval of the Secretary of State agree with any person or body of persons for the provision and operation of the ferry by him or them and for the making by the authority of such contributions as may be specified in the agreement :

Provided that nothing in this subsection shall—

- (i) be construed as conferring on such an authority any exclusive right to operate a ferry ;
- (ii) authorise the doing of anything which apart from this subsection would be actionable by any person by virtue of his having an exclusive right to operate a ferry, unless he consents to the doing thereof ;
- (iii) authorise the doing of anything in relation to land in which any other person has an interest, if apart from this subsection the doing thereof would be actionable at his instance by virtue of that interest and he does not consent to the doing thereof ;

and before carrying out any work in the exercise of powers conferred by this subsection, being work on the bank or bed of any waterway, the authority shall consult with every authority which under any enactment has functions relating to the waterway.

(2) An authority may acquire land compulsorily for the purpose of any of their functions under paragraph (a) of the foregoing subsection.

42.—(1) Where proposals relating to a long-distance route have been approved by the Secretary of State under section 40 above, the Commission may from time to time prepare and submit to the Secretary of State a report proposing any such variation of the approved proposals as the Commission may think fit.

Variation of approved proposals.

(2) Where, as respects any proposals approved as aforesaid, it appears to the Secretary of State, after consultation with the Commission, expedient that the proposals should be varied in any respect and the Commission have not submitted to the Secretary of State a report proposing that variation, the Secretary of State may direct that the proposals shall be so varied.

PART III

(3) Where an authority have found it impracticable to implement any part of any proposals approved as aforesaid, they shall so inform the Commission and shall submit to the Commission a report proposing such variations of the approved proposals as they may think fit.

(4) Sections 39(4) and 40 above shall with the necessary modifications apply to a report or direction under this section; and section 39(5) above shall with the necessary modifications apply to any such report.

(5) Where the Secretary of State approves, with or without modifications, any proposals contained in a report under subsection (1) above, or gives a direction under subsection (2) above, the proposals for the variation of which the report was made or direction given shall thereafter have effect subject to the provisions of the report or direction; and references in this Act to approved proposals relating to a long-distance route shall be construed accordingly.

Miscellaneous Provisions relating to Rights of Way

Ploughing of
public rights
of way.

43.—(1) Where a public right of way crosses agricultural land or land which is being brought into use for agriculture, then, if—

(a) it is proposed in accordance with the rules of good husbandry to plough the land, and

(b) it is convenient, in so ploughing the land, to plough the way together with the rest of the land,

the right of way shall be subject to the condition that the occupier shall have the right, subject to the following provisions of this section, to plough the way as well as the rest of the land:

Provided that, where the way is subject to a public path creation agreement, a public path creation order, or a public path diversion order, the agreement or order may exclude the right to plough the way or any part of it and may impose restrictions or conditions on the exercise of that right.

(2) Within seven days after ploughing a public right of way in the exercise of the right conferred by the foregoing subsection the occupier shall give to the authority responsible under section 46(1) below for the protection of the right of way notice of that fact.

(3) Where a public right of way is ploughed in the exercise of the said right the occupier of the land shall as soon as may be after the ploughing is completed reinstate the surface of the way.

(4) A person who fails to comply with the foregoing provisions of this section shall be guilty of an offence and shall be liable on summary conviction—

(a) in the case of a failure to comply with the provisions of an agreement or order as mentioned in the proviso to subsection (1) above, to a fine not exceeding £50 ;

(b) in the case of a failure to comply with the provisions of subsection (2) above to a fine not exceeding £10 ;

(c) in the case of a failure to comply with the provisions of subsection (3) above, to a fine not exceeding £50 ;

and where a person is convicted of the offence of failing to comply with the provisions of subsection (3) above and the offence in respect of which he was convicted is continued after the conviction he shall be guilty of a further offence and shall be liable on summary conviction to a fine not exceeding twenty shillings for each day on which the offence is so continued.

(5) If an occupier ploughs a public right of way and fails to reinstate the surface of the way, the local planning authority, after giving to the occupier not less than 14 days' notice of their intention, may take all necessary steps for carrying out the work, and may recover from the occupier the amount of any expenses reasonably incurred by them in relation thereto.

(6) Nothing in the provisions of this section shall prejudice any limitation or condition having effect apart from those provisions.

44.—(1) No person shall, being the occupier of any field or enclosure through which there is a public right of way, permit any bull to be at large in such field or enclosure: Pasturing of bulls.

Provided that this section shall not apply to any bull which—

(a) does not exceed the age of 10 months ; or

(b) is not of a recognised dairy breed and is at large in any field or enclosure in which cows or heifers are also at large.

(2) A person who fails to comply with the foregoing subsection shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

45.—(1) Where the owner, tenant or occupier of land which is used or being brought into use for agriculture or forestry represents to the authority responsible under section 46(1) below for the protection of a public right of way which crosses the land that, for securing that the use, or any particular use, of the land for agriculture or forestry shall be efficiently carried on, it is expedient that stiles, gates or other works for preventing the ingress or egress of animals should be erected on the way, the authority may, subject to such conditions as they may Power to authorise erection of stiles, etc., on public rights of way.

PART III

impose for maintenance and for enabling the right of way to be exercised without undue inconvenience to the public, authorise the erection of the stiles, gates or other works.

(2) If, on a representation duly made under the foregoing subsection, the authority refuse to grant an authorisation thereunder, or grant such an authorisation subject to conditions, the person who made the representation may appeal to the Secretary of State against the refusal or against the imposition of the conditions, as the case may be; and if the Secretary of State, after giving to the appellant and to the authority an opportunity of being heard by a person appointed by him for the purpose and considering the report of that person, determines to allow the appeal, he shall—

- (a) if the appeal was against a refusal, authorise the erection of the stiles, gates or other works in question, subject to such conditions as he may impose for maintenance and for enabling the right of way to be exercised without undue inconvenience to the public;
- (b) if the appeal was against the imposition of conditions, direct that the authorisation granted by the authority shall, as may be specified in the direction, have effect either unconditionally or subject to such modified conditions as may be so specified.

(3) Where an authorisation is granted by an authority under subsection (1) above or by the Secretary of State under the last foregoing subsection, the right of way shall be deemed to be subject to a condition that the stiles, gates or works may be erected and maintained in accordance with the authorisation and so long as the conditions attached thereto are complied with.

(4) Nothing in the provisions of this section shall prejudice any limitation or condition having effect apart from those provisions.

Protection and maintenance of rights of way.

46.—(1) It shall be the duty of a local planning authority to assert, protect and keep open and free from obstruction or encroachment any public right of way which is wholly or partly within their area, and they may for these purposes institute and defend legal proceedings and generally take such steps as they may deem expedient.

(2) Any local authority or local planning authority may repair and maintain any public right of way (not being a road or a footpath at the side of a road) within their area, but this power shall not relieve any other authority or person from any liability with respect to such repair or maintenance.

(3) Any person may with the consent of the local planning authority erect and maintain guide posts and direction notices on any public right of way other than a road.

(4) Section 42 of the Local Government (Scotland) Act 1894 is hereby repealed. PART III
1894 c. 58.

47. In this Part of this Act, unless the context otherwise requires— Interpretation
of Part III.

“bridleway” means a way over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along that way;

“footpath” means a way over which the public have the following, but no other, rights of way, that is to say, a right of way on foot with or without a right of way on pedal cycles;

“horse” includes pony, ass and mule, and “horseback” shall be construed accordingly;

“public path” has the meaning assigned to it in section 30 of this Act

PART IV

FURTHER POWERS OF CERTAIN AUTHORITIES

48.—(1) A country park is a park or pleasure ground in the countryside which by reason of its position in relation to major concentrations of population affords convenient opportunities to the public for enjoyment of the countryside or open-air recreation. Country Parks.

(2) Each local planning authority shall assess the need for a country park whether within or outwith their area or partly within and partly outwith their area and shall from time to time review that need; for the purposes of this subsection each local planning authority, or where a joint advisory committee has been established under subsection (8) below, that committee, shall from time to time consult with the Commission and with such other local planning authorities as appear to them to be concerned.

(3) In assessing and reviewing the need for a country park under subsection (2) above, the local planning authority shall have regard to the existing availability and adequacy of such opportunities as are described in subsection (1) above.

(4) Any local planning authority may, whether within or outwith their area or partly within and partly outwith their area, provide, lay out, improve, maintain and manage a country park including any buildings, equipment, facilities, services or works ancillary thereto or which appear to them to be requisite for the enjoyment or convenience of the public, and the authority shall have power to make such charges as they think fit in connection with the use of the park by the public.

PART IV

(5) Any two or more local planning authorities may combine together for the purpose of exercising the powers conferred by subsection (4) above and the expenditure incurred in the exercise of those powers shall be shared between the authorities on terms agreed by them having regard to the prospective use of the country park by the inhabitants of the areas of the respective authorities concerned or failing such agreement on terms determined by the Secretary of State having regard to the aforesaid consideration.

(6) Any local planning authority or authorities shall have power to act as agent for any other local planning authority or authorities in the exercise of their powers under subsection (4) above and may receive from the authority or authorities on whose behalf they act contributions towards the expenditure incurred in the exercise of those powers on terms agreed or determined as mentioned in subsection (5) above.

(7) The powers conferred by subsection (4) above may be exercised by a local planning authority either on land belonging to them, or, with the consent of all persons having an interest therein, on other land and they shall include power to make arrangements by agreement for the exercise of any of those powers on behalf of the authority by some other person on such terms as may be specified in the agreement.

(8) Any two or more local planning authorities may, with the approval of the Secretary of State, concur in establishing a joint advisory committee for the purpose of making recommendations to those authorities as to the need mentioned in subsection (2) above, as to the provision of country parks by those authorities, and for the purpose of consulting with the Commission as to those matters ; and any such committee shall be constituted in such manner as may be determined by the authorities by whom it is established :

Provided that a majority of the members of any such committee shall be members of those authorities.

(9) If it appears to the Secretary of State, after consulting with the Commission, that it is expedient that a joint advisory committee of any two or more local planning authorities should be established for the purposes mentioned in subsection (8) above he may, after consultation with those authorities, direct them to establish such a committee as is mentioned in that subsection, and the authorities concerned shall comply with any such direction.

(10) For the purpose of any of their functions under this section a local planning authority may acquire land compulsorily,

49.—(1) A local authority shall have power to provide camping sites for holiday or recreational purposes whether for the benefit of the inhabitants of their own area or otherwise, and to manage the sites or lease them to some other person. PART IV
Camping and
caravan sites.

(2) A local authority shall have power to do anything appearing to them desirable in connection with the provision of such sites, and in particular—

(a) to acquire land which is in use as a camping site or which has been laid out as a camping site, or

(b) to provide for the use of those occupying camping sites any services or facilities for their health or convenience.

(3) A local authority may make in respect of the use of sites managed by them, and of any services or facilities provided or made available under this section, such reasonable charges as they may determine.

(4) A local authority shall, in the performance of their functions under this section, have power to acquire land compulsorily where it appears to them that a camping site or an additional camping site is needed in their area, or that land which is in use as a camping site should in the interests of the general public be taken over by the local authority.

(5) In the foregoing provisions of this section “local authority” includes a local planning authority.

(6) The powers conferred by section 24 of the Caravan Sites and Control of Development Act 1960 (which relates to the provision of caravan sites) may be exercised by local planning authorities as well as by local authorities within the meaning of that Act. 1960 c. 62.

(7) Expenditure incurred by a district council under this or the next following section shall not be taken into account in any calculation as to the limit of one shilling per pound imposed on the district council by section 226 of the Local Government (Scotland) Act 1947. 1947 c. 43.

50.—(1) A local authority may make arrangements for securing the provision in the countryside in their area (whether by the authority or by other persons) of accommodation, meals and refreshments and may for the purposes of such arrangements erect such buildings and carry out such work as may appear to them to be expedient: Provision of
accommoda-
tion, meals and
refreshments.

Provided that a local authority shall not under this subsection provide accommodation, meals or refreshments except in so far as it appears to them that the facilities therefor are inadequate or unsatisfactory, either generally or as respects any description of accommodation, meals or refreshments, as the case may be.

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(2) A local authority may acquire land compulsorily for the purposes of any of their functions under the foregoing subsection.

(3) In this section "local authority" includes a local planning authority.

Parking Places. 51.—(1) The powers to provide parking places conferred on local authorities in Scotland by section 28 of the Road Traffic Regulation Act 1967 shall include a power to provide parking places where it appears to the authority desirable to do so to facilitate the enjoyment of the countryside by members of the public.

1960 c. 16. (2) Local planning authorities may exercise the power conferred by the foregoing subsection, and for that purpose may acquire land compulsorily, and sections 28, 29, 31, 32, 52, 53 and 96 of the said Act of 1967 shall apply for the purposes of this subsection as if for any reference therein to a local authority there were substituted a reference to a local planning authority.

Amendment of Local Government (Development and Finance) (Scotland) Act 1964. 52.—(1) Section 2(1) of the Local Government (Development and Finance) (Scotland) Act 1964 (which relates to the power of local authorities to carry out work on land) shall be amended by adding after paragraph (b) the words
 " or
 (c) enabling members of the public to enjoy the countryside or engage in open-air recreation there,".

(2) The powers conferred by sections 2 and 3 of the said Act of 1964 may be exercised by local planning authorities as well as by local authorities within the meaning of that Act, and for the purposes of the said section 2 local planning authorities shall have power to acquire land compulsorily.

(3) The reference in section 3(2) of the said Act of 1964 (supplementary powers) to the powers conferred by section 2 of that Act shall include a reference to any powers conferred by this Act to carry out work, or provide services or facilities.

Contributions by or to local authorities. 53.—(1) A local authority may defray or contribute towards, or undertake to defray or contribute towards, expenditure incurred or to be incurred for the purposes of this Act by any other local authority, or by any other public body or person, and may receive from such a body or person contributions in respect of any expenditure so incurred or to be incurred.

In this subsection "expenditure for the purposes of this Act", in relation to a local authority, includes expenditure in respect of which grant may be paid by virtue of section 67 of this Act.

(2) In this section "local authority" includes a local planning authority.

54.—(1) A local authority may, as respects land in their area belonging to them and situated in the countryside, and a local planning authority may, as respects a country park provided by them under section 48 above or as respects land or a waterway in relation to which an agreement or order has been made by them for the purpose of giving access to the public or such an order has been prepared in draft by the Secretary of State, or to which the public are given access in consequence of acquisition under Part II of this Act, make byelaws for the preservation of order, for the prevention of damage to the land, park or waterway or anything thereon or therein, and for securing that persons resorting thereto will so behave themselves as to avoid undue interference with the enjoyment of the land, park or waterway by other persons.

PART IV
Byelaws.

(2) Without prejudice to the generality of the foregoing subsection, byelaws under that subsection may prohibit, restrict or regulate—

- (a) the use of the land, park or waterway, either generally or in any manner specified in the byelaws, by traffic of any description, or for any recreational purpose, so specified ;
- (b) the use of the waterway by boats which are not for the time being registered with the authority in such manner as the byelaws may provide, and may authorise the authority to make reasonable charges in respect of the registration of boats in pursuance of the byelaws ;
- (c) the depositing of rubbish and the leaving of litter ;
- (d) the lighting of fires ;

and may be made so as to relate either to the whole or to any part of the land, park or waterway, and may make different provisions for different parts thereof.

(3) Before making byelaws under the foregoing provisions of this section a local authority may, and in the case of byelaws relating to an area of special planning control, shall, consult with the Commission.

(4) The Commission may, in relation to land owned or managed by them, make byelaws with respect to any of the matters mentioned in the foregoing provisions of this section.

(5) In this section “ local authority ” includes a local planning authority.

(6) Byelaws made under this or the next succeeding section shall not interfere with the exercise of any public right of way or navigation or of any functions of statutory undertakers or any port authority.

PART IV
Default
powers of
Secretary of
State as to
byelaws.

55.—(1) If a local planning authority, when required by the Secretary of State, as respects land or a waterway in relation to which an agreement or order has been made by them for the purpose of giving access to the public or such an order has been prepared in draft by him, or to which the public are given access in consequence of acquisition under Part II of this Act, to make byelaws with respect to any of the matters with respect to which they are empowered by the last foregoing section to make byelaws, do not within three months after being so required comply with the requirement to the satisfaction of the Secretary of State, he may himself make byelaws in relation to the matters, and as respects the land or waterway, in question:

Provided that before making byelaws under this section in relation to areas in the countryside the Secretary of State may, and in the case of byelaws relating to an area of special planning control, shall, consult with the Commission.

(2) Before making any byelaws under this section the Secretary of State shall cause the proposed byelaws to be made known in the locality to which they relate, shall give an opportunity for objections being made to the proposed byelaws, shall receive and consider all objections made and may if he considers it necessary or desirable cause a local inquiry to be held.

(3) Any byelaws made by the Secretary of State under this section shall have effect as if they had been made by the local planning authority and confirmed by the Secretary of State, and the provisions of this Act and of any enactment thereby applied shall have effect in relation to the byelaws accordingly.

Byelaws as
to pleasure
boats.

56.—(1) For the prevention of danger, obstruction or annoyance to persons in or on the sea or using the seashore, a local planning authority may make byelaws—

(a) regulating the speed of pleasure boats ;

(b) regulating the use of pleasure boats so as to prevent their navigation in a dangerous manner or without due care and attention or without reasonable consideration for other persons ;

(c) regulating the use of pleasure boats for any particular purpose and for confining the use of boats for such a purpose to any particular area or time of day ;

(d) requiring the use of effectual silencers on pleasure boats.

(2) Any byelaw may be made under this section so as to have effect not only within the district of the local planning authority but also within a distance seaward from that district

not exceeding one thousand yards from low-water mark of ordinary spring tides ; and any offence against any such byelaw committed within that distance may be inquired into and dealt with as if it had been committed within the district of the local planning authority.

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(3) Byelaws made under this section shall not interfere with the exercise of any functions of statutory undertakers or any port authority.

57.—(1) Sections 301 to 303 of the Local Government (Scotland) Act 1947 (which relate to the procedure for making byelaws, penalties and the proof of byelaws in legal proceedings) shall apply to byelaws made by the Commission or a local planning authority or an Electricity Board under section 54, section 56 or section 64 of this Act as if the Commission or authority or Board were a local authority within the meaning of the said Act of 1947. Supplementar provisions as to byelaws. 1947 c. 43.

(2) In relation to byelaws made under the said section 54 or the said section 56 or the said section 64 the confirming authority for the purposes of the said section 301 shall be the Secretary of State.

58.—(1) The Forestry Commissioners constituted under the Forestry Acts 1919 to 1945 (in this and the next succeeding section referred to as “the Commissioners”) shall have the powers conferred on them by this section. Powers of the Forestry Commissioners.

(2) The Commissioners may, on any land placed at their disposal by the Secretary of State, provide, or arrange for or assist in the provision of tourist, recreational or sporting facilities and any equipment, facilities or works ancillary thereto, including without prejudice to that generality—

- (a) accommodation for visitors ;
- (b) camping sites and caravan sites ;
- (c) places for meals and refreshments ;
- (d) picnic places, viewpoint stances, parking places, routes for nature study and footpaths ;
- (e) information and display centres ;
- (f) shops in connection with any of the aforesaid facilities ;
- (g) public conveniences ;

and the Commissioners shall have power to make such charges as they think fit in connection with any of those facilities.

In this subsection “provide” includes manage, maintain and improve.

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1967 c. 10.

(3) The Commissioners' powers to make byelaws under section 46 of the Forestry Act 1967 shall include a power to make byelaws for regulating the reasonable use by the public of the facilities described in subsection (2) above, and in relation to any such matter as is described in section 54(2) above.

(4) The Commission shall have power to act as agent for the Commissioners in the exercise of their powers under subsection (2) above.

(5) The definition of "public open space" in section 9(6) of the Forestry Act 1967 shall be amended by inserting after "1949" the words "or of Part II or section 48 of the Countryside (Scotland) Act 1967".

(6) Section 41 of the Forestry Act 1967 (which relates to the Forestry Fund) shall be amended as follows—

(a) in subsection (3)(b)(i) the word "and" shall be omitted and after the words "the Plant Health Act 1967" in that subsection there shall be inserted the words—

"and

(iii) the Countryside (Scotland) Act 1967";

(b) in subsection (4), after the word "Act" there shall be inserted the words "or received by them in the exercise of their powers under the Countryside (Scotland) Act 1967".

Extension of powers of Secretary of State under section 39 of the Forestry Act 1967.

59. The power of the Secretary of State under section 39 of the Forestry Act 1967 to acquire land shall include power to acquire land in proximity to land placed by him at the disposal of the Commissioners where it appears to him that the land which it is proposed to acquire is reasonably required by the Commissioners for the provision of such facilities as are mentioned in subsection (2) of the last foregoing section, and he shall have power to dispose of the land whether by way of sale, feu, lease or excambion where in his opinion it is no longer so required or where in his opinion such disposal is desirable for the purpose of securing the provision of any of those facilities by any other body or person.

Extension of powers of Secretary of State as respects certain land held by him.

60.—(1) Notwithstanding anything contained in the enactments mentioned in subsection (7) below the Secretary of State may, as respects land to which this section applies, exercise the powers conferred on the Forestry Commissioners by section 58(2) of this Act.

(2) The Secretary of State may make byelaws for regulating the reasonable use by the public of land to which this section

applies and facilities made available thereunder, and in relation to any such matter as is described in section 54(2) above.

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(3) Before making any byelaws under this section the Secretary of State shall cause the proposed byelaws to be made known in the locality to which they relate, shall give an opportunity for objections being made to the proposed byelaws, shall receive and consider all objections made and may if he considers it necessary or desirable cause a local inquiry to be held.

(4) When such byelaws are made the Secretary of State shall cause them to be published in such manner as appears to him to be necessary to make them known to persons in the locality to which they relate, and shall on application furnish to any person a copy of the byelaws on payment of such sum, not exceeding one shilling for every copy, as he may determine.

(5) A byelaw made under this section shall be deemed to be a regulation within the meaning of the Documentary Evidence Act 1868 and may be proved accordingly. 1868 c. 37.

(6) If anyone fails to comply with, or acts in contravention of, any byelaw made under this section he shall be guilty of an offence and be liable on summary conviction to a fine not exceeding £20.

(7) This section applies to land held by the Secretary of State under or for the purposes of any of the following enactments—

- (a) the Congested Districts (Scotland) Act 1897; 1897 c. 53.
- (b) the Sailors and Soldiers (Gifts for Land Settlement) Act 1916; 1916 c. 60.
1916;
- (c) the Small Holding Colonies Acts 1916 and 1918;
- (d) the Land Settlement (Scotland) Act 1919; 1919 c. 97.
- (e) the Agriculture (Miscellaneous Provisions) Act 1941; 1941 c. 50.
- (f) the Agriculture (Miscellaneous Provisions) Act 1943; 1943 c. 16.
- (g) the Agriculture (Scotland) Act 1948; 1948 c. 45.
- (h) the Forestry Act 1967, 1967 c. 10.

but does not apply to land which for the time being is placed by the Secretary of State at the disposal of the Forestry Commissioners under the said Act of 1967.

(8) The Commission shall have power to act as agent for the Secretary of State in the exercise of his powers under subsection (1) above.

61.—(1) Subject to the provisions of the next following section, a local planning authority whose area consists of or includes land which is part of the countryside may, as respects any waterway in or adjoining that land and within their area, Improvement of waterways for purposes of open-air recreation.

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carry out such work and do such other things as may appear to them expedient for facilitating the use of the waterway by the public for sailing, boating, bathing, fishing or other water sport or recreation, but in doing so shall take into consideration the disturbance of any fishing rights over the waterway which may be caused thereby.

(2) A local planning authority may, as respects any waterway in their area, enter into an agreement, on such terms as to payment or otherwise as may be specified in the agreement, with any public body on whom powers are conferred in relation to the waterway by or under any enactment, for the exercise by that body of any power conferred on the local planning authority by the last foregoing subsection.

(3) Where an agreement is made under the last foregoing subsection for the exercise of any power by any such body as is therein mentioned, no limitation imposed by law on the capacity of that body by virtue of the constitution thereof shall operate so as to prevent the body from exercising that power.

(4) Where it appears to the Secretary of State, as respects a waterway in the area of a local planning authority, that any power conferred on the authority by subsection (1) above should be exercised by any such body as is mentioned in subsection (2) above, and the local planning authority have not entered into an agreement with the said body under the said subsection (2), the Secretary of State may direct that the said power shall be exercisable by the said body:

Provided that no direction shall be given under this subsection except after consultation with the local planning authority and the said body.

(5) Subject to the following provisions of this section, no body shall exercise any power conferred by this section without the consent of every local water authority having functions relating to the waterway in question; and before exercising any such power the body shall consult with every other body which under any enactment has functions relating to that waterway.

(6) Where any local water authority referred to in the last foregoing subsection has refused its consent to a proposed exercise of powers under this section, the body proposing to exercise the power may apply to the Secretary of State who, if he is satisfied that the consent of the authority was unreasonably withheld, may authorise the proposed exercise of powers subject to such conditions or modifications as he may think fit.

(7) Where any body consulted under subsection (5) above objects to a proposed exercise of powers under this section,

and the objection is not withdrawn, the proposal shall not be proceeded with unless the body proposing to exercise the power applies to the Secretary of State who, if he is satisfied that it is expedient so to do, may authorise the proposed exercise of powers subject to such conditions or modifications as he may think fit, and if not so satisfied may refuse to authorise the proposed exercise of powers.

(8) Before deciding whether to authorise any proposal on an application to him under either of the last two foregoing subsections, the Secretary of State shall consult with the Commission and shall afford to the body proposing to exercise the power and to every local water authority which has refused its consent and to every other body which has objected to the proposed exercise of powers an opportunity of being heard by a person appointed by him for the purpose, and shall consider that person's report.

(9) Any local planning authority may acquire land compulsorily for the purpose of enabling any power conferred by this section to be exercised.

62.—(1) The provisions of the last foregoing section shall not authorise a body to do anything in relation to land in which any other person has an interest, if apart from that section the doing thereof would be actionable at his instance by virtue of that interest and he does not consent to the doing thereof: Exercise of powers under section 61.

Provided that this subsection shall not apply in the case of land to or over which the public have access by virtue of an access order, but the exercise of any power under the last foregoing section as respects such land shall be subject to the provisions of Part II of this Act and of this section relating to such orders.

(2) Any body proposing, in the exercise of the powers conferred by the last foregoing section, to carry out any work on land comprised in an access order, whether the work is specified in the order or not, shall give to the owner and occupier of the land not less than twenty-eight days' notice of their intention so do to, specifying the work to be carried out.

(3) Where the work specified in a notice given under the foregoing subsection has not been specified in an access order as mentioned in section 14(8) above, then if before the expiration of the said notice the owner or occupier of the land serves notice of objection on the body they shall not carry out the work except in accordance with the provisions of the two next following subsections.

(4) A body on whom notice of objection has been served under the last foregoing subsection shall afford to the objector

PART IV

an opportunity of being heard by a person appointed by them for the purpose and shall then determine either—

(a) not to carry out the work to which the objection relates, or

(b) to carry out the work, either as originally proposed or with such modifications as the body may determine,

and shall serve notice of their determination on the objector; and where the body determine as mentioned in paragraph (b) above, they may proceed with the work in accordance with the determination at any time after the expiration of fourteen days from the date on which notice of the determination is served on the objector:

Provided that if the objector serves notice of appeal under the next following subsection the body shall not proceed with the work except in accordance with the provisions of that subsection.

(5) Any person aggrieved by a determination of any body under the last foregoing subsection may within the period of fourteen days therein mentioned serve notice of appeal against the determination on the Secretary of State and on that body; and where notice of appeal is served under this subsection the Secretary of State, after affording to the appellant and to the body an opportunity of being heard by a person appointed by him for the purpose, and after considering that person's report, shall either direct that the body may carry out the work (whether as specified in the notice given under subsection (2) above or subject to such modifications or conditions as the Secretary of State may think fit) or shall direct the body not to carry out the work.

(6) Any power conferred by subsection (4)(b) above or by the last foregoing subsection to modify the work specified in a notice given under subsection (2) above shall not be exercised so as to affect land not affected by the notice.

(7) Where the value of the interest of any person in land is depreciated, or any person has suffered damage by being disturbed in his enjoyment of land, in consequence of any work done under the powers conferred by the last foregoing section, on land comprised in an access order, the body who carried out the work shall pay to that person compensation equal to the amount of the depreciation or damage:

Provided that nothing in this subsection shall confer on a person a right to compensation for depreciation of the value of an interest in land, or for disturbance in his enjoyment of land, of which account has already been taken or will be taken in fixing compensation under section 20 above:

Provided also that nothing in this subsection shall confer on a person a right to such compensation in respect of land or the

enjoyment thereof, not being in either case land on which the work was carried out or land held therewith, unless the carrying out of the work would have been actionable at his instance if it had been carried out otherwise than in the exercise of statutory powers.

(8) A claim for compensation under the last foregoing subsection shall be made within such time and in such manner as may be prescribed and shall be made to the body by whom the work was carried out.

(9) In this section "work" includes such other things as are referred to in section 61(1) above.

63.—(1) Subject to subsection (5) of this section a local water authority within the meaning of the Water (Scotland) Act 1946 may, if it appears to them reasonable to do so—

Provision of recreational facilities by local water authorities. 1946 c. 42.

(a) permit the use by members of the public, for the purposes of any form of recreation, of any waterway or land in which the authority have an interest;

(b) provide, or otherwise make available, facilities for use by persons resorting to any such waterway or land for the purposes of any such form of recreation.

(2) The powers of a local water authority under subsection (1) above shall, in the case of a waterway or land in which the authority have an interest but which they do not own, be exercisable only with the consent of the owners thereof:

Provided that where those powers are to be exercised in relation to a particular part of a waterway the consent of the owners of that part only need be obtained if the authority are satisfied that the exercise of those powers will not prejudice the rights or interests of other owners.

(3) The provisions of this section shall not authorise any authority, body or person to do or permit anything in relation to a waterway or land in which any other person has an interest if apart from this section the doing or permitting thereof would be actionable at his instance by virtue of that interest and he does not consent to the doing or permitting thereof.

(4) A local water authority may make such reasonable charges as they may determine in respect of the use for the purposes of recreation of any such waterway or land as is described in subsection (1) above, and of any facilities made available by the authority under that subsection.

(5) A local water authority may let to any person, for such consideration and on such terms and conditions as they think fit, any works constructed by them for the purpose of providing facilities under subsection (1) above, and may authorise that person to make such reasonable charges as the authority may determine in respect of the use thereof as mentioned in that subsection.

PART IV

(6) A local water authority may receive contributions from any authority, body or person in respect of the cost of the provision of the facilities mentioned in subsection (1) above, and those facilities may be provided by a local water authority jointly with any other authority, body or person.

(7) A local water authority may make byelaws prohibiting such a waterway or land as is described in subsection (1) above and as may be specified in the byelaws from being used for boating (whether with mechanically propelled boats or otherwise), swimming or other recreational purposes, or regulating the way in which any such waterway or land so specified may be used for any of those purposes, and when making byelaws under this subsection the authority shall have regard to the need to protect water from pollution and to the need to avoid conflict which might arise from the use of the water or land for various recreational purposes.

(8) Byelaws made in respect of any waterway by virtue of subsection (7) above may include provision prohibiting the use thereof by boats which are not for the time being registered with the local water authority in such manner as the byelaws may provide; and the byelaws may authorise the authority to make reasonable charges in respect of the registration of boats in pursuance of the byelaws.

(9) A local water authority may take such action as they consider necessary to remedy the effect of any contravention of, or failure to comply with, byelaws made under subsection (7) above, and may recover the expenses reasonably incurred by them in doing so from the person in default.

1946 c. 42.

(10) Sections 61(6) and 62 of the Water (Scotland) Act 1946 shall have effect in relation to byelaws made under subsection (7) above as they have effect in relation to byelaws made under the said section 61.

(11) For the purposes of this section a local water authority shall be deemed to have an interest in a waterway or land if they have power to make byelaws under the said Act of 1946 in relation to the waterway or land, and any reference to a local water authority shall be construed as including a reference to a water development board within the meaning of the Water (Scotland) Act 1967.

1967 c. 78.

Provision of recreational facilities by Electricity Boards.

1943 c. 32.

64. Without prejudice to the provisions of section 2(3) of the Hydro-Electric Development (Scotland) Act 1943 (general duties of the North of Scotland Hydro-Electric Board) the North of Scotland Hydro-Electric Board and the South of Scotland Electricity Board may, as respects any waterway or land owned by them, exercise the same powers as are conferred by subsection (1) and subsections (3) to (9) of section 63 above on local water authorities as respects waterways or land in which those authorities have an interest.

65.—(1) An authority to which this section applies may appoint such number of persons as may appear to the authority to be expedient to act as wardens as respects any land or waterway in relation to which byelaws made by the authority are in force under or by virtue of this Act, or in relation to which the authority have power to make such byelaws. PART IV
Wardens.

(2) The purposes for which wardens may be appointed by an authority under this section as respects any land or waterway are—

- (a) to advise and assist the public as to any matter relating to the use of the land or waterway ;
- (b) to secure compliance with any such byelaws as are described in the foregoing subsection ; and
- (c) to perform such other duties in relation to the land or waterway as the authority may determine.

(3) For the purpose of exercising any function conferred on him by or under this section a warden appointed thereunder may enter upon any land, or go on any waterway, comprised in an access agreement or order in force under Part II of this Act.

(4) Any two or more authorities to which this section applies may agree to share the expenses of appointing wardens under subsection (1) above as respects any land or waterway on such terms as may be specified in the agreement.

(5) This section applies to the following authorities—

- (a) the Secretary of State ;
- (b) the Commission ;
- (c) local authorities ;
- (d) local planning authorities ;
- (e) the Forestry Commissioners constituted under the Forestry Acts 1919 to 1945 ;
- (f) local water authorities within the meaning of the Water (Scotland) Act 1946 c. 42. ;
- (g) water development boards within the meaning of the Water (Scotland) Act 1967 ; 1967 c. 78.
- (h) the North of Scotland Hydro-Electric Board ;
- (i) the South of Scotland Electricity Board.

PART V

GENERAL, FINANCIAL AND SUPPLEMENTARY

66. In the exercise of their functions relating to land under any enactment every Minister, government department and public body shall have regard to the desirability of conserving the natural beauty and amenity of the countryside. Conservation
of natural
beauty.

67.—(1) Subject to the provisions of this section the Secretary of State may, with the consent of the Treasury, pay to local authorities grants of such amounts and payable at such times and Grants
to local
authorities.

PART V

subject to such conditions as he may from time to time determine, either generally or in the case of any particular authority, in respect of expenditure incurred by those authorities in relation to the countryside in or in connection with—

- (a) the exercise of the powers conferred on them by this Act;
- 1960 c. 62. (b) the exercise of their powers under section 24 of the Caravan Sites and Control of Development Act 1960 (which relates to the provision of caravan sites by local authorities);
- 1964 c. 67. (c) the exercise of their powers under section 2 of the Local Government (Development and Finance) (Scotland) Act 1964 (which empowers local authorities to develop land in certain circumstances);
- (d) the payment of compensation under section 25 or an order made under section 26 of the Act of 1947 (which respectively relate to compensation in respect of the control of the use of land and to tree preservation orders);
- (e) the exercise of their powers of acquiring land, whether by agreement or compulsorily, under or by virtue of any of the enactments referred to in the preceding paragraphs of this subsection.

(2) The amount of the grant which may be paid to a local authority under this section in respect of any expenditure shall not exceed three-quarters of the amount of that expenditure.

(3) The Commission may make recommendations to the Secretary of State as respects the making of grants under this section, and the Secretary of State may consult with the Commission either as to the making of such grants generally or in any particular case.

(4) In this section “local authority” includes a local planning authority.

Power of Secretary of State to defray expenditure on long-distance routes.

68. Subject to such conditions as the Treasury may determine, the Secretary of State may defray or contribute towards expenditure incurred for the purposes of approved proposals relating to a long-distance route.

Acquisition, appropriation, disposal, etc. of land.

1947 c. 42.

69.—(1) The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to the compulsory acquisition of land under this Act as if this Act had been in force immediately before the commencement of that Act, and in relation to such acquisition of land—

- (a) by the Secretary of State, as if section 1(1)(b) of that Act included a reference to the Secretary of State, and

(b) by the Commission or by a local planning authority, as if they were a local authority within the meaning of that Act.

(2) No land may be compulsorily acquired under this Act unless the acquisition is authorised by the Secretary of State.

(3) For the purposes of this Act a local planning authority shall have the powers conferred on a local authority by sections 156, 157, 163 and 165 to 167 and section 340 of the Local Government (Scotland) Act 1947 (acquisition, appropriation and disposal of land and gifts of land) and sections 158 and 356 of that Act (application of Lands Clauses Acts etc. and enforcement of duty) shall apply to a local planning authority as they apply to a local authority. 1947 c. 43.

70.—(1) The following provisions shall have effect in respect of compensation under sections 20, 37 and 62 of this Act. Supplementary provisions as to compensation under ss. 20, 37 and 62.

(2) Any dispute arising on a claim for any such compensation shall be determined by the Lands Tribunal for Scotland, but until sections 1 to 3 of the Lands Tribunal Act 1949 come into force as regards Scotland, any such dispute shall be determined by an official arbiter appointed under Part I of the Land Compensation (Scotland) Act 1963. 1949 c. 42.
1963 c. 51.

(3) Subject to the provisions of this section the said Act of 1963, so far as appropriate, shall apply in relation to any question of disputed compensation referred to in subsection (1) above as it applies to any such question referred to in section 2(1) of that Act, with the substitution for references to the acquiring authority of references to the authority from whom the compensation in question is claimed.

(4) Rules 2 to 4 of the rules contained in section 12 of the said Act of 1963 (rules for assessing compensation) shall apply to the calculation of any compensation referred to in subsection (1) above, in so far as it is calculated by reference to the depreciation of the value of an interest in land.

(5) In the case of an interest in land subject to a heritable security—

(a) compensation referred to in subsection (1) above in respect of the depreciation of that interest shall be calculated as if the interest were not subject to the heritable security;

(b) a claim or application for the payment of any such compensation, or an application for the recording of a claim in respect of the interest under section 22(1) of this Act, may be made by any person who when the order giving rise to the compensation was made was the heritable creditor, or by any person claiming

PART V

under such a person, but without prejudice to the making of a claim or application by any other person;

(c) a heritable creditor shall not be entitled to any such compensation in respect of his interest as such; and

(d) any compensation payable in respect of the interest subject to the heritable security shall be paid to the heritable creditor or, where there is more than one heritable creditor, to the creditor whose heritable security has priority over any other heritable securities secured on the land, and shall in either case be applied by him as if it were proceeds of sale.

1924 c. 27.

(6) In this section "heritable security" has the same meaning as in the Conveyancing (Scotland) Act 1924 except that it includes a security constituted by *ex facie* absolute disposition or assignation, and "heritable creditor" shall be construed accordingly.

Accounts and reports of the Commission.

71.—(1) The Commission shall keep proper accounts and other records in relation to the accounts and shall prepare in respect of each of their financial years a statement of account in such form as the Secretary of State may, with the approval of the Treasury, determine.

(2) The statement of account prepared by the Commission for each financial year shall be submitted to the Secretary of State at such time as he may, with the approval of the Treasury, direct.

(3) The Secretary of State shall, on or before 30th November in any year, transmit to the Comptroller and Auditor General the statement of account prepared by the Commission under this section for the financial year last ended.

(4) The Comptroller and Auditor General shall examine and certify the statement of account transmitted to him under this section and lay before Parliament copies of the statement of account together with his report thereon.

(5) The Commission shall provide the Secretary of State with such information relating to their activities or proposed activities as he may from time to time require, and for that purpose shall permit any person authorised in that behalf by the Secretary of State to inspect and make copies of their accounts, books, documents or papers and shall afford to that person such explanation thereof as he may reasonably require.

(6) The Commission shall as soon as possible after the end of each calendar year subsequent to 1967 make to the Secretary of State a report as respects that year on the exercise and performance of their functions under this Act, and every such report shall be laid by the Secretary of State before each House of Parliament.

(7) In this section, “ financial year ” means the period beginning with the commencement of this Act and ending with 31st March 1968 and each subsequent period of twelve months ending with 31st March.

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72. Section 56 of the Land Commission Act 1967 (exemption of public bodies from levy) shall apply to the Commission, and accordingly after subsection (4)(c) of that section there shall be inserted the following words:—

Exemption of Commission from betterment levy.

“ (c)(i) the Countryside Commission for Scotland ; ”.

1967 c. 1.

73.—(1) If the appropriate authority consent thereto, the power to carry out work, provide services or facilities conferred on the Commission, local authorities and local planning authorities by this Act or by section 2 of the Local Government (Development and Finance) (Scotland) Act 1964 may be exercised on Crown land.

Crown land.

1964 c. 67.

(2) Parts II and III of this Act shall apply to Crown land, but subject to the following modifications—

- (a) no access order, public path creation order, public path extinguishment order or public path diversion order shall be made as respects such land except with the consent of the appropriate authority ;
- (b) no such land shall be acquired under the said Part II or III except with such consent ;
- (c) if any land comprised in an access agreement or order, not being excepted land as defined for the purposes of the said Part II, becomes Crown land while it is so comprised, the access agreement or order shall cease to apply to the land unless the appropriate authority consent to the continued application thereto of the agreement or order.

(3) An access agreement made by any government department shall be of no effect unless it is approved by the Treasury, and in considering whether to make or approve an access agreement relating to land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, the department and the Treasury shall have regard to the purposes for which the land is held by or for the department.

(4) Byelaws made under this Act shall apply to Crown land if the appropriate authority consent to their application thereto.

(5) In this section “ Crown land ” and “ the appropriate authority ” have the same meanings as in section 83 of the Act of 1947, and the provisions of subsection (6) of that section as to the determination of questions shall apply for the purposes of this section.

PART V
Expenses.

74.—(1) The Secretary of State may pay such sums in respect of the expenses of the Commission as he may, with the consent of the Treasury, determine.

(2) There shall be paid out of moneys provided by Parliament—

(a) any expenses incurred by the Secretary of State under this Act ; and

(b) any increase in the sums payable out of moneys so provided under any enactment relating to local government in Scotland or under the Forestry Act 1967.

1967 c. 10.

Powers of
entry.

75.—(1) For the purpose of surveying land in connection with—

(a) the exercise or proposed exercise of any of the functions of the Commission under this Act in relation to land,

(b) the acquisition under this Act of the land or of any interest therein whether by agreement or compulsorily,

(c) the making of an access order with respect thereto, or

(d) the making of a public path creation order, public path extinguishment order or public path diversion order,

any person duly authorised in writing by the Secretary of State, the Commission or other authority having power so to exercise functions, or to acquire land or to make the order, as the case may be, may, at any reasonable time, enter upon the land.

(2) For the purpose of surveying land, or of estimating its value, in connection with any claim for compensation payable by virtue of this Act by the Secretary of State, the Commission or other authority in respect of that or any other land, any person being an officer of the Valuation Office or a person duly authorised in writing by the authority from whom the compensation is claimed may, at any reasonable time, enter upon the land.

(3) A person authorised under this section to enter upon any land, shall, if so required by the occupier or anyone acting on his behalf, produce evidence of his authority, and shall not demand admission as of right to any land which is occupied unless at least fourteen days' notice in writing of the intended entry has been given to the occupier.

(4) The power conferred on the Commission to survey land in connection with the exercise of their functions under section 5 or 6 of this Act shall be construed as including power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein :

Provided that a person shall not carry out any works authorised by this subsection unless notice of his intention so to do has been included in the notice required by subsection (3) above,

and if the land in question is held by any statutory undertakers and those undertakers object to the proposed works on the ground that the carrying out thereof would be seriously detrimental to the carrying on of their undertaking, the works shall not be carried out except with the authority of the appropriate Minister.

In this subsection "the appropriate Minister" has the same meaning as in section 113(1) of the Act of 1947.

(5) A person entering upon any land by virtue of this section may take with him such other persons as may be necessary, and on leaving any premises which he has so entered, being either unoccupied premises, or premises of which the occupier is temporarily absent, shall leave them as effectively secured against unauthorised entry as he found them.

(6) A person who wilfully obstructs any person acting in the exercise of his powers under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £20.

76.—(1) Section 50 of the Town and Country Planning (Scotland) Act 1945 (which provides for the holding by a Minister of local inquiries) shall apply for the purposes of this Act. Inquiries and service of notices. 1945 c. 33.

(2) Section 101 of the Act of 1947 (which provides for the service of notices and other documents) shall apply to notices and other documents required or authorised to be served or given under this Act:

Provided that this subsection shall not apply to the service of any notice required or authorised to be served under Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 as applied by this Act. 1947 c. 42.

77. Any order under this Act may be varied or revoked by a subsequent order made in the like manner and subject to the like provisions: Orders.

Provided that, without prejudice to the making of a new access order under Part II of this Act, an access order under the said Part II shall not be varied so as to comprise land not comprised in the original order.

78.—(1) In this Act unless the context otherwise requires— Interpretation.
 "the Act of 1947" means the Town and Country Planning (Scotland) Act 1947; 1947 c. 53.

"agricultural land" means land used for the purposes of agriculture within the meaning of section 86(3) of the Agriculture (Scotland) Act 1948 and "agricultural purposes" shall be construed accordingly. 1948 c. 45.

PART V

“ area of special planning control ” has the meaning assigned to it by section 9 of this Act ;

“ boat ” includes any hover vehicle or craft being a vehicle or craft designed to be supported on a cushion of air and which is used on or over water ;

“ the countryside ” has the meaning assigned to it by section 2 of this Act ;

“ district council ” has the same meaning as in section 39 of the Local Government (Scotland) Act 1947 ;

1947 c. 43.

“ enactment ” has the same meaning as in the Act of 1947 ;

“ function ” includes power and duty ;

“ interest ”, in relation to land, includes any right over land, whether the right is exercisable by virtue of the ownership of an interest in land or by virtue of a licence or agreement, and in particular includes sporting and fishing rights ;

“ land ” includes land covered by water and, in relation to the acquisition or disposal of land by virtue of this Act, any right or interest in or over land ;

“ livestock rearing land ” has the meaning assigned to it by section 1(3) of the Livestock Rearing Act 1951 ;

1951 c. 18.

“ local authority ” has the meaning assigned to it by section 379(1) of the Local Government (Scotland) Act 1947 ;

“ local planning authority ” has the meaning assigned to it by section 2 of the Act of 1947 ;

“ open country ” has the meaning assigned to it by section 10(2) of this Act ;

“ owner ”, in relation to land, means the person who, for the time being, receives, or, if the land were let, would be entitled to receive the rent of the land, or who, in the case of land which is unlet, is entitled to occupy the land, and includes any trustee, tutor, curator, factor, agent or other person receiving the rent on behalf of any other person, and also a joint owner ;

“ prescribed ” means prescribed by regulations made by statutory instrument by the Secretary of State subject to annulment in pursuance of a resolution of either House of Parliament ;

“ public body ” includes any local authority, local planning authority or statutory undertaker, and any trustees, commissioners, board or other persons who as a public body and not for their own profit act under any enactment for the improvement of any place or the production or supply of any commodity or service ;

- “refreshments” includes exciseable liquor within the meaning of the Licensing (Scotland) Act 1959 ; PART V
1959 c. 51.
- “road” has the meaning assigned to it by section 257(1) of the Road Traffic Act 1960 ; 1960 c. 16
- “statutory undertakers” and “statutory undertaking” have the meanings assigned to them by section 113 of the Act of 1947 ;
- “waterway” means any loch, lake, river, reservoir, canal or other waters, being (in any case) water suitable, or which can reasonably be rendered suitable, for sailing, boating, bathing, fishing or other water sport or recreation.

(2) References in this Act to the conservation of natural beauty of an area shall be construed as including references to the conservation of features of geological or physiographical interest therein and of the flora and fauna thereof.

(3) References in this Act to any enactment are references to that enactment as amended by or under any subsequent enactment including this Act.

79.—(1) This Act may be cited as the Countryside (Scotland) Act 1967. Short title and
extent.

(2) This Act, except in so far as it relates to the amendment of the House of Commons Disqualification Act 1957, shall extend to Scotland only. 1957 c. 20.

SCHEDULES

Section 1.

SCHEDULE 1**CONSTITUTION AND PROCEEDINGS OF THE COMMISSION**

1. The Commission shall be a body corporate and shall have a common seal.

2.—(1) Subject to the provisions of this paragraph, a member of the Commission, and the chairman shall hold and vacate office as such in accordance with the terms of his appointment.

(2) A member may by notice in writing addressed to the Secretary of State resign his membership, and the chairman may by the like notice resign his office as such.

(3) The Secretary of State may remove a person from membership if satisfied that he—

- (a) has had his estate sequestrated or has made a trust deed for behoof of his creditors or a composition contract ;
- (b) is incapacitated by physical or mental illness ;
- (c) has been absent from meetings of the Commission for a period longer than six consecutive months otherwise than for a reason approved by the Secretary of State ; or
- (d) is otherwise unable or unfit to discharge the function of a member, or is unsuitable to continue as a member.

(4) If the chairman ceases to be a member of the Commission he shall cease to be chairman.

(5) A person who ceases to be a member or ceases to be chairman shall be eligible for re-appointment.

3.—(1) The Commission may pay to any of the members of the Commission such remuneration and such reasonable allowances in respect of—

- (a) expenses properly incurred in the performance of their duties,
- (b) loss of remunerative time, or
- (c) additional expenses (other than as aforesaid) necessarily incurred by them for the purpose of enabling them to perform their duties, being expenses to which they would not otherwise have been subject,

as the Secretary of State may, with the approval of the Treasury, determine.

(2) The Commission may pay such pension, allowance or gratuity to or in respect of any member of the Commission on his retirement or death, or make such payments towards the provision of such a pension, allowance or gratuity, as the Secretary of State may, with the approval of the Treasury, determine.

4. The Commission—

- (a) may appoint such officers and servants and pay to them such remuneration and allowances as the Commission may, with the approval of the Secretary of State and the Treasury, determine, and
- (b) shall, in the case of such of their officers and servants as may be determined by the Commission with the approval of the Secretary of State, pay to or in respect of them such pensions or gratuities, or provide and maintain for them such pension schemes (whether contributory or not) as may be so determined.

5. Subject to the following provisions of this Schedule, the Commission shall have power to regulate their own procedure (including the manner in which matters subject to the determination of the Commission are to be determined by or on behalf of the Commission), and that of any committee appointed by them.

6. The quorum at meetings of the Commission shall be four or such larger number as the Commission may from time to time determine, and if at any meeting of the Commission the votes are equally divided on any question, the person acting as chairman of the meeting shall have a second or casting vote.

7. The proceedings of the Commission shall not be invalidated by any vacancy in the membership of the Commission or by any defect in the appointment of any member thereof.

8.—(1) If a member of the Commission has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter, and is present at a meeting of the Commission at which the matter is the subject of consideration, he shall disclose the fact, and he shall not take part in the consideration or discussion of, or vote on, any question with respect to the matter, but he may nevertheless be taken into account for the purpose of constituting a quorum.

(2) A general notice given in writing by a member of the Commission to the officer designated by the Commission to receive it, stating that he is a member of or in the employment of a specified company or other body, or that he is a partner or in the employment of a specified person, or that he has an interest in any specified land, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any matter relating to that company, body or person or land which may be the subject of consideration after the date of the notice.

(3) Any disclosure made under sub-paragraph (1) of this paragraph shall be recorded in the minutes of the meeting at which it is made; and any notice given under sub-paragraph (2) thereof shall be recorded in a book to be kept for the purpose.

9. The application of the seal of the Commission to any document shall be attested by at least one member of the Commission and

SCH. 1 by the person for the time being acting as secretary of the Commission.

10. Every document purporting to be an instrument issued by the Commission and to be sealed and attested as aforesaid or to be signed on behalf of the Commission shall be received in evidence and shall be deemed to be such an instrument without further proof unless the contrary is shown.

Section 11.

SCHEDULE 2

GENERAL RESTRICTIONS TO BE OBSERVED BY PERSONS HAVING ACCESS BY VIRTUE OF PART II OF THIS ACT TO LAND WHICH IS OR WHICH GIVES OR FORMS PART OF ACCESS TO OPEN COUNTRY

Section 11(1) of this Act shall not apply to a person who, upon the land in question, commits any crime or offence, or who without lawful authority,—

- (a) drives or rides any vehicle ;
- (b) lights any fire or does any act which is likely to cause a fire ;
- (c) takes, or allows to enter or remain, any dog not under proper control ;
- (d) wilfully kills, takes or molests any animal, bird or fish or takes or injures any eggs or nests ;
- (e) bathes in any non-tidal water in contravention of a notice displayed near the water prohibiting bathing, being a notice displayed, and purporting to be displayed, with the approval of the local planning authority ;
- (f) engages in any operations of or connected with hunting, shooting, fishing, snaring, taking or destroying of animals, birds or fish, or brings or has any engine, instrument or apparatus used for hunting, shooting, fishing, snaring, taking or destroying animals, birds or fish ;
- (g) wilfully damages the land or anything thereon or therein ;
- (h) obstructs the flow of any drain or watercourse, opens, shuts or otherwise interferes with any sluice-gate or other apparatus, or neglects to shut any gate or to fasten it if any means of so doing is provided ;
- (i) affixes or writes any advertisement, bill, placard or notice ;
- (j) deposits any rubbish or leaves any litter ;
- (k) wantonly disturbs, annoys or obstructs any person engaged in any lawful occupation.

SCHEDULE 3

PROVISIONS AS TO MAKING, CONFIRMATION, COMING INTO
OPERATION AND VALIDITY OF CERTAIN ORDERS

Sections 14, 31,
34 and 35.

PART I

*Provisions for Making and Confirming Access Orders and
Certain Orders relating to Public Paths*

1.—(1) Before an access order, a public path creation order, a public path extinguishment order or a public path diversion order is submitted to the Secretary of State for confirmation, the authority by whom the order was made shall give notice in the prescribed form—

- (a) stating the general effect of the order and that it has been made and is about to be submitted for confirmation,
- (b) naming a place in the area in which the land to which the order relates is situated where a copy of the order and of the map referred to therein may be inspected free of charge at all reasonable hours, and
- (c) specifying the time (not being less than twenty-eight days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the order may be made.

(2) Before the Secretary of State makes an access order, a public path creation order, a public path extinguishment order or a public path diversion order, he shall prepare a draft of the order and shall give notice—

- (a) stating that he proposes to make the order and the general effect thereof,
- (b) naming a place in the area in which the land to which the draft order relates is situated where a copy of the draft order and of the map referred to therein may be inspected free of charge at all reasonable hours, and
- (c) specifying the time (not being less than twenty-eight days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the draft order may be made.

(3) The notices to be given under either of the two foregoing sub-paragraphs shall be given—

- (a) in the case of an access order or a public path creation order, by publication in at least one local newspaper circulating in the area in which the land to which the order relates is situated, and by serving a like notice on every owner, occupier and tenant (except tenants for a month or any period less than a month and statutory tenants within the meaning of Part II of the Housing (Repairs and Rents) 1954 c. 50. (Scotland) Act 1954) of any of that land, so however that—
 - (i) except in the case of an owner, occupier or tenant being a local authority, local planning authority or statutory undertaker, the Secretary of State may in any

SCH. 3

particular case direct that it shall not be necessary to serve notice as aforesaid if in his opinion it is not reasonably practicable to do so, but

(ii) if the Secretary of State so directs in the case of any land, then in addition to publication the notice shall be addressed to "the owners and any occupiers" of the land (describing it) and a copy or copies of it shall be affixed to some conspicuous object or objects on the land ;

(b) in the case of a public path extinguishment order or a public path diversion order, by publication and the service of notices as mentioned in head (a) of this sub-paragraph and also—

(i) by serving such a notice as is therein mentioned on every local authority and local planning authority whose area includes any of the land to which the order relates, and

(ii) by causing a copy of the notice to be displayed in a prominent position at the ends of so much of any public path as is to be closed or diverted by virtue of the order.

2.—(1) If no representations or objections are duly made, or if any so made are withdrawn, the Secretary of State may, if he thinks fit, confirm or make the order, as the case may be, with or without modifications or conditions.

(2) If any representation or objection duly made is not withdrawn, the Secretary of State shall, before confirming or making the order, either—

(a) cause a local inquiry to be held, or

(b) afford to any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by him for the purpose,

and, after considering the report of the person appointed to hold the inquiry or to hear representations or objections, may confirm or make the order, as the case may be, with or without modifications or conditions :

Provided that in the case of a public path creation order or a public path diversion order, if objection is made by statutory undertakers on the ground that the order provides for the creation of a right of way over land covered by works used for the purposes of their undertaking or the curtilage of such land, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.

(3) Notwithstanding anything in the foregoing provisions of this paragraph, the Secretary of State shall not confirm or make an order so as to affect land not affected by the order as submitted to him or the draft order prepared by him, as the case may be, except after—

(a) giving such notice as appears to him requisite of his proposal so to modify the order, specifying the time (not being less

SCH. 3

than twenty-eight days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the proposal may be made,

- (b) holding a local inquiry or affording to any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by him for the purpose, and
- (c) considering the report of the person appointed to hold the inquiry or to hear representations or objections, as the case may be,

and, in the case of a public path creation order or a public path diversion order, if objection is made by statutory undertakers on the ground that the order as modified would provide for the creation of a right of way over land covered by works used for the purposes of their undertaking or the curtilage of such land, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.

3.—(1) Subject to the provisions of this Part of this Schedule, the procedure on the submission and confirmation of orders to which this Schedule applies shall be such as may be prescribed.

(2) Provision may be prescribed for enabling proceedings preliminary to the confirmation of a public path extinguishment order to be taken concurrently with proceedings preliminary to the confirmation of a public path creation order or a public path diversion order.

PART II

Validity and Date of Operation of Orders to which this Schedule applies

4. As soon as may be after an order to which this Schedule applies has been confirmed or made by the Secretary of State, the authority by whom the order was made, or, in the case of an order made by the Secretary of State, the Secretary of State, shall publish, in the manner required in relation to the class of order in question by paragraph 1(3) of this Schedule, a notice in the prescribed form describing the general effect of the order, stating that it has been confirmed or made, and naming a place where a copy thereof as confirmed or made may be inspected free of charge at all reasonable hours, and—

- (a) where under the said sub-paragraph (3) notice was required to be served, shall serve a like notice and a copy of the order as confirmed or made on any persons on whom notices were required to be served under that sub-paragraph ; and
- (b) where under the said sub-paragraph (3) a notice was required to be displayed, shall cause a like notice to be displayed in the like manner as the notice required to be displayed under that sub-paragraph :

Provided that no such notice or copy need be served on a person unless he has sent to the authority or the Secretary of State (according

SCH. 3 as the notice or copy would require to be served by an authority or by the Secretary of State) a request in that behalf specifying an address for service.

5. If a person aggrieved by an order to which this Schedule applies desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of this Act or on the ground that any requirement of this Act or of regulations made thereunder has not been complied with in relation thereto, he may, within six weeks from the date on which the notice required by the last foregoing paragraph is first published, make an application for the purpose to the Court of Session.

6. On any such application as aforesaid, the Court—

- (a) may by interim order suspend the operation of the order, or of any provision contained therein, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings ; and
- (b) if satisfied that the order, or any provision contained therein, is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by failure to comply with any such requirement as aforesaid, may quash the order or any provision contained therein, either generally or in so far as it affects any property of the applicant.

7. Subject to the provisions of the last foregoing paragraph, an order to which this Schedule applies shall not, either before or after it has been made or confirmed, be questioned in any legal proceedings whatever, and shall become operative on the date on which the notice required by paragraph 4 above is first published, or on such later date as may be specified in the order.

8. In relation to any order to which this Schedule applies, being an order which is subject to special parliamentary procedure, the foregoing provisions of this Schedule shall have effect subject to the following modifications—

- (a) if the order is confirmed by Act of Parliament under section six of the Statutory Orders (Special Procedure) Act 1945, paragraphs 5 to 7 shall not apply ; and
- (b) in any other case, paragraph 5 shall have effect as if, for the reference therein to the date on which the notice required by paragraph 4 is first published, there were substituted a reference to the date on which the order becomes operative under the said Act of 1945, and paragraph 7 shall have effect as if the words from “ and shall become operative ” to the end of the paragraph were omitted.

1945 c. 18.



Abortion Act 1967

1967 CHAPTER 87

An Act to amend and clarify the law relating to termination of pregnancy by registered medical practitioners. [27th October 1967]

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

1.—(1) Subject to the provisions of this section, a person shall not be guilty of an offence under the law relating to abortion when a pregnancy is terminated by a registered medical practitioner if two registered medical practitioners are of the opinion, formed in good faith—

- (a)* that the continuance of the pregnancy would involve risk to the life of the pregnant woman, or of injury to the physical or mental health of the pregnant woman or any existing children of her family, greater than if the pregnancy were terminated; or
- (b)* that there is a substantial risk that if the child were born it would suffer from such physical or mental abnormalities as to be seriously handicapped.

(2) In determining whether the continuance of a pregnancy would involve such risk of injury to health as is mentioned in paragraph *(a)* of subsection (1) of this section, account may be taken of the pregnant woman's actual or reasonably foreseeable environment.

(3) Except as provided by subsection (4) of this section, any treatment for the termination of pregnancy must be carried out in a hospital vested in the Minister of Health or the Secretary of State under the National Health Service Acts, or in a place for the time being approved for the purposes of this section by the said Minister or the Secretary of State.

(4) Subsection (3) of this section, and so much of subsection (1) as relates to the opinion of two registered medical practitioners, shall not apply to the termination of a pregnancy by a registered medical practitioner in a case where he is of the opinion, formed in good faith, that the termination is immediately necessary to save the life or to prevent grave permanent injury to the physical or mental health of the pregnant woman.

Notification.

2.—(1) The Minister of Health in respect of England and Wales, and the Secretary of State in respect of Scotland, shall by statutory instrument make regulations to provide—

- (a) for requiring any such opinion as is referred to in section 1 of this Act to be certified by the practitioners or practitioner concerned in such form and at such time as may be prescribed by the regulations, and for requiring the preservation and disposal of certificates made for the purposes of the regulations;
- (b) for requiring any registered medical practitioner who terminates a pregnancy to give notice of the termination and such other information relating to the termination as may be so prescribed;
- (c) for prohibiting the disclosure, except to such persons or for such purposes as may be so prescribed, of notices given or information furnished pursuant to the regulations.

(2) The information furnished in pursuance of regulations made by virtue of paragraph (b) of subsection (1) of this section shall be notified solely to the Chief Medical Officers of the Ministry of Health and the Scottish Home and Health Department respectively.

(3) Any person who wilfully contravenes or wilfully fails to comply with the requirements of regulations under subsection (1) of this section shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(4) Any statutory instrument made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Application of Act to visiting forces etc.

3.—(1) In relation to the termination of a pregnancy in a case where the following conditions are satisfied, that is to say—

- (a) the treatment for termination of the pregnancy was carried out in a hospital controlled by the proper authorities of a body to which this section applies; and
- (b) the pregnant woman had at the time of the treatment a relevant association with that body; and
- (c) the treatment was carried out by a registered medical practitioner or a person who at the time of the treatment

was a member of that body appointed as a medical practitioner for that body by the proper authorities of that body,

this Act shall have effect as if any reference in section 1 to a registered medical practitioner and to a hospital vested in a Minister under the National Health Service Acts included respectively a reference to such a person as is mentioned in paragraph (c) of this subsection and to a hospital controlled as aforesaid, and as if section 2 were omitted.

(2) The bodies to which this section applies are any force which is a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952 and any headquarters within the meaning of the Schedule to the International Headquarters and Defence Organisations Act 1964; and for the purposes of this section—

(a) a woman shall be treated as having a relevant association at any time with a body to which this section applies if at that time—

(i) in the case of such a force as aforesaid, she had a relevant association within the meaning of the said Part I with the force; and

(ii) in the case of such a headquarters as aforesaid, she was a member of the headquarters or a dependant within the meaning of the Schedule aforesaid of such a member; and

(b) any reference to a member of a body to which this section applies shall be construed—

(i) in the case of such a force as aforesaid, as a reference to a member of or of a civilian component of that force within the meaning of the said Part I; and

(ii) in the case of such a headquarters as aforesaid, as a reference to a member of that headquarters within the meaning of the Schedule aforesaid.

4.—(1) Subject to subsection (2) of this section, no person shall be under any duty, whether by contract or by any statutory or other legal requirement, to participate in any treatment authorised by this Act to which he has a conscientious objection: Conscientious objection to participation in treatment.

Provided that in any legal proceedings the burden of proof of conscientious objection shall rest on the person claiming to rely on it.

(2) Nothing in subsection (1) of this section shall affect any duty to participate in treatment which is necessary to save the life or to prevent grave permanent injury to the physical or mental health of a pregnant woman.

(3) In any proceedings before a court in Scotland, a statement on oath by any person to the effect that he has a conscientious objection to participating in any treatment authorised by this Act shall be sufficient evidence for the purpose of discharging the burden of proof imposed upon him by subsection (1) of this section.

Supplementary provisions.
1929 c. 34. 5.—(1) Nothing in this Act shall affect the provisions of the Infant Life (Preservation) Act 1929 (protecting the life of the viable foetus).

(2) For the purposes of the law relating to abortion, anything done with intent to procure the miscarriage of a woman is unlawfully done unless authorised by section 1 of this Act.

Interpretation. 6. In this Act, the following expressions have meanings hereby assigned to them:—

1861 c. 100. “ the law relating to abortion ” means sections 58 and 59 of the Offences against the Person Act 1861, and any rule of law relating to the procurement of abortion;

“ the National Health Service Acts ” means the National Health Service Acts 1946 to 1966 or the National Health Service (Scotland) Acts 1947 to 1966.

Short title, commencement and extent. 7.—(1) This Act may be cited as the Abortion Act 1967.

(2) This Act shall come into force on the expiration of the period of six months beginning with the date on which it is passed.

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



Leasehold Reform Act 1967

1967 CHAPTER 88

An Act to enable tenants of houses held on long leases at low rents to acquire the freehold or an extended lease; to apply the Rent Acts to premises held on long leases at a rackrent, and to bring the operation of the Landlord and Tenant Act 1954 into conformity with the Rent Acts as so amended; to make other changes in the law in relation to premises held on long leases, including amendments of the Places of Worship (Enfranchisement) Act 1920; and for purposes connected therewith. [27th October 1967]

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

PART I

ENFRANCHISEMENT AND EXTENSION OF LONG LEASEHOLDS

Right to enfranchisement or extension

1.—(1) This Part of this Act shall have effect to confer on a tenant of a leasehold house, occupying the house as his residence, a right to acquire on fair terms the freehold or an extended lease of the house and premises where—

Tenants entitled to enfranchisement or extension.

- (a) his tenancy is a long tenancy at a low rent and the rateable value of the house and premises on the appropriate day is not (or was not) more than £200 or, if it is in Greater London, than £400; and
- (b) at the relevant time (that is to say, at the time when he gives notice in accordance with this Act of his desire to have the freehold or to have an extended

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lease, as the case may be) he has been tenant of the house under a long tenancy at a low rent, and occupying it as his residence, for the last five years or for periods amounting to five years in the last ten years ;

and to confer the like right in the other cases for which provision is made in this Part of this Act.

(2) In this Part of this Act references, in relation to any tenancy, to the tenant occupying a house as his residence shall be construed as applying where, but only where, the tenant is, in right of the tenancy, occupying it as his only or main residence (whether or not he uses it also for other purposes) ; but—

- (a) references to a person occupying a house shall apply where he occupies it in part only ; and
- (b) in determining in what right the tenant occupies, there shall be disregarded any mortgage term and any interest arising in favour of any person by his attorning tenant to a mortgagee or chargee.

(3) This Part of this Act shall not confer on the tenant of a house any right by reference to his occupation of it as his residence (but shall apply as if he were not so occupying it) at any time when—

- (a) it is let to and occupied by him with other land or premises to which it is ancillary ; or
- (b) it is comprised in an agricultural holding within the meaning of the Agricultural Holdings Act 1948.

1948 c. 63.

(4) In subsection (1)(a) above, “the appropriate day”, in relation to any house and premises, means the 23rd March 1965 or such later day as by virtue of section 43(3) of the Rent Act 1965 would be the appropriate day for purposes of that Act in relation to a dwelling house consisting of that house.

1965 c. 75.

Meaning of
“house” and
“house and
premises”,
and
adjustment
of boundary.

2.—(1) For purposes of this Part of this Act, “house” includes any building designed or adapted for living in and reasonably so called, notwithstanding that the building is not structurally detached, or was or is not solely designed or adapted for living in, or is divided horizontally into flats or maisonettes ; and—

- (a) where a building is divided horizontally, the flats or other units into which it is so divided are not separate “houses”, though the building as a whole may be ; and
- (b) where a building is divided vertically the building as a whole is not a “house” though any of the units into which it is divided may be.

(2) References in this Part of this Act to a house do not apply to a house which is not structurally detached and of which a material part lies above or below a part of the structure not comprised in the house.

(3) Subject to the following provisions of this section, where in relation to a house let to and occupied by a tenant reference is made in this Part of this Act to the house and premises, the reference to premises is to be taken as referring to any garage, outhouse, garden, yard and appurtenances which at the relevant time are let to him with the house and are occupied with and used for the purposes of the house or any part of it by him or by another occupant.

(4) In relation to the exercise by a tenant of any right conferred by this Part of this Act there shall be treated as included in the house and premises any other premises let with the house and premises but not at the relevant time occupied and used as mentioned in subsection (3) above (whether in consequence of an assignment of the term therein or a subletting or otherwise), if—

- (a) the landlord at the relevant time has an interest in the other premises and, not later than two months after the relevant time, gives to the tenant written notice objecting to the further severance of them from the house and premises ; and
- (b) either the tenant agrees to their inclusion with the house and premises or the court is satisfied that it would be unreasonable to require the landlord to retain them without the house and premises.

(5) In relation to the exercise by a tenant of any right conferred by this Part of this Act there shall be treated as not included in the house and premises any part of them which lies above or below other premises (not consisting only of underlying mines or minerals), if—

- (a) the landlord at the relevant time has an interest in the other premises and, not later than two months after the relevant time, gives to the tenant written notice objecting to the further severance from them of that part of the house and premises ; and
- (b) either the tenant agrees to the exclusion of that part of the house and premises or the court is satisfied that any hardship or inconvenience likely to result to the tenant from the exclusion, when account is taken of anything that can be done to mitigate its effects and of any undertaking of the landlord to take steps to mitigate them, is outweighed by the difficulties involved in the further severance from the other premises and

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any hardship or inconvenience likely to result from that severance to persons interested in those premises.

(6) The rights conferred on a tenant by this Part of this Act in relation to any house and premises shall not extend to underlying minerals comprised in the tenancy if the landlord requires that the minerals be excepted, and if proper provision is made for the support of the house and premises as they have been enjoyed during the tenancy and in accordance with its terms.

(7) Where by virtue of subsection (4) above a tenant of a house acquiring the freehold or an extended lease is required to include premises of which the tenancy is not vested in him, this Part of this Act shall apply for the purpose as if in the case of those premises a tenancy on identical terms were vested in him and the holder of the actual tenancy were a sub-tenant; and where by virtue of subsection (5) or (6) above a tenant of a house acquiring the freehold or an extended lease is required to exclude property of which the tenancy is vested in him, then unless the landlord and the tenant otherwise agree or the court for the protection of either of them from hardship or inconvenience otherwise orders, the grant to the tenant shall operate as a surrender of the tenancy in that property and the provision to be made by the grant shall be determined as if the surrender had taken place before the relevant time.

Meaning
of "long
tenancy".

3.—(1) In this Part of this Act "long tenancy" means, subject to the provisions of this section, a tenancy granted for a term of years certain exceeding twenty-one years, whether or not the tenancy is (or may become) terminable before the end of that term by notice given by or to the tenant or by re-entry, forfeiture or otherwise, and includes a tenancy for a term fixed by law under a grant with a covenant or obligation for perpetual renewal unless it is a tenancy by sub-demise from one which is not a long tenancy:

Provided that a tenancy granted so as to become terminable by notice after a death or marriage is not to be treated as a long tenancy.

(2) Where the tenant of any property under a long tenancy at a low rent, on the coming to an end of that tenancy, becomes or has become tenant of the property or part of it under another tenancy (whether by express grant or by implication of law), then the later tenancy shall be deemed for the purposes of this Part of this Act, including any further application of this subsection, to be a long tenancy irrespective of its terms.

(3) Where the tenant of any property under a long tenancy, on the coming to an end of that tenancy, becomes or has become tenant of the property or part of it under another long

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tenancy, then in relation to the property or that part of it this Part of this Act shall apply as if there had been a single tenancy granted for a term beginning at the same time as the term under the earlier tenancy and expiring at the same time as the term under the later tenancy.

(4) Where a tenancy is or has been granted for a term of years certain not exceeding twenty-one years, but with a covenant or obligation for renewal without payment of a premium (but not for perpetual renewal), and the tenancy is or has been once or more renewed so as to bring to more than twenty-one years the total of the terms granted (including any interval between the end of a tenancy and the grant of a renewal), then this Part of this Act shall apply as it would apply if the term originally granted had been one exceeding twenty-one years.

(5) References in this Part of this Act to a long tenancy include any period during which the tenancy is or was continued under Part I or II of the Landlord and Tenant Act 1954 or under the Leasehold Property (Temporary Provisions) Act 1951. 1954 c. 56.
1951 c. 38.

(6) Where at any time there are separate tenancies, with the same landlord and the same tenant, of two or more parts of a house, or of a house or part of it and land or other premises occupied therewith, then in relation to the property comprised in such of those tenancies as are long tenancies this Part of this Act shall apply as it would if at that time there were a single tenancy of that property and the tenancy were a long tenancy, and for that purpose references in this Part of this Act to the commencement of the term or to the term date shall, if the separate tenancies commenced at different dates or have different term dates, have effect as references to the commencement or term date, as the case may be, of the tenancy comprising the house (or the earliest commencement or earliest term date of the tenancies comprising it):

Provided that this subsection shall have effect subject to the operation of subsections (2) to (5) above in relation to any of the separate tenancies.

4.—(1) For purposes of this Part of this Act a tenancy of any property is a tenancy at a low rent at any time when rent is not payable under the tenancy in respect of the property at a yearly rate equal to or more than two-thirds of the rateable value of the property on the appropriate day or, if later, the first day of the term: Meaning of
"low rent".

Provided that a tenancy granted between the end of August 1939 and the beginning of April 1963 otherwise than by way of building lease (whether or not it is, by virtue of section 3(3) above, to be treated for other purposes as forming a single tenancy with a previous tenancy) shall not be regarded as a tenancy at a low rent if at the commencement of the tenancy

PART I the rent payable under the tenancy exceeded two-thirds of the letting value of the property (on the same terms).

For the purposes of this subsection—

- 1965 c. 75.
- (a) “appropriate day” means the 23rd March 1965 or such later day as by virtue of section 43(3) of the Rent Act 1965 would be the appropriate day for purposes of that Act in relation to a dwelling-house consisting of the house in question; and
 - (b) “rent” means rent reserved as such, and there shall be disregarded any part of the rent expressed to be payable in consideration of services to be provided, or of repairs, maintenance or insurance to be effected by the landlord, or to be payable in respect of the cost thereof to the landlord or a superior landlord; and
 - (c) there shall be disregarded any term of the tenancy providing for suspension or reduction of rent in the event of damage to property demised, or for any penal addition to the rent in the event of a contravention of or non-compliance with the terms of the tenancy or an agreement collateral thereto; and
 - (d) “building lease” means a lease granted in pursuance or in consideration of an agreement for the erection or the substantial re-building or reconstruction of the whole or part of the house in question or a building comprising it.

(2) Where on a claim by the tenant of a house to exercise any right conferred by this Part of this Act a question arises under section 1(1) above whether his tenancy of the house is or was at any time a tenancy at a low rent, the question shall be determined by reference to the rent and rateable value of the house and premises as a whole, and in relation to a time before the relevant time shall be so determined whether or not the property then occupied with the house or any part of it was the same in all respects as that comprised in the house and premises for purposes of the claim; but, in a case where the tenancy derives (in accordance with section 3(6) above) from more than one separate tenancy, the proviso to subsection (1) above shall have effect if, but only if, it applies to one of the separate tenancies which comprises the house or part of it.

(3) Where on a claim by the tenant of a house to exercise any right conferred by this Part of this Act a question arises under section 3(2) above whether a tenancy is or was a long tenancy by reason of a previous tenancy having been a long tenancy at a low rent, the question whether the previous tenancy was one at a low rent shall be determined in accordance with subsection (2) above as if it were a question arising under section 1(1), and shall be so determined by reference to the

rent and rateable value of the house and premises or the part included in the previous tenancy, exclusive of any other land or premises so included:

Provided that where an apportionment of rent or rateable value is required because the previous tenancy did not include the whole of the house and premises or included other property, the apportionment shall be made as at the end of the previous tenancy except in so far as, in the case of rent, an apportionment falls to be made at an earlier date under subsection (6) below.

(4) For purposes of subsection (2) or (3) above a house and premises shall be taken as not including any premises which are to be or may be included under section 2(4) above in giving effect to the tenant's claim, and as including any part which is to be or may be excluded under section 2(5) or (6).

(5) Where on a claim by the tenant of a house to exercise any right conferred by this Part of this Act a question arises whether a tenancy granted as mentioned in the proviso to subsection (1) above is or was at any time a tenancy at a low rent, it shall be presumed until the contrary is shown that the letting value referred to in that proviso was such that the proviso does not apply.

(6) Any entire rent payable at any time in respect of both a house and premises or part thereof and of property not included in the house and premises shall for purposes of this section be apportioned as may be just according to the circumstances existing at the date of the severance giving rise to the apportionment, and references in this section to the rent of a house and premises or of part thereof shall be construed accordingly.

5.—(1) Where under this Part of this Act a tenant of a house has the right to acquire the freehold or an extended lease and gives notice of his desire to have it, the rights and obligations of the landlord and the tenant arising from the notice shall inure for the benefit of and be enforceable against them, their executors, administrators and assigns to the like extent (but no further) as rights and obligations arising under a contract for a sale or lease freely entered into between the landlord and tenant; and accordingly, in relation to matters arising out of any such notice, references in this Part of this Act to the tenant and the landlord shall, in so far as the context permits, include their respective executors, administrators and assigns.

General provisions as to claims to enfranchisement or extension.

(2) Notwithstanding anything in subsection (1) above, the rights and obligations there referred to of a tenant shall be assignable with, but not capable of subsisting apart from, the tenancy of the entire house and premises; and if the tenancy is

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assigned without the benefit of the notice, or if the tenancy of one part of the house and premises is assigned to or vests in any person without the tenancy of another part, the notice shall accordingly cease to have effect, and the tenant shall be liable to make such compensation as may be just to the landlord in respect of the interference (if any) by the notice with the exercise by the landlord of his power to dispose of or deal with the house and premises or any neighbouring property.

(3) In the event of any default by the landlord or the tenant in carrying out the obligations arising from any such notice, the other of them shall have the like rights and remedies as in the case of a contract freely entered into.

(4) The provisions of Schedule 1 to this Act shall have effect in relation to the operation of this Part of this Act where a person gives notice of his desire to have the freehold or an extended lease of a house and premises, and either he does so in respect of a sub-tenancy or there is a tenancy reversionary on his tenancy; but any such notice given in respect of a tenancy granted by sub-demise out of a superior tenancy other than a long tenancy at a low rent shall be of no effect if the grant was made in breach of the terms of the superior tenancy and there has been no waiver of the breach by the superior landlord.

1925 c. 22.

(5) No lease shall be registrable under the Land Charges Act 1925 or be deemed to be an estate contract within the meaning of that Act by reason of the rights conferred on the tenant by this Part of this Act to acquire the freehold or an extended lease of property thereby demised, nor shall any right of a tenant arising from a notice under this Act of his desire to have the freehold or to have an extended lease be an overriding interest within the meaning of the Land Registration Act 1925; but any such notice shall be registrable under the Land Charges Act 1925 or may be the subject of a notice or caution under the Land Registration Act 1925, as if it were an estate contract.

1925 c. 21.

(6) A notice of a person's desire to have the freehold or an extended lease of a house and premises under this Part of this Act—

(a) shall be of no effect if at the relevant time any person or body of persons who has or have been, or could be, authorised to acquire the whole or part of the house and premises compulsorily for any purpose has or have, with a view to its acquisition for that purpose, served notice to treat on the landlord or on the tenant, or entered into a contract for the purchase of the interest of either of them, and the notice to treat or contract remains in force; and

(b) shall cease to have effect if before the completion of the conveyance in pursuance of the tenant's notice any such

person or body of persons serves notice to treat as aforesaid ;

PART I

but where a tenant's notice ceases to have effect by reason of a notice to treat served on him or on the landlord, then on the occasion of the compulsory acquisition in question the compensation payable in respect of any interest in the house and premises (whether or not the one to which that notice to treat relates) shall be determined on the basis of the value of the interest subject to and with the benefit of the rights and obligations arising from the tenant's notice and affecting that interest.

(7) Where any such notice given by a tenant entitled to acquire the freehold or an extended lease has effect, then (without prejudice to the general law as to the frustration of contracts) the landlord and all other persons shall be discharged from the further performance, so far as relates to the disposal in any manner of the landlord's interest in the house and premises or any part thereof, of any contract previously entered into and not providing for the eventuality of such a notice (including any such contract made in pursuance of the order of any court):

Provided that, in the case of a notice of the tenant's desire to have an extended lease, this subsection shall not apply to discharge a person from performance of a contract unless the contract was entered into on the basis, common to both parties, that vacant possession of the house and premises or part thereof would or might be obtainable on the termination of the existing tenancy.

(8) A tenant's notice of his desire to have an extended lease under this Part of this Act shall cease to have effect if afterwards (being entitled to do so) he gives notice of his desire to have the freehold.

6.—(1) Where a tenant of a house is occupying it as his residence, his occupation of it at any earlier time shall for purposes of this Part of this Act be treated as having been an occupation in right of the tenancy if at that time—

Rights of trustees.

- (a) the tenancy was settled land for purposes of the Settled Land Act 1925, and he was sole tenant for life within the meaning of that Act; or
- (b) the tenancy was vested in trustees and he, as a person beneficially interested (whether directly or derivatively) under the trusts, was entitled or permitted to occupy the house by reason of that interest.

References in this section to trustees include persons holding on the statutory trusts arising by virtue of sections 34 to 36 of the Law of Property Act 1925 in cases of joint ownership or ownership in common.

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1925 c. 18.

(2) Where a tenancy of a house is settled land for purposes of the Settled Land Act 1925, a sole tenant for life within the meaning of that Act shall have the same rights under this Part of this Act in respect of his occupation of the house as if the tenancy of it belonged to him absolutely, but without prejudice to his position under the settlement as a trustee for all parties entitled under the settlement; and—

(a) the powers under that Act of a tenant for life shall include power to accept an extended lease under this Part of this Act; and

(b) an extended lease granted under this Part of this Act to a tenant for life or statutory owner shall be treated as a subsidiary vesting deed in accordance with section 53(2) of that Act.

(3) Where a tenancy of a house is vested in trustees (other than a sole tenant for life within the meaning of the Settled Land Act 1925), and a person beneficially interested (whether directly or derivatively) under the trusts is entitled or permitted by reason of his interest to occupy the house, then the trustees shall have the like rights under this Part of this Act in respect of his occupation as he would have if he were the tenant occupying in right of the tenancy.

(4) Without prejudice to any powers exercisable under the Settled Land Act 1925 by tenants for life or statutory owners within the meaning of that Act, where a tenancy of a house is vested in trustees, then unless the instrument regulating the trusts (being made after the passing of this Act) contains an explicit direction to the contrary, the powers of the trustees under that instrument shall include power, with the like consent or on the like direction (if any) as may be required for the exercise of their powers (or ordinary powers) of investment, to acquire and retain the freehold or an extended lease under this Part of this Act.

1925 c. 20.

(5) The purposes authorised for the application of capital money by section 73 of the Settled Land Act 1925, or by that section as applied by section 28 of the Law of Property Act 1925 in relation to trusts for sale, and the purposes authorised by section 71 of the Settled Land Act 1925 or by that section as applied as aforesaid as purposes for which moneys may be raised by mortgage, shall include the payment of any expenses incurred by a tenant for life or statutory owners or by trustees for sale, as the case may be, in or in connection with proceedings taken by him or them by virtue of subsection (2) or (3) above.

Rights of mem-
bers of family
succeeding to
tenancy on
death.

7.—(1) Where the tenant of a house dies while occupying it as his residence, and on his death a member of his family resident in the house becomes tenant of it under the same tenancy, then for the purposes of any claim by that member

of the family to acquire the freehold or an extended lease under this Part of this Act he shall be treated as having been the tenant, and occupying the house as his residence, during any period when—

- (a) he was resident in the house, and it was his only or main place of residence ; and
- (b) the deceased person was, as the tenant under that tenancy, occupying the house as his residence (or would for the purposes of a claim made by him at the time of his death have been treated as having been so occupying it).

(2) For purposes of this section—

- (a) a member of a tenant's family on whom the tenancy devolves on the tenant's death by virtue of a testamentary disposition or the law of intestate succession shall, on the tenancy vesting in him, be treated as having become tenant on the death ; and
- (b) a member of a tenant's family who, on the tenant's death, acquires the tenancy by the appropriation of it in or towards satisfaction of any legacy, share in residue, debt or other share in or claim against the tenant's estate, or by the purchase of it on a sale made by the tenant's personal representatives in the administration of the estate, shall be treated as a person on whom the tenancy devolved by direct bequest ; and
- (c) a person's interest in a tenancy as personal representative of a deceased tenant shall be disregarded, but references in paragraphs (a) and (b) above to a tenancy vesting in, or being acquired by, a member of a tenant's family shall apply also where, after the death of a member of the family, the tenancy vests in or is acquired by the personal representatives of that member.

(3) Where a tenancy of a house is settled land for purposes of the Settled Land Act 1925, and on the death of a tenant for life within the meaning of that Act a member of his family resident with him becomes entitled to the tenancy in accordance with the settlement or by any appropriation by or purchase from the personal representatives in respect of the settled land, this section shall apply as if the tenancy had belonged to the tenant for life absolutely and the trusts of the settlement taking effect after his death had been trusts of his will. 1925 c. 18.

(4) Where in a case not falling within subsection (3) above a tenancy of a house is held on trust and—

- (a) a person beneficially interested (whether directly or derivatively) under the trust is entitled or permitted by reason of his interest to occupy the house ; and

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- (b) on his death a member of his family resident with him becomes tenant of the house in accordance with the terms of the trust or by any appropriation by or purchase from the trustees ;

then this section shall apply as if the deceased person while so occupying the house had been tenant of it occupying in right of the tenancy, and as if after his death the trustees had held and dealt with the tenancy as his executors (the remaining trusts being trusts of his will).

(5) Subsections (3) and (4) above shall apply, with any necessary adaptations, where a person becomes entitled to a tenancy on the termination of a settlement or trust as they would apply if he had become entitled in accordance with the settlement or trust.

(6) The reference in section 6(3) above to the rights which a beneficiary under a trust would have if he were the tenant occupying in right of the tenancy includes any rights which he would have by virtue of this section.

(7) For purposes of this section a person is a member of another's family if that person is—

- (a) the other's wife or husband ; or
- (b) a son or daughter or a son-in-law or daughter-in-law of the other, or of the other's wife or husband ; or
- (c) the father or mother of the other, or of the other's wife or husband.

In paragraph (b) above any reference to a person's son or daughter includes a reference to any stepson or stepdaughter, any illegitimate son or daughter, and any adopted son or daughter, of that person, and "son-in-law" and "daughter-in-law" shall be construed accordingly.

1952 c. 64.

(8) In Schedule 2 to the Intestates' Estates Act 1952 (which gives a surviving spouse a right to require the deceased's interest in the matrimonial home to be appropriated to the survivor's interest in the deceased's estate, but by paragraph 1(2) excludes tenancies terminating, or terminable by the landlord, within two years of the death), paragraph 1(2) shall not apply to a tenancy if—

- (a) the surviving wife or husband would in consequence of an appropriation in accordance with that paragraph become entitled by virtue of this section to acquire the freehold or an extended lease under this Part of this Act, either immediately on the appropriation or before the tenancy can determine or be determined as mentioned in paragraph 1(2) ; or

(b) the deceased husband or wife, being entitled to acquire the freehold or an extended lease under this Part of this Act, had given notice of his or her desire to have it and the benefit of that notice is appropriated with the tenancy.

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(9) This section shall have effect in relation to deaths occurring before this Act was passed as it has effect in relation to deaths occurring after.

Enfranchisement

8.—(1) Where a tenant of a house has under this Part of this Act a right to acquire the freehold, and gives to the landlord written notice of his desire to have the freehold, then except as provided by this Part of this Act the landlord shall be bound to make to the tenant, and the tenant to accept, (at the price and on the conditions so provided) a grant of the house and premises for an estate in fee simple absolute, subject to the tenancy and to tenant's incumbrances, but otherwise free of incumbrances. Obligation to enfranchise.

(2) For purposes of this Part of this Act "incumbrances" includes rentcharges and, subject to subsection (3) below, personal liabilities attaching in respect of the ownership of land or an interest in land though not charged on that land or interest; and "tenant's incumbrances" includes any interest directly or indirectly derived out of the tenancy, and any incumbrance on the tenancy or any such interest (whether or not the same matter is an incumbrance also on any interest reversionary on the tenancy).

(3) Burdens originating in tenure, and burdens in respect of the upkeep or regulation for the benefit of any locality of any land, building, structure, works, ways or watercourse shall not be treated as incumbrances for purposes of this Part of this Act, but any conveyance executed to give effect to this section shall be made subject thereto except as otherwise provided by section 11 below.

(4) A conveyance executed to give effect to this section—

(a) shall have effect under section 2(1) of the Law of Property Act 1925 to overreach any incumbrance capable of being overreached under that section as if, where the interest conveyed is settled land, the conveyance were made under the powers of the Settled Land Act 1925 and as if the requirements of section 2(1) as to payment of the capital money allowed any part of the purchase price paid or applied in accordance with sections 11 to 13 below to be so paid or applied;

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1925 c. 20.

- (b) shall not be made subject to any incumbrance capable of being overreached by the conveyance, but shall be made subject (where they are not capable of being overreached) to rentcharges and other rents falling within section 191 of the Law of Property Act 1925, except as otherwise provided by section 11 below.

(5) Notwithstanding that on a grant to a tenant of a house and premises under this section no payment or a nominal payment only is required from the tenant for the price of the house and premises, the tenant shall nevertheless be deemed for all purposes to be a purchaser for a valuable consideration in money or money's worth.

Purchase price and costs of enfranchisement, and tenant's right to withdraw.

9.—(1) Subject to subsection (2) below, the price payable for a house and premises on a conveyance under section 8 above shall be the amount which at the relevant time the house and premises, if sold in the open market by a willing seller, might be expected to realise on the following assumptions:—

- (a) on the assumption that the vendor was selling for an estate in fee simple, subject to the tenancy but on the assumption that this Part of this Act conferred no right to acquire the freehold, and if the tenancy has not been extended under this Part of this Act, on the assumption that (subject to the landlord's rights under section 17 below) it was to be so extended;
- (b) on the assumption that (subject to paragraph (a) above) the vendor was selling subject, in respect of rentcharges and other rents to which section 11(2) below applies, to the same annual charge as the conveyance to the tenant is to be subject to, but the purchaser would otherwise be effectively exonerated until the termination of the tenancy from any liability or charge in respect of tenant's incumbrances; and
- (c) on the assumption that (subject to paragraphs (a) and (b) above) the vendor was selling with and subject to the rights and burdens with and subject to which the conveyance to the tenant is to be made, and in particular with and subject to such permanent or extended rights and burdens as are to be created in order to give effect to section 10 below.

(2) The price payable for the house and premises shall be subject to such deduction (if any) in respect of any defect in the title to be conveyed to the tenant as on a sale in the open market might be expected to be allowed between a willing seller and a willing buyer.

(3) On ascertaining the amount payable, or likely to be payable, as the price for a house and premises in accordance with this section (but not more than one month after the amount payable has been determined by agreement or otherwise), the tenant may give written notice to the landlord that he is unable or unwilling to acquire the house and premises at the price he must pay; and thereupon—

- (a) the notice under section 8 above of his desire to have the freehold shall cease to have effect, and he shall be liable to make such compensation as may be just to the landlord in respect of the interference (if any) by the notice with the exercise by the landlord of his power to dispose of or deal with the house and premises or any neighbouring property; and
- (b) any further notice given under that section with respect to the house or any part of it (with or without other property) shall be void if given within the following five years.

(4) Where a person gives notice of his desire to have the freehold of a house and premises under this Part of this Act, then unless the notice lapses under any provision of this Act excluding his liability, there shall be borne by him (so far as they are incurred in pursuance of the notice) the reasonable costs of or incidental to any of the following matters:—

- (a) any investigation by the landlord of that person's right to acquire the freehold;
- (b) any conveyance or assurance of the house and premises or any part thereof or of any outstanding estate or interest therein;
- (c) deducing, evidencing and verifying the title to the house and premises or any estate or interest therein;
- (d) making out and furnishing such abstracts and copies as the person giving the notice may require;
- (e) any valuation of the house and premises;

but so that this subsection shall not apply to any costs if on a sale made voluntarily a stipulation that they were to be borne by the purchaser would be void.

(5) The landlord's lien (as vendor) on the house and premises for the price payable shall extend—

- (a) to any sums payable by way of rent or recoverable as rent in respect of the house and premises up to the date of the conveyance; and

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- (b) to any sums for which the tenant is liable under subsection (4) above ; and
- (c) to any other sums due and payable by him to the landlord under or in respect of the tenancy or any agreement collateral thereto.

Rights to be conveyed to tenant on enfranchisement.

1925 c. 20.

10.—(1) Except for the purpose of preserving or recognising any existing interest of the landlord in tenant's incumbrances or any existing right or interest of any other person, a conveyance executed to give effect to section 8 above shall not be framed so as to exclude or restrict the general words implied in conveyances under section 62 of the Law of Property Act 1925, or the all-estate clause implied under section 63, unless the tenant consents to the exclusion or restriction ; but the landlord shall not be bound to convey to the tenant any better title than that which he has or could require to be vested in him, nor to enter into any covenant for title other than such covenant as under section 76(1)(F) of the Law of Property Act 1925 is implied in the case of a person conveying and expressed to convey as trustee or mortgagee.

(2) As regards rights of any of the following descriptions, that is to say,—

- (a) rights of support for any building or part of a building ;
- (b) rights to the access of light and air to any building or part of a building ;
- (c) rights to the passage of water or of gas or other piped fuel, or to the drainage or disposal of water, sewage, smoke or fumes, or to the use or maintenance of pipes or other installations for such passage, drainage or disposal ;
- (d) rights to the use or maintenance of cables or other installations for the supply of electricity, for the telephone or for the receipt directly or by landline of visual or other wireless transmissions ;

a conveyance executed to give effect to section 8 above shall by virtue of this subsection (but without prejudice to any larger operation it may have apart from this subsection) have effect—

- (i) to grant with the house and premises all such easements and rights over other property, so far as the landlord is capable of granting them, as are necessary to secure to the tenant as nearly as may be the same rights as at the relevant time were available to him under or by virtue of the tenancy or any agreement collateral thereto, or under or by virtue of any grant, reservation or agreement made on the severance of the house and premises or any part thereof from other property then comprised in the same tenancy ; and

- (ii) to make the house and premises subject to all such easements and rights for the benefit of other property as are capable of existing in law and are necessary to secure to the person interested in the other property as nearly as may be the same rights as at the relevant time were available against the tenant under or by virtue of the tenancy or any agreement collateral thereto, or under or by virtue of any grant, reservation or agreement made as is mentioned in paragraph (i) above.

(3) As regards rights of way, a conveyance executed to give effect to section 8 above shall include—

- (a) such provisions (if any) as the tenant may require for the purpose of securing to him rights of way over property not conveyed, so far as the landlord is capable of granting them, being rights of way which are necessary for the reasonable enjoyment of the house and premises as they have been enjoyed during the tenancy and in accordance with its provisions; and
- (b) such provisions (if any) as the landlord may require for the purpose of making the property conveyed subject to rights of way necessary for the reasonable enjoyment of other property, being property in which at the relevant time the landlord has an interest, or to rights of way granted or agreed to be granted before the relevant time by the landlord or by the person then entitled to the reversion on the tenancy.

(4) As regards restrictive covenants (that is to say, any covenant or agreement restrictive of the user of any land or premises), a conveyance executed to give effect to section 8 above shall include—

- (a) such provisions (if any) as the landlord may require to secure that the tenant is bound by, or to indemnify the landlord against breaches of, restrictive covenants which affect the house and premises otherwise than by virtue of the tenancy or any agreement collateral thereto and are enforceable for the benefit of other property; and
- (b) such provisions (if any) as the landlord or the tenant may require to secure the continuance (with suitable adaptations) of restrictions arising by virtue of the tenancy or any agreement collateral thereto, being either—
- (i) restrictions affecting the house and premises which are capable of benefiting other property and (if enforceable only by the landlord) are such as

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materially to enhance the value of the other property ;
or

(ii) restrictions affecting other property which are such as materially to enhance the value of the house and premises ;

(c) such further provisions (if any) as the landlord may require to restrict the use of the house and premises in any way which will not interfere with the reasonable enjoyment of the house and premises as they have been enjoyed during the tenancy but will materially enhance the value of other property in which the landlord has an interest.

(5) Neither the landlord nor the tenant shall be entitled under subsection (3) or (4) above to require the inclusion in a conveyance of any provision which is unreasonable in all the circumstances, in view—

(a) of the date at which the tenancy commenced, and changes since that date which affect the suitability at the relevant time of the provisions of the tenancy ; and

(b) where the tenancy is or was one of a number of tenancies of neighbouring houses, of the interests of those affected in respect of other houses.

(6) The landlord may be required to give to the tenant an acknowledgment within the meaning of section 64 of the Law of Property Act 1925 as regards any documents of which the landlord retains possession, but not an undertaking for the safe custody of any such documents ; and where the landlord is required to enter into any covenant under subsection (4) above, the person entering into the covenant as landlord shall be entitled to limit his personal liability to breaches of the covenant for which he is responsible.

1925 c. 20.

Exoneration
from, or
redemption of,
rentcharges
etc.

11.—(1) Where a house and premises are to be conveyed to a tenant in pursuance of section 8 above, section 8(4)(b) shall not preclude the landlord from releasing, or procuring the release of, the house and premises from any rentcharge or other rent falling within section 191 of the Law of Property Act 1925 ; and the conveyance may, with the tenant's agreement (which shall not be unreasonably withheld), provide in accordance with section 190(1) of the Law of Property Act 1925 that a rentcharge shall be charged exclusively on other land affected by it in exoneration of the house and premises, or be apportioned between other land affected by it and the house and premises.

(2) Where, but for this subsection, a conveyance of a house and premises to a tenant might in accordance with section 8

above be made subject, in respect of rents to which this subsection applies, to an annual charge exceeding the annual rent payable under the tenancy at the relevant time, then the landlord shall be bound on or before the execution of the conveyance to secure that the house and premises are discharged from the whole or part of any rents in question to the extent necessary to secure that the annual charge shall not exceed the annual rent so payable; and for this purpose the annual rent shall be calculated in accordance with section 4(1)(b) and (c) and (6) above.

(3) For purposes of subsection (2) above the house and premises shall be treated as discharged from a rent to the extent to which—

- (a) the rent is charged on or apportioned to other land so as to confer on the tenant in respect of the house and premises the remedies against the other land provided for by section 190(2) of the Law of Property 1925 c. 20. Act 1925; or
- (b) the landlord is otherwise entitled to be exonerated from or indemnified against liability for the rent in respect of the house and premises and the tenant will (in so far as the landlord's right is not a right against the tenant himself or his land) become entitled on the conveyance to the like exoneration or indemnity.

(4) Where for the purpose of complying with subsection (2) above the house and premises are to be discharged from a rent by redemption of it (with or without prior apportionment), and for any reason mentioned in section 191(4) of the Law of Property Act 1925 difficulty arises in paying the redemption price, the tenant may, and if so required by the landlord shall, before execution of the conveyance pay into court on account of the price for the house and premises an amount not exceeding the appropriate amount to secure redemption of the rent; and if the amount so paid by the tenant is less than that appropriate amount, the landlord shall pay into court the balance.

(5) Where payment is made into court in accordance with subsection (4) above, the house and premises shall on execution of the conveyance be discharged from the rent, and any claim to the redemption money shall lie against the fund in court and not otherwise.

(6) For purposes of subsection (4) above "the appropriate amount to secure redemption" of a rent is (subject to subsection (7) below) the amount of redemption money agreed to be paid or in default of agreement, the amount certified under section 191 of the Law of Property Act 1925.

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(7) Where a rent affects other property as well as the house and premises, and the other property is not exonerated or indemnified by means of a charge on the house and premises, then—

- (a) “the appropriate amount to secure redemption” of the rent for purposes of subsection (4) above shall, if no amount has been agreed or certified as mentioned in subsection (6), be such sum as, on an application under section 191(7) of the Law of Property Act 1925 for the apportionment of the rent, may, pending the apportionment, be approved by the apportioning authority as suitable provision (with a reasonable margin) for the redemption money of the part likely to be apportioned to the house and premises; and
- (b) the apportionment, when made, shall be deemed to have had effect from the date of the payment into court, and if in respect of any property affected by the rent there has been any overpayment or underpayment, the amount shall be made good by abatement of or addition to the next payment after the apportionment and (if necessary) later payments.

(8) Subsection (2) above applies to rentcharges and other rents falling within section 191 of the Law of Property Act 1925 which during the continuance of the tenancy are, or but for the termination of the tenancy before their commencement would have been, recoverable from the landlord without his having a right to be indemnified by the tenant.

Discharge of mortgages etc. on landlord's estate.

12.—(1) Subject to the provisions of this section, a conveyance executed to give effect to section 8 above shall, as regards any charge on the landlord's estate (however created or arising) to secure the payment of money or the performance of any other obligation by the landlord or any other person, not being a charge subject to which the conveyance is required to be made or which would be overreached apart from this section, be effective by virtue of this section to discharge the house and premises from the charge, and from the operation of any order made by a court for the enforcement of the charge, and to extinguish any term of years created for the purposes of the charge, and shall do so without the persons entitled to or interested in the charge or in any such order or term of years becoming parties to or executing the conveyance.

(2) Where in accordance with subsection (1) above the conveyance to a tenant will be effective to discharge the house and premises from a charge to secure the payment of money, then except as otherwise provided by this section it shall be the duty of the tenant to apply the price payable for the house and

premises, in the first instance, in or towards the redemption of any such charge (and, if there are more than one, then according to their priorities); and if any amount payable in accordance with this subsection to the person entitled to the benefit of a charge is not so paid nor paid into court in accordance with section 13 below, then for the amount in question the house and premises shall remain subject to the charge, and to that extent subsection (1) above shall not apply.

(3) For the purpose of determining the amount payable in respect of any charge under subsection (2) above a person entitled to the benefit of a charge to which that subsection applies shall not be permitted to exercise any right to consolidate that charge with a separate charge on other property; and if the landlord or the tenant is himself entitled to the benefit of a charge to which that subsection applies, it shall rank for payment as it would if another person were entitled to it, and the tenant shall be entitled to retain the appropriate amount in respect of any such charge of his.

(4) For the purpose of discharging the house and premises from a charge to which subsection (2) above applies, a person may be required to accept three months or any longer notice of the intention to pay the whole or part of the principal secured by the charge, together with interest to the date of payment, notwithstanding that the terms of the security make other provision or no provision as to the time and manner of payment; but he shall be entitled, if he so requires, to receive such additional payment as is reasonable in the circumstances in respect of the costs of re-investment or other incidental costs and expenses and in respect of any reduction in the rate of interest obtainable on re-investment.

(5) Subsection (2) above shall not apply to any debenture-holders' charge, that is to say, any charge, whether a floating charge or not, in favour of the holders of a series of debentures issued by a company or other body of persons, or in favour of trustees for such debenture-holders; and any such charge shall be disregarded in determining priorities for purposes of subsection (2):

Provided that this subsection shall not have effect in relation to a charge in favour of trustees for debenture holders which at the date of the conveyance to the tenant is (as regards the house and premises) a specific and not a floating charge.

(6) Where the house and premises are discharged by this section from a charge (without the obligations secured by the charge being satisfied by the receipt of the whole or part of the price), the discharge of the house and premises shall not prejudice any right or remedy for the enforcement of those obligations against other property comprised in the same or any other

PART I security, nor prejudice any personal liability as principal or otherwise of the landlord or any other person.

(7) Subsections (1) and (2) above shall not be taken to prevent a person from joining in the conveyance for the purpose of discharging the house and premises from any charge without payment or for a less payment than that to which he would otherwise be entitled; and, if he does so, the persons to whom the price ought to be paid shall be determined accordingly.

(8) A charge on the landlord's estate to secure the payment of money or the performance of any other obligation shall not be treated for the purposes of this Part of this Act as a tenant's incumbrance by reason only of the grant of the tenancy being subsequent to the creation of the charge and not authorised as against the persons interested in the charge; and this section shall apply as if the persons so interested at the time of the grant had duly concurred in the grant for the purpose (but only for the purpose) of validating it despite the charge on the grantor's estate:

Provided that, where the tenancy is granted after the commencement of this Part of this Act (whether or not it is, by virtue of section 3(3) above, to be treated for other purposes as forming a single tenancy with a previous tenancy) and the tenancy has not by the time of the conveyance of the house and premises to the tenant become binding on the persons interested in the charge, the conveyance shall not by virtue of this section discharge the house and premises from the charge except so far as it is satisfied by the application or payment into court of the price payable for the house and premises.

(9) Nothing in this section shall apply in relation to any charge falling within section 11 above, and for purposes of subsection (2) above the price payable for the house and premises shall be treated as reduced by any amount to be paid out of it before execution of the conveyance for the redemption of a rent in accordance with section 11(4).

Payment into court in respect of mortgages etc.

13.—(1) Where under section 12(1) above a house and premises are, on a conveyance to the tenant, to be discharged of any charge falling within that subsection, and in accordance with section 12(2) a person is or may be entitled in respect of the charge to receive the whole or part of the price payable for the house and premises, then if—

- (a) for any reason difficulty arises in ascertaining how much is payable in respect of the charge; or
- (b) for any reason mentioned in subsection (2) below difficulty arises in making a payment in respect of the charge;

the tenant may pay into court on account of the price for the house and premises the amount, if known, of the payment to be made in respect of the charge or, if that amount is not known, the whole of the price or such less amount as the tenant thinks right in order to provide for that payment.

(2) Payment may be made into court in accordance with subsection (1)(b) above where the difficulty arises for any of the following reasons:—

- (a) because a person who is or may be entitled to receive payment cannot be found or ascertained ;
- (b) because any such person refuses or fails to make out a title, or to accept payment and give a proper discharge, or to take any steps reasonably required of him to enable the sum payable to be ascertained and paid ; or
- (c) because a tender of the sum payable cannot, by reason of complications in the title to it or the want of two or more trustees or for other reasons, be effected, or not without incurring or involving unreasonable cost or delay.

(3) Without prejudice to subsection (1)(a) above, the price payable for a house and premises on a conveyance under section 8 above shall be paid by the tenant into court if before execution of the conveyance written notice is given to him—

- (a) that the landlord or a person entitled to the benefit of a charge on the house and premises so requires for the purpose of protecting the rights of persons so entitled, or for reasons related to any application made or to be made under section 36 below, or to the bankruptcy or winding up of the landlord ; or
- (b) that steps have been taken to enforce any charge on the landlord's interest in the house and premises by the bringing of proceedings in any court, or by the appointment of a receiver, or otherwise ;

and where payment is to be made into court by reason only of a notice under this subsection, and the notice is given with reference to proceedings in a court specified in the notice other than the county court, payment shall be made into the court so specified.

(4) For the purpose of computing the amount payable into court under this section, the price payable for the house and premises shall be treated as reduced by any amount to be paid out of it before execution of the conveyance for the redemption of a rent in accordance with section 11(4) above.

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Extension

Obligation
to grant
extended
lease.

14.—(1) Where a tenant of a house has under this Part of this Act a right to an extended lease, and gives to the landlord written notice of his desire to have it, then except as provided by this Part of this Act the landlord shall be bound to grant to the tenant, and the tenant to accept, in substitution for the existing tenancy a new tenancy of the house and premises for a term expiring fifty years after the term date of the existing tenancy.

(2) Where a person gives notice of his desire to have an extended lease of a house and premises under this Part of this Act, then unless the notice lapses under any provision of this Act excluding his liability, there shall be borne by him (so far as they are incurred in pursuance of the notice) the reasonable costs of or incidental to any of the following matters:—

- (a) any investigation by the landlord of that person's right to an extended lease ;
- (b) any lease granting the new tenancy ;
- (c) any valuation of the house and premises obtained by the landlord before the grant of the new tenancy for the purpose of fixing the rent payable under it in accordance with section 15 below.

(3) A tenant shall not be entitled to require the execution of a lease granting a new tenancy under this section otherwise than on tender of the amount, so far as ascertained,—

- (a) of any sums payable by way of rent or recoverable as rent in respect of the house and premises up to the date of tender ; and
- (b) of any sums for which at that date the tenant is liable under subsection (2) above ; and
- (c) of any other sums due and payable by him to the landlord under or in respect of the existing tenancy or any agreement collateral thereto ;

and, if the amount of any such sums is not or may not be fully ascertained, on offering reasonable security for the payment of such amount as may afterwards be found to be payable in respect of them.

(4) This section shall have effect notwithstanding that the grant of the existing tenancy was subsequent to the creation of a charge on the landlord's estate and not authorised as against the persons interested in the charge ; and a lease executed to give effect to this section shall be deemed to be authorised as against the persons interested in any charge on the landlord's estate, however created or arising, and shall be binding on them :

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Provided that, where the existing tenancy is granted after the commencement of this Part of this Act (whether or not it is, by virtue of section 3(3) above, to be treated for other purposes as forming a single tenancy with a previous tenancy) and, the grant being subsequent to the creation of the charge on the landlord's estate, the existing tenancy is not binding on the persons interested in the charge, a lease executed to give effect to this section shall not by virtue of this subsection be binding on those persons.

(5) Where a lease is executed to give effect to this section, and any person having a charge on the landlord's estate is by reason thereof entitled to possession of the documents of title relating to that estate, the landlord shall within one month after execution of the lease deliver to that person a counterpart of it duly executed by the tenant, and the instrument creating or evidencing the charge shall apply in the event of his failing to deliver a counterpart in accordance with this subsection as if the obligation to do so were included in the terms of the charge as set out in that instrument.

(6) Where under a lease executed to give effect to this section the new tenancy takes effect subject to a subsisting charge on the existing tenancy, and at the time of its execution the person having the charge is by reason thereof entitled to possession of the documents of title relating to the existing tenancy, then he shall be similarly entitled to possession of the documents of title relating to the new tenancy and the tenant shall within one month of the execution of the lease deliver it to him, and the instrument creating or evidencing the charge shall apply in the event of the tenant failing to deliver the lease in accordance with this subsection as if the obligation to do so were included in the terms of the charge as set out in that instrument.

(7) A landlord granting a lease under this section shall be bound to take such steps as may be necessary to secure that it is not liable in accordance with the proviso to subsection (4) above to be defeated by persons interested in a charge on his estate; but a landlord is not obliged, in order to grant a lease under this section, to acquire a better title than he has or could require to be vested in him.

15.—(1) Subject to the provisions of this Part of this Act, the new tenancy to be granted under section 14 above shall be a tenancy on the same terms as the existing tenancy as those terms apply at the relevant time, but with such modifications as may be required or appropriate to take account—

Terms of tenancy to be granted on extension.

(a) of the omission from the new tenancy of property comprised in the existing tenancy; or

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- (b) of alterations made to the property demised since the grant of the existing tenancy ; or
- (c) in a case where the existing tenancy derives (in accordance with section 3(6) above) from more than one separate tenancies, of their combined effect and of the differences (if any) in their terms.

(2) The new tenancy shall provide that as from the original term date the rent payable for the house and premises shall be a rent ascertained or to be ascertained as follows :—

- (a) the rent shall be a ground rent in the sense that it shall represent the letting value of the site (without including anything for the value of buildings on the site) for the uses to which the house and premises have been put since the commencement of the existing tenancy, other than uses which by the terms of the new tenancy are not permitted or are permitted only with the landlord's consent ;
- (b) the letting value for this purpose shall be in the first instance the letting value at the date from which the rent based on it is to commence, but as from the expiration of twenty-five years from the original term date the letting value at the expiration of those twenty-five years shall be substituted, if the landlord so requires, and a revised rent become payable accordingly ;
- (c) the letting value at either of the times mentioned shall be determined not earlier than twelve months before that time (the reasonable cost of obtaining a valuation for the purpose being borne by the tenant), and there shall be no revision of the rent as provided by paragraph (b) above unless in the last of the twenty-five years there mentioned the landlord gives the tenant written notice claiming a revision.

(3) Where during the continuance of the new tenancy the landlord will be under any obligation for the provision of services, or for repairs, maintenance or insurance, the rent payable in accordance with subsection (2) above shall be in addition to any sums payable (whether as rent or otherwise) in consideration of those matters or in respect of the cost thereof to the landlord ; and if the terms of the existing tenancy include no provision for the making of any such payments by the tenant, or provision only for the payment of a fixed amount, the terms of the new tenancy shall make, as from the time when rent becomes payable in accordance with subsection (2) above, such provision as may be just for the making by the tenant of payments related to the cost from time to time to the landlord.

and for the tenant's liability to make those payments to be enforceable by distress, re-entry or otherwise in like manner as the liability for the rent.

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(4) Subject to subsection (5) below, provision shall be made by the terms of the new tenancy or by an instrument collateral thereto for the continuance with any suitable adaptations of any agreement collateral to the existing tenancy.

(5) For purposes of subsections (1) and (4) above, there shall be excluded any term of the existing tenancy or any agreement collateral thereto in so far as that term provides for or relates to the renewal of the tenancy, or confers any option to purchase or right of pre-emption in relation to the house and premises, or provides for the termination of the tenancy before the term date otherwise than in the event of a breach of its terms; and there shall be made in the terms of the new tenancy or any instrument collateral thereto such modifications as may be required or appropriate to take account of the exclusion of any such term as aforesaid.

(6) Where the new tenancy is granted after the original term date, the first reference in subsection (2) above to that date shall have effect as a reference to the grant of the new tenancy; but on the grant of the new tenancy there shall be payable by the tenant to the landlord as an addition to the rent payable under the existing tenancy any amount by which for the period since the relevant time or the original term date (whichever is the later) the sums payable to the landlord in respect of the house and premises (after making any necessary apportionment) for rent and matters referred to in subsection (3) above fall short in total of the sums that would have been payable for rent and matters so referred to under the new tenancy, and section 14(3)(a) above shall apply accordingly.

(7) Subsections (1) to (6) above shall have effect subject to any agreement between the landlord and tenant as to the terms of the new tenancy or any agreement collateral thereto; and either of them may require that for purposes of the new tenancy there shall be excluded or modified any term of the existing tenancy or an agreement collateral thereto which it would be unreasonable in the circumstances to include unchanged in the new tenancy in view of the date at which the existing tenancy commenced and of changes since that date which affect the suitability at the relevant time of the provisions of that tenancy.

(8) The new tenancy shall make provision in accordance with section 16(4) below, and shall reserve to the landlord the right to resume possession in accordance with section 17.

(9) In granting the new tenancy, the landlord shall not be bound to enter into any covenant for title beyond that implied

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from the grant, and a person entering into any covenant required of him as landlord shall be entitled to limit his personal liability to breaches of the covenant for which he is responsible.

1956 c. 69.

(10) Nothing in this section shall affect the rights or obligations of the landlord under section 35 of and Schedule 1 to the Sexual Offences Act 1956 (which apply where the tenant or occupier of any premises is convicted of permitting the whole or part of them to be used as a brothel).

Exclusion
of further
rights after
extension.

16.—(1) Subject to subsections (2) and (3) below, where a tenancy of a house and premises has been extended under section 14 above, then as regards any property comprised in the extended tenancy—

1954 c. 56.

- (a) the right of a tenant under this Part of this Act to acquire the freehold by virtue of the tenancy shall not be exercisable unless notice of his desire to have the freehold is given not later than the original term date of the tenancy; and
- (b) there shall be no further right to an extension of the tenancy under this Part of this Act; and
- (c) neither section 1 of the Landlord and Tenant Act 1954 nor Part II of that Act shall apply to the tenancy; and
- (d) after the extended term date neither section 1 of the Landlord and Tenant Act 1954 nor Part II of that Act shall apply to any sub-tenancy directly or indirectly derived out of the tenancy, nor shall a person be entitled by virtue of any such sub-tenancy to retain possession under the Rent Acts.

(2) Where—

- (a) a tenancy of a house and premises has been extended under section 14 above; and
- (b) any part other than the house of the property then comprised in that tenancy is afterwards (while so comprised) held or occupied with another house not so comprised;

subsection (1)(a) or (b) above shall not apply to exclude any right under this Part of this Act of a tenant of the other house to acquire the freehold or an extended lease of that part as being at the relevant time comprised in his house and premises, unless the landlord objects in accordance with subsection (3) below.

(3) If, in a case falling within subsection (2) above, a tenant of the other house gives notice of his desire to have the freehold or an extended lease under this Part of this Act, the landlord, not later than two months afterwards, may give him written

notice objecting to the inclusion in his house and premises of the part in question; and, if the landlord does so, that part shall be treated as not so included and this Part of this Act shall apply as it applies where property is excluded from a house and premises under section 2(4):

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Provided that if the tenant is seeking to acquire the freehold, this subsection shall apply only if his notice is given after the original term date of the tenancy under which the said part is held.

(4) Where a tenancy has been extended under section 14 above, no long tenancy created immediately or derivatively by way of sub-demise under the tenancy shall confer on the sub-tenant, as against the tenant's landlord, any right under this Part of this Act to acquire the freehold or an extended lease.

(5) Where a tenancy has been extended under section 14 above, and that tenancy and any subsequent tenancy at a low rent of property comprised in it (with or without intervening tenancies) are to be treated under section 3(3) above as a single tenancy of that property, the single tenancy shall be treated for purposes of this section as one which has been extended under section 14, and the instrument granting any such subsequent tenancy shall make provision in accordance with subsection (4) above.

(6) A person granting a sub-tenancy to which subsection (1)(d) above will apply, or negotiating with a view to the grant of such a sub-tenancy by him or by a person for whom he is acting as agent, shall inform the other party that the sub-tenancy is to be derived out of a tenancy extended under section 14 of this Act (or one treated for purposes of this section as so extended), unless either he knows that the other party is aware of it or he himself is unaware of it.

(7) Where an instrument extending a tenancy at a low rent, or granting a further tenancy at a low rent in substitution for or in continuance of such a tenancy, contains a statement to the effect that the tenancy is being or has been previously extended under this Part of this Act, the statement shall be conclusive for purposes of this section in favour of any person not being a party to the instrument, unless the statement appears from the instrument to be untrue.

(8) Any person who—

- (a) includes or causes to be included in an instrument a statement to the effect mentioned in subsection (7) above, knowing the statement to be untrue; or
- (b) executes, or with intent to deceive makes use of, any instrument, knowing that it contains such a statement and that the statement is untrue;

PART I shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, or on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both.

Landlord's overriding rights

Redevelopment
rights
(exclusion or
termination
of extension).

17.—(1) Where a tenancy of a house and premises has been extended under section 14 above, the landlord may, at any time not earlier than twelve months before the original term date of the tenancy, apply to the court for an order that he may resume possession of the property on the ground that for purposes of redevelopment he proposes to demolish or reconstruct the whole or a substantial part of the house and premises.

(2) If on an application under subsection (1) above the court is satisfied that the landlord has established the ground mentioned in that subsection, then subject to the provisions of this section the court shall by order declare that the landlord is entitled as against the tenant to obtain possession of the house and premises and the tenant is entitled to be paid compensation by the landlord for the loss of the house and premises.

(3) Where an order is made under subsection (2) above, the tenancy shall determine and the compensation become payable in accordance with Schedule 2 to this Act; and the provisions of that Schedule shall have effect as regards the measure of compensation under any such order and the effects of the order where there are sub-tenancies, and as regards other matters relating to applications and orders under this section.

(4) Where the tenancy of a house and premises has not been extended under section 14 above, but the tenant has a right to an extended lease and gives notice of his desire to have one, then this section shall apply as if the lease had been extended under section 14; and—

(a) on the making by the landlord of an application under this section, the notice shall be suspended until the time when an order under subsection (2) or an order dismissing the application becomes final or the application is withdrawn; and

(b) on an order under subsection (2) becoming final, the notice shall cease to have effect, but section 14(2) above shall not apply to require the tenant to make any payment to the landlord in respect of costs incurred by reason of the notice.

(5) For purposes of subsection (4) above, the reference in subsection (1) to the original term date shall have effect as a reference to the term date or, in a case where before the

relevant time the landlord had given notice to quit terminating the tenancy at a date earlier than the term date, as a reference to the date specified in the notice to quit.

(6) Where a landlord makes an application under subsection (1) above, then—

(a) if the tenant afterwards gives notice of his desire to have the freehold of the house and premises under this Part of this Act, that notice shall be of no effect if it is not given before the date of the order fixing the date for the termination of the tenancy (in accordance with Schedule 2 to this Act), or if the tenant's notice of his desire to have an extended lease was given within twelve months before the making of the landlord's application; and

(b) if a notice given by the tenant (before or after the making of the landlord's application) of his desire to have the freehold has effect, no order or further order shall be made on the landlord's application except as regards costs, but without prejudice to the making of a further application by the landlord if the tenant's notice lapses without effect being given to it.

18.—(1) Subject to subsection (2) below, where the tenancy of a house and premises has not been extended under section 14 above, but the tenant has a right to acquire the freehold or an extended lease and has given notice of his desire to have it, the landlord may, at any time before effect is given to the notice, apply to the court for an order that he may resume possession of the property on the ground that it or part of it is or will be reasonably required by him for occupation as the only or main residence of the landlord or of a person who is at the time of the application an adult member of the landlord's family.

Residential rights (exclusion of enfranchisement or extension).

(2) A landlord shall not be entitled to apply to the court under this section if his interest in the house and premises, or an interest which has merged in that interest but would otherwise have had a duration extending at least five years longer than that of the tenancy, was purchased or created after the 18th February 1966; and for purposes of this subsection the duration of any interest in the house and premises (including the tenancy) shall be taken to be the period until it is due to expire or, if capable of earlier determination by notice given by a person as landlord, the date or earliest date which has been or could be specified in such a notice.

(3) Where the landlord's interest is held on trust, subsection (1) above shall apply as if the reference to occupation as the residence of the landlord were a reference to the like occupation of a person having an interest under the trust (whether or not

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also a trustee), and the reference to a member of the landlord's family were a reference to the like member of such a person's family; and for purposes of subsection (1) a person is an adult member of another's family if that person is—

- (a) the other's wife or husband; or
- (b) a son or daughter or a son-in-law or daughter-in-law of the other, or of the other's wife or husband, who has attained the age of eighteen; or
- (c) the father or mother of the other, or of the other's wife or husband.

In paragraph (b) above any reference to a person's son or daughter includes a reference to any stepson or stepdaughter, any illegitimate son or daughter, and any adopted son or daughter, of that person, and "son-in-law" and "daughter-in-law" shall be construed accordingly.

(4) If on an application under subsection (1) above the court is satisfied that the landlord has established the ground mentioned in that subsection and is not disentitled by subsection (2), the court shall by order declare that the landlord is entitled as against the tenant to obtain possession of the house and premises and the tenant is entitled to be paid compensation by the landlord for the loss of the house and premises:

Provided that the court shall not make an order under this subsection if the court is satisfied that having regard to all the circumstances of the case, including the question whether other accommodation is available for the landlord or the tenant, greater hardship would be caused by making the order than by refusing to make it.

(5) Where an order is made under subsection (4) above, the tenancy shall determine and the compensation become payable in accordance with Schedule 2 to this Act; and the provisions of that Schedule shall have effect as regards the measure of compensation under any such order and the effects of the order where there are sub-tenancies, and as regards other matters relating to applications and orders under this section.

(6) Where a landlord makes an application under this section,—

- (a) any notice previously given by the tenant of his desire to have the freehold or an extended lease of the house and premises under this Part of this Act shall be suspended until the time when an order under subsection (4) or an order dismissing the application becomes final or the application is withdrawn; and
- (b) on an order under subsection (4) becoming final, the notice shall cease to have effect, but section 9(4)

or 14(2) above shall not apply to require the tenant to make any payment to the landlord in respect of costs incurred by reason of the notice ;

and a notice of the tenant's desire to have the freehold shall be of no effect if given after the making of the application and before the time referred to in paragraph (a) above or after an order under subsection (4) above has become final.

19.—(1) Where, in the case of any area which is occupied directly or indirectly under tenancies held from one landlord (apart from property occupied by him or his licensees or for the time being unoccupied), the Minister on an application made within the two years beginning with the commencement of this Part of this Act grants a certificate that, in order to maintain adequate standards of appearance and amenity and regulate redevelopment in the area in the event of tenants acquiring the landlord's interest in their house and premises under this Part of this Act, it is in the Minister's opinion likely to be in the general interest that the landlord should retain powers of management in respect of the house and premises or have rights against the house and premises in respect of the benefits arising from the exercise elsewhere of his powers of management, then the High Court may, on an application made within one year of the giving of the certificate, approve a scheme giving the landlord such powers and rights as are contemplated by this subsection.

Retention of management powers for general benefit of neighbourhood.

For purposes of this section "the Minister" means as regards areas within Wales and Monmouthshire the Secretary of State, and as regards other areas the Minister of Housing and Local Government.

(2) The Minister shall not give a certificate under this section unless he is satisfied that the applicant has, by advertisement or otherwise as may be required by the Minister, given adequate notice to persons interested, informing them of the application for a certificate and its purpose and inviting them to make representations to the Minister for or against the application within a time which appears to the Minister to be reasonable ; and before giving a certificate the Minister shall consider any representations so made within that time, and if from those representations it appears to him that there is among the persons making them substantial opposition to the application, he shall afford to those opposing the application, and on the same occasion to the applicant and such (if any) as the Minister thinks fit of those in favour of the application, an opportunity to appear and be heard by a person appointed by the Minister for the purpose, and shall consider the report of that person.

(3) The Minister in considering whether to grant a certificate authorising a scheme for any area, and the High Court in

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considering whether to approve a scheme shall have regard primarily to the benefit likely to result from the scheme to the area as a whole (including houses likely to be acquired from the landlord under this Part of this Act), and the extent to which it is reasonable to impose, for the benefit of the area, obligations on tenants so acquiring their freeholds; but regard may also be had to the past development and present character of the area and to architectural or historical considerations, to neighbouring areas and to the circumstances generally.

(4) If, having regard to the matters mentioned in subsection (3) above, to the provision which it is practicable to make by a scheme, and to any change of circumstances since the giving of the certificate under subsection (1), the High Court think it proper so to do, then the High Court may by order—

(a) exclude from the scheme any part of the area certified under that subsection; or

(b) declare that no scheme can be approved for the area; and before submitting for approval a scheme for an area so certified a person may, if he sees fit, apply to the High Court for general directions as to the matters proper to be included in the scheme and for a decision whether an order should be made under paragraph (a) or (b) above.

(5) Subject to subsections (3) and (4) above, on the submission of a scheme to the High Court, the High Court shall approve the scheme either as originally submitted or with any modifications proposed or agreed to by the applicant for the scheme, if the scheme (with those modifications, if any) appears to the court to be fair and practicable and not to give the landlord a degree of control out of proportion to that previously exercised by him or to that required for the purposes of the scheme; and the High Court shall not dismiss an application for the approval of a scheme, unless either—

(a) the Court makes an order under subsection (4)(b) above; or

(b) in the opinion of the Court the applicant is unwilling to agree to a suitable scheme or is not proceeding in the matter with due despatch.

(6) A scheme under this section may make different provision for different parts of the area, and shall include provision for terminating or varying all or any of the provisions of the scheme, or excluding part of the area, if a change of circumstances makes it appropriate, or for enabling it to be done by or with the approval of the High Court.

(7) Except as provided by the scheme, the operation of a scheme under this section shall not be affected by any disposition

or devolution of the landlord's interest in the property within the area or parts of that property ; but the scheme—

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- (a) shall include provision for identifying the person who is for the purposes of the scheme to be treated as the landlord for the time being ; and
- (b) may include provision for transferring, or allowing the landlord for the time being to transfer, all or any of the powers and rights conferred by the scheme on the landlord for the time being to a local authority or other body, including a body constituted for the purpose.

In the following provisions of this section references to the landlord for the time being shall have effect, in relation to powers and rights transferred to a local authority or other body as contemplated by paragraph (b) above, as references to that authority or body.

(8) Without prejudice to any other provision of this section, a scheme under it may provide for all or any of the following matters :—

- (a) for regulating the redevelopment, use or appearance of property of which tenants have acquired the landlord's interest under this Part of this Act ; and
- (b) for empowering the landlord for the time being to carry out work for the maintenance or repair of any such property or carry out work to remedy a failure in respect of any such property to comply with the scheme, or for making the operation of any provisions of the scheme conditional on his doing so or on the provision or maintenance by him of services, facilities or amenities of any description ; and
- (c) for imposing on persons from time to time occupying or interested in any such property obligations in respect of maintenance or repair of the property or of property used or enjoyed by them in common with others, or in respect of cost incurred by the landlord for the time being on any matter referred to in this paragraph or in paragraph (b) above ;
- (d) for the inspection from time to time of any such property on behalf of the landlord for the time being, and for the recovery by him of sums due to him under the scheme in respect of any such property by means of a charge on the property ;

and the landlord for the time being shall have, for the enforcement of any charge imposed under the scheme, the same powers and remedies under the Law of Property Act 1925 and other- 1925 c. 20.
wise as if he were a mortgagee by deed having powers of sale and leasing and of appointing a receiver.

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(9) A scheme under this section may extend to property in which the landlord's interest is disposed of otherwise than under this Part of this Act (whether residential property or not), so as to make that property, or allow it to be made, subject to any such provision as is or might be made by the scheme for property in which tenants acquire the landlord's interest under this Part of this Act.

1925 c. 22.

(10) A certificate given or scheme approved under this section shall be registered under the Land Charges Act 1925 as a local land charge ; and where a scheme is so registered—

- (a) the provisions of the scheme relating to property of any description shall, so far as they respectively affect the persons from time to time occupying or interested in that property, be enforceable by the landlord for the time being against them, as if each of them had covenanted with the landlord for the time being to be bound by the scheme ; and
- (b) in relation to a house and premises in the area section 10 above shall have effect subject to the provisions of the scheme, and the price payable under section 9 shall be adjusted accordingly.

(11) Subject to subsections (12) and (13) below, a certificate shall not be given nor a scheme approved under this section for any area except on the application of the landlord.

(12) Where, on a joint application made by two or more persons as landlords of neighbouring areas, it appears to the Minister—

- (a) that a certificate could in accordance with subsection (1) above be given as regards those areas, treated as a unit, if the interests of those persons were held by a single person ; and
- (b) that the applicants are willing to be bound by any scheme to co-operate in the management of their property in those areas and in the administration of the scheme ;

the Minister may give a certificate under this section for those areas as a whole ; and where a certificate is given by virtue of this subsection, this section shall apply accordingly, but so that any scheme made by virtue of the certificate shall be made subject to conditions (enforceable in such manner as may be provided by the scheme) for securing that the landlords and their successors co-operate as aforesaid.

(13) Where it appears to the Minister—

- (a) that a certificate could be given under this section for any area or areas on the application of the landlord or landlords ; and

- (b) that any body of persons is so constituted as to be capable of representing for purposes of this section the persons occupying or interested in property in the area or areas (other than the landlord or landlords), or such of them as are or may become entitled to acquire their landlord's interest under this Part of this Act, and is otherwise suitable ;

then on an application made by that body either alone or jointly with the landlord or landlords a certificate may be granted accordingly ; and where a certificate is so granted, whether to a representative body alone or to a representative body jointly with the landlord or landlords,—

- (i) an application for a scheme in pursuance of the certificate may be made by the representative body alone or by the landlord or landlords alone or by both jointly and, by leave of the High Court, may be proceeded with by the representative body or by the landlord or landlords though not the applicant or applicants ; and
- (ii) without prejudice to subsection (7)(b) above, the scheme may, with the consent of the landlord or landlords or on such terms as to compensation or otherwise as appear to the High Court to be just, confer on the representative body any such rights or powers under the scheme as might be conferred on the landlord or landlords for the time being, or enable the representative body to participate in the administration of the scheme or in the management by the landlord or landlords of his or their property in the area or areas.

(14) Where a certificate under this section has been given for an area, or an application for one is pending, then subject to subsection (15) below if (before or after the making of the application or the giving of the certificate) a tenant of a house in the area gives notice of his desire to have the freehold under this Part of this Act,—

- (a) no further proceedings need be taken in relation to the notice beyond those which appear to the landlord to be reasonable in the circumstances ; but
- (b) the tenant may at any time withdraw the notice by a further notice in writing given to the landlord, and section 9(4) above shall not apply to require him to make any payment to the landlord in respect of costs incurred by reason of the notice withdrawn.

(15) Subsection (14) above shall cease to have effect by virtue of an application for a certificate if the application is withdrawn or the certificate refused, and shall cease to have effect as regards the whole or part of an area to which a certificate relates—

- (a) on the approval of a scheme for the area or that part of it ; or

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- (b) on the expiration of one year from the giving of the certificate without an application having been made to the High Court for the approval of a scheme for the area or that part of it, or on the withdrawal of an application so made without a scheme being approved ;
or
- (c) on an order made under subsection (4) above with respect to the area or that part of it, or an order dismissing an application for the approval of a scheme for the area or that part of it, becoming final.

Determination of questions, procedure, etc.

Jurisdiction
and special
powers of
county court.
1959 c. 22.

20.—(1) Subject to section 115 of the County Courts Act 1959, any jurisdiction expressed to be conferred on the court by this Part of this Act shall, unless the contrary intention appears, be exercised by the county court.

(2) Except as provided by this section and section 21 below, there shall also be brought in the county court any proceedings under this Part of this Act of the following descriptions:—

- (a) proceedings for determining whether a person is entitled to acquire the freehold or an extended lease of a house and premises, or to what property his right extends ;
- (b) proceedings for determining what provisions ought to be contained in a conveyance in accordance with section 10 or 29(1), or in a lease granting a new tenancy under section 14 ;
- (c) any other proceedings relating to the performance or discharge of obligations arising out of a tenant's notice of his desire to have the freehold or an extended lease, including proceedings for the recovery of damages or compensation in the event of the obligations not being performed ;
- (d) any proceedings for determining the amount of a sub-tenant's share under Schedule 2 to this Act in compensation payable to a tenant under section 17 or 18, or for establishing or giving effect to his right to it.

(3) Where in connection with any acquisition by a tenant of the freehold or an extended lease under this Part of this Act it is necessary to apportion between the house and premises (or part of them) and other property the rent payable under his tenancy or any superior or reversionary tenancy, then, subject to section 115 of the County Courts Act 1959 and to section 21 below, the apportionment shall be made by the county court.

(4) Where it is made to appear to the court that the landlord or the tenant has been guilty of any unreasonable delay or default in the performance of obligations arising from a

tenant's notice of his desire to have the freehold or an extended lease under this Part of this Act, then (without prejudice to any right to damages) the court may—

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- (a) by order revoke or vary, and direct repayment of sums paid under, any provision made by a previous order as to payment of the costs of proceedings in the court in relation to the matter, or, where costs have not been awarded, award costs ;
- (b) certify particulars of the delay or default to the Lands Tribunal with a view to enabling the Tribunal to exercise a like discretion in relation to costs of proceedings before the Tribunal.

(5) Where a person gives notice of his desire to have the freehold or to have an extended lease of a house and premises under this Part of this Act, and the notice either is set aside by the court or withdrawn, or ceases to have effect, or would, if valid, cease to have effect, then if it is made to appear to the court—

- (a) that the notice was not given in good faith ; or
- (b) that the person giving the notice attempted in any material respect to support it by misrepresentation or the concealment of material facts ;

the court may, on the application of the landlord, order that person to pay to the landlord such sum as appears sufficient as compensation for damage or loss sustained by the landlord as the result of the giving of the notice.

(6) In any case where under subsection (5) above the court has power, on the application of the landlord, to order a person to make a payment to the landlord, the court (whether or not it makes an order under that subsection) may, on the application of the landlord, order that any further notice given by that person under this Part of this Act of his desire to have the freehold or an extended lease of the same house or any part of it, with or without other property, shall be void if given within the five years beginning with the date of the order.

(7) Subsection (2)(c) above shall not prevent the bringing of proceedings in a court other than the county court where the claim is for damages or pecuniary compensation only.

21.—(1) The following matters shall, in default of agreement, be determined by the Lands Tribunal namely,—

Jurisdiction
of Lands
Tribunal.

- (a) the price payable for a house and premises under section 9 above ;
- (b) the amount of the rent to be payable (whether originally or on a revision) for a house and premises in accordance with section 15(2) ;

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(c) the amount of any compensation payable to a tenant under section 17 or 18 for the loss of a house and premises.

(2) Notwithstanding section 20(2) or (3) above, the Lands Tribunal shall have jurisdiction, either by agreement or in a case where an application is made to the Tribunal under subsection (1) above with reference to the same transaction,—

(a) to determine what provisions ought to be contained in a conveyance in accordance with section 10 or 29(1) of this Act, or in a lease granting a new tenancy under section 14 ; or

(b) to apportion between the house and premises (or part of them) and other property the rent payable under any tenancy ; or

(c) to determine the amount of a sub-tenant's share under Schedule 2 to this Act in compensation payable to a tenant under section 17 or 18.

(3) Where, after an application has been made to the court with respect to any matter falling within the jurisdiction of the Lands Tribunal under subsection (2) above, an application is made to the Tribunal under subsection (1) and it appears to the court convenient that the questions arising on the two applications should be disposed of together, the court may by order transfer to the Lands Tribunal the proceedings on the application to the court.

(4) Where under subsection (3) above proceedings are transferred from a county court to the Lands Tribunal, the costs of the whole proceedings both before and after the transfer shall, subject to any order made by the court, be in the discretion of the Lands Tribunal ; and without prejudice to the generality of section 3(6) of the Lands Tribunal Act 1949 or section 102 of the County Courts Act 1959, the powers thereby conferred to make rules of procedure shall extend to prescribing the procedure consequent on any such transfer.

(5) Where the court gives any such certificate as is authorised by section 20(4) above, the Lands Tribunal may make the like order as to costs of proceedings before the Lands Tribunal in relation to the matter in question as the court is authorised by that subsection to make.

22.—(1) The provisions of Schedule 3 to this Act shall have effect—

(a) to exclude a tenant's right to acquire the freehold or an extended lease under this Part of this Act if a notice of his desire to have it is given too late ; and

(b) to make a notice of a person's desire to have the freehold or an extended lease under this Part of this Act effectual where apart from the notice the tenancy would or might terminate by forfeiture or otherwise ; and

1949 c. 42.
1959 c. 22.

Validity of tenants' notices, effect on Landlord and Tenant Act 1954 and on notices to quit etc., and procedure generally.

- (c) for adapting the procedure under Parts I and II of the Landlord and Tenant Act 1954, and for relating to one another proceedings under that Act and proceedings under this Part of this Act ; and
- (d) generally for regulating the procedure under this Part of this Act.

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1954 c. 56.

(2) Where a tenant having a right under this Part of this Act to acquire the freehold or an extended lease gives the landlord notice in accordance with this Part of this Act of his desire to have it, then except as otherwise provided by this Act the procedure for giving effect to the notice, and the rights and obligations of all parties in relation to the investigation of title and other matters arising in giving effect to the notice, shall be such as may be prescribed by regulations made by the Lord Chancellor by statutory instrument (which shall be subject to annulment in pursuance of a resolution of either House of Parliament), and subject to or in the absence of provision made by any such regulations as regards any matter shall be as nearly as may be the same as in the case of a contract of sale or leasing freely negotiated between the parties.

(3) In relation to a claim to acquire the freehold, regulations under subsection (2) above may include provision—

- (a) for a sum on account of the price payable for the house and premises and landlord's costs to be deposited with the landlord or with some person as his agent or as stakeholder, and for the return or forfeiture in any prescribed circumstances of the whole or part of the sum deposited ;
- (b) for enabling or requiring the tenant in any prescribed circumstances, instead of continuing to pay rent under the tenancy, to pay sums representing interest on the price payable or, at his option, either to pay such sums as aforesaid or to pay or deposit the price payable or the balance of it ;
- (c) for any matters incidental to or arising out of the matters mentioned above ;

and in relation to any claim the regulations may provide for discharging the landlord or the tenant by reason of the other's default or delay from the obligations arising out of the claim.

(4) In the case of a claim to acquire the freehold, subsection (2) above shall not be taken in any case as applying forms prescribed under section 46 of the Law of Property Act 1925 for contracts entered into by correspondence ; but, without prejudice to the generality of that subsection section 49 (which provides for the determination of questions arising between vendor and purchaser) shall apply.

1925 c. 20.

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1954 c. 56.

(5) Section 66 of the Landlord and Tenant Act 1954 (which requires the prescribed form for a notice to be prescribed by regulations of the Lord Chancellor, and makes provisions as to the contents of prescribed forms and as to the service of notices) shall have effect as if any reference therein to that Act were a reference also to this Part of this Act.

Supplementary

Agreements
excluding or
modifying
rights of
tenant.

23.—(1) Except as provided by this section, any agreement relating to a tenancy (whether contained in the instrument creating the tenancy or not and whether made before the creation of the tenancy or not) shall be void in so far as it purports to exclude or modify any right to acquire the freehold or an extended lease or right to compensation under this Part of this Act, or provides for the termination or surrender of the tenancy in the event of a tenant acquiring or claiming any such right or for the imposition of any penalty or disability on the tenant in that event.

(2) Subsection (1) above shall not be taken to preclude a tenant from surrendering his tenancy, and shall not—

- (a) invalidate any agreement for a tenant to acquire an interest superior to his tenancy or an extended lease on terms different from those provided for by this Part of this Act ; or
- (b) where a tenant has given notice of his desire to have the freehold or an extended lease under this Part of this Act, invalidate any agreement between the landlord and the tenant that that notice shall cease to be binding or any provision of such an agreement excluding or restricting for a period not exceeding five years the right to give a further notice of either kind with respect to the house or any part of it ; or
- (c) where a tenant's right to compensation has accrued, invalidate any agreement as to the amount of the compensation.

(3) Where—

- (a) a person, being entitled as tenant of a house to acquire the freehold or an extended lease under this Part of this Act, enters into an agreement without the prior approval of the court for the surrender of his tenancy, or for the acquisition by him of an interest superior to his tenancy or of any extended lease ; or
- (b) a tenancy having been extended under this Part of this Act, the tenant, on the landlord claiming possession for purposes of redevelopment, enters into an

agreement without the prior approval of the court for the surrender of the tenancy ;

then on the application of the tenant the county court or any court in which proceedings are brought against him on the agreement may, if in the opinion of the court he is not adequately recompensed under the agreement for his rights under this Part of this Act, set aside or vary the agreement and give such other relief as appears to the court to be just, having regard to the situation and conduct of the parties.

(4) Where a tenant of a house is under this Part of this Act entitled to acquire the freehold or an extended lease, or entitled to the benefit of a previous tenant's notice of his desire to have the freehold or an extended lease, there may with the approval of the court be granted to him in satisfaction of that right a new tenancy on such terms as may be approved by the court ; and, subject to section 29 of the Charities Act 1960 and 1960 c. 58. to section 31 below, a tenancy may be so granted by the landlord, and shall be binding on persons entitled to any interest in or charge on the landlord's estate, notwithstanding that it would not apart from this provision be authorised as against any such persons and notwithstanding any restriction imposed by statute or otherwise on the landlord's powers of leasing :

Provided that where the existing tenancy is granted after the commencement of this Part of this Act (whether or not it is, by virtue of section 3(3) above, to be treated for other purposes as forming a single tenancy with a previous tenancy) and, the grant being subsequent to the creation of a charge on the landlord's estate, the existing tenancy is not binding on the persons interested in the charge, a tenancy so granted shall not by virtue of this subsection be binding on those persons.

(5) Where a tenancy is granted by virtue of subsection (4) above,—

- (a) the terms of the new tenancy may exclude any right to acquire the freehold under this Part of this Act ; and
- (b) section 14(5) and (6) above and, except in so far as provision is made to the contrary by the terms of the new tenancy, section 16(1) to (6) and section 17(1) to (3) (together with Schedule 2 to this Act and, so far as relevant, subsections (1) to (3) above) shall apply as if the new tenancy were granted by way of extension under this Part of this Act.

(6) Where an instrument extending a tenancy at a low rent, or granting a further tenancy at a low rent in substitution for or in continuance of such a tenancy, contains a statement to the effect that by virtue of subsection (4) above the tenancy is being or has previously been extended in satisfaction of the

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right to an extended lease under section 14 above, the statement shall be conclusive in favour of any person not being a party to the instrument, unless the statement appears from the instrument to be untrue.

(7) Any person who—

(a) includes or causes to be included in an instrument a statement to the effect mentioned in subsection (6) above, knowing the statement to be untrue; or

(b) executes, or with intent to deceive makes use of, any instrument, knowing that it contains such a statement and that the statement is untrue;

shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, or on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both.

Application of price or compensation received by landlord, and charge of betterment levy on enfranchisement.

24.—(1) Any sum received by the landlord by way of the price payable for a house and premises under section 9 above, or by way of compensation under any provision of this Part of this Act providing for compensation to be recovered by or awarded to a landlord,—

(a) where the interest of the landlord is held on trust for sale shall be dealt with as if it were proceeds of sale arising under the trust; and

(b) where the landlord is a university or college to which the Universities and College Estates Act 1925 applies, shall be dealt with as if it were an amount payable as consideration on a sale effected under that Act.

1925 c. 24

1967 c. 1.

(2) For purposes of Part III of the Land Commission Act 1967 any conveyance executed to give effect to section 8 above shall be deemed to be a conveyance on sale of any interest transferred (or, as regards a tenancy, an assignment on sale of it), and the price payable for the interest under section 9 shall be deemed to be consideration payable in respect of the disposition of that interest.

Mortgagee in possession of landlord's interest.

25.—(1) Where a landlord's interest is subject to a mortgage and the mortgagee is in possession, then subject to the provisions of this section all such proceedings arising out of a person's notice of his desire to have the freehold or an extended lease under this Part of this Act as would apart from this provision be taken by or in relation to the landlord shall, as regards his interest, be conducted by and through the mortgagee as if he were the landlord, and any conveyance to be executed under section 8 of this Act or lease to be executed under section 14 shall, if it requires execution by the landlord, either be executed by the landlord by the direction of the mortgagee or be

executed by the mortgagee in the name and on behalf of the landlord; but this subsection shall not affect the operation in relation to the mortgage of sections 12 and 13 above.

(2) Where a landlord's interest is subject to a mortgage and the mortgagee is in possession, then (without prejudice to subsection (1) above) any application under section 17 above shall be made by the mortgagee as if he were the landlord, and that section and Schedule 2 to this Act shall apply accordingly.

(3) Any compensation paid by a mortgagee in accordance with section 17 above (whether possession is obtained under that section or without an application thereunder) shall be treated as if it were secured by the mortgage, with the like priority and with interest at the same rate as the mortgage money, so however that (without prejudice to the recovery of interest) the amount shall not be recoverable from the mortgagor personally.

(4) Where a mortgagee is by virtue of this section acting as landlord and any case arises in which compensation may be recovered by or awarded to a landlord, compensation may be recovered by or awarded to the mortgagee accordingly, and shall be dealt with as if it were proceeds of sale of property subject to the mortgage.

(5) Where a landlord's interest is subject to a mortgage, and a receiver appointed by the mortgagee or by the court is in receipt of the rents and profits,—

(a) the landlord shall not make any application under section 17 or 18 above without the consent of the mortgagee; and

(b) the mortgagee may by written notice given to the landlord require that this section shall apply, either generally or so far as relates to section 17 above, as if he were a mortgagee in possession.

(6) In this section "mortgage" includes any charge or lien, and "mortgagor" and "mortgagee" shall be construed accordingly.

26.—(1) Where the interest of a landlord in any property is vested in a person as custodian trustee, the managing trustees or committee of management shall be deemed to be the landlord for the purposes of this Part of this Act and the interest be deemed to be vested in them, except as regards the execution of any instrument disposing of or affecting that interest.

Person to act where landlord is custodian trustee or under disability.

(2) Where a landlord is incapable by reason of mental disorder within the meaning of the Mental Health Act 1959 of managing and administering his property and affairs, his receiver appointed under Part VIII of that Act or (if no such receiver is acting for

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him) any person authorised in that behalf shall, under an order of the authority having jurisdiction under Part VIII of that Act, take his place as landlord for purposes of this Part of this Act.

Enfranchisement where landlord cannot be found.

27.—(1) Where a tenant of a house having a right under this Part of this Act to acquire the freehold is prevented from giving notice of his desire to have the freehold because the person to be served with the notice cannot be found, or his identity cannot be ascertained, then on an application made by the tenant the High Court may, subject to and in accordance with the provisions of this section, make such order as the Court thinks fit with a view to the house and premises being vested in him, his executors, administrators or assigns for the like estate and on the like terms (so far as the circumstances permit) as if he had at the date of his application to the High Court given notice of his desire to have the freehold.

(2) Before making any such order the High Court may require the applicant to take such further steps by way of advertisement or otherwise as the Court thinks proper for the purpose of tracing the landlord; and if after an application is made to the High Court and before the house and premises are vested in pursuance of the application the landlord is traced, then no further proceedings shall be taken with a view to the house and premises being so vested, but subject to subsection (7) below—

- (a) the rights and obligations of all parties shall be determined as if the applicant had, at the date of the application, duly given notice of his desire to have the freehold; and
- (b) the High Court may give such directions as the Court thinks fit as to the steps to be taken for giving effect to those rights and obligations, including directions modifying or dispensing with any of the requirements of this Act or of regulations made under this Act.

(3) Where a house and premises are to be vested in a person in pursuance of an application under this section, then on his paying into the Supreme Court the appropriate sum there shall be executed by such person as the High Court may designate a conveyance in a form approved by the High Court and containing such provisions as may be so approved for the purpose of giving effect so far as possible to the requirements of section 10 above; and that conveyance shall be effective to vest in the person to whom the conveyance is made the property expressed to be conveyed, subject as and in the manner in which it is expressed to be conveyed.

(4) For the purpose of any conveyance to be executed in accordance with subsection (3) above, any question as to the

property to be conveyed and the rights with or subject to which it is to be conveyed shall be determined by the High Court, but it shall be assumed (unless the contrary is shown) that the landlord has no interest in property other than the property to be conveyed and, for the purpose of excepting them from the conveyance, any underlying minerals.

(5) The appropriate sum to be paid into the Supreme Court in accordance with subsection (3) above shall be such amount as a surveyor selected by the President of the Lands Tribunal may certify to be at a fair valuation the price payable in accordance with section 9 above, together with the amount or estimated amount remaining unpaid (as determined by the High Court) of any pecuniary rent payable for the house and premises up to the date of the conveyance.

(6) Where a house and premises are vested in a person in accordance with this section, the payment into the Supreme Court of the appropriate sum shall be taken to have satisfied any claims against the tenant, his executors, administrators or assigns in respect of the price payable under this Part of this Act for the acquisition of the freehold in the house and premises.

(7) An application under this section may be withdrawn at any time before execution of a conveyance under subsection (3) above and, after it is withdrawn, subsection (2)(a) shall not apply; but where any step is taken (whether by the landlord or the tenant) for the purpose of giving effect to subsection (2)(a) in the case of any application, the application shall not afterwards be withdrawn except with the landlord's consent or by leave of the High Court, and the High Court shall not give leave unless it appears to the Court just to do so by reason of matters coming to the knowledge of the applicant in consequence of the landlord being traced.

(8) A conveyance executed under subsection (3) above shall have effect as provided by that subsection notwithstanding any interest of the Crown in the property expressed to be conveyed.

Land held for public purposes, ecclesiastical land, etc.

28.—(1) Where the landlord of any property is a body to which this section applies, and a Minister of the Crown certifies that the property will in ten years or less be required for relevant development, then—

Retention
or resumption
of land
required for
public pur-
poses.

- (a) a notice of a person's desire to have the freehold or an extended lease under this Part of this Act of a house comprised in the property shall be of no effect;
- (b) if the tenancy of any such house has not been extended under this Part of this Act, but the tenant, being

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entitled to acquire the freehold or an extended lease thereunder, either—

(i) before a copy of the certificate has been served on him, has given notice of his desire to have the freehold or an extended lease ; or

(ii) not later than two months after a copy of the certificate is served on him, gives the landlord written notice, in the prescribed form, claiming to be so entitled ;

then section 17 above shall apply as if the tenancy had been so extended ;

(c) for the purposes of any application by the landlord under section 17 above in relation to property comprised in the certificate (whether the application is made by virtue of paragraph (b) above or otherwise), the certificate shall be conclusive that the ground specified in section 17(1) is established.

(2) Where by virtue of subsection (1)(b) above a tenancy of any property is to be treated as having been extended, then as regards that property the tenancy shall not terminate either by effluxion of time or in pursuance of any notice given by the landlord or the tenant or by the termination of a superior tenancy.

1954 c. 56.

(3) In the case of a tenancy to which Part II of the Landlord and Tenant Act 1954 applies, subsections (1) and (2) above shall have effect where a certificate is given under section 57 of that Act as they have effect where a certificate is given under this section ; but where by virtue of subsection (1)(b) above a tenancy is to be treated as having been extended, no compensation shall be payable under section 59 of that Act in respect of the tenancy or any immediate or derivative sub-tenancy.

(4) A Minister shall not give a certificate under this section with respect to any house, unless the landlord has given to the tenant of the house written notice stating—

(a) that the question of giving such a certificate is under consideration by that Minister ; and

(b) that if within twenty-one days of the giving of the notice the tenant makes to that Minister representations in writing with respect to that question, they will be considered before the question is determined ; and if the tenant makes any such representations within those twenty-one days the Minister shall consider them before determining whether to give the certificate.

(5) This section applies—

(a) to any local authority, that is to say, the Mayor and commonalty and citizens of the City of London, the

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Greater London Council, any county council, borough council or district council, any joint board in which all the constituent authorities are local authorities within this paragraph and any combined police authority within the meaning of the Police Act 1964 ; 1964 c. 48. and

- (b) to the Commission for the New Towns and to any development corporation within the meaning of the New Towns Act 1965 ; and 1965 c. 59.
- (c) to any university body, that is to say, any university, university college or college of a university, and for this purpose " college of a university " includes, in the case of a university organised on a collegiate basis, a constituent college or other society recognised by the university and, in the case of London University, a college incorporated in the university or a school of the university ; and
- (d) to any Regional Hospital Board, any Hospital Management Committee and any Board of Governors of a teaching hospital ; and
- (e) to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking ; and
- (f) to any body not included above which is a harbour authority within the meaning of the Harbours Act 1964 c. 40. 1964 or a statutory water undertaker for purposes of the Water Act 1945, but in respect only of the body's 1945 c. 42. functions as harbour authority or statutory water undertaker.

(6) In subsection (1) above " relevant development ", in relation to any body to which this section applies, means development for purposes (other than investment purposes) of that body, but in relation to a local authority includes any development to be undertaken, whether or not by that authority, in order to secure the development or re-development of an area defined by a development plan as an area of comprehensive development.

However—

- (a) the purposes of a county council or county borough council shall be taken to include the purposes of a police authority which is a committee of the council ; and
- (b) the purposes of a university body shall be taken to include the purposes of any related university body (a university and the colleges of that university within

PART I

the meaning of subsection (5)(c) above being related to one another within the meaning of this paragraph); and

1946 c. 81.

(c) in the case of a Regional Hospital Board, Hospital Management Committee or Board of Governors of a teaching hospital, the purposes of the National Health Service Act 1946 shall be substituted for the purposes of the body.

(7) If it appears to the Minister of Housing and Local Government or to the Secretary of State that this section should apply to any body or description of bodies having functions of a public nature but not included above, he may by order direct that this section shall apply to that body or description of bodies.

(8) The power to make orders under subsection (7) above shall include power to vary or revoke any order made for the purposes of that subsection, and shall be exercisable by statutory instrument of which a draft shall be laid before Parliament.

Reservation of
future right to
develop.

29.—(1) Where a tenant of a house and premises acquires the freehold under this Part of this Act, the landlord being a local authority, there shall, if so required by the local authority, be included in the conveyance under section 8 above such covenants on the part of the tenant restricting the carrying out of development or clearing of land as are necessary to reserve the land for possible development by the authority.

(2) Where a tenant of a house and premises acquires an extended lease under this Part of this Act, the landlord being a local authority, such covenants as are mentioned in subsection (1) above shall, if so required by the local authority, be included in the instrument extending the lease under section 14 above and, if so included, then in the terms of any subsequent tenancy at a low rent which is by virtue of section 3(3) above to be treated (with or without any intervening tenancies) as a single tenancy with that under the extended lease.

(3) Where a covenant is entered into to give effect to subsection (1) or (2) above, it shall be expressed to be so entered into, and Part I of Schedule 4 to this Act shall have effect with respect to the operation and enforcement of any covenant so entered into.

(4) Where a tenant of a house and premises acquires the freehold or an extended lease under this Part of this Act, the landlord being a local authority, and afterwards the local authority or any other person acquires compulsorily any interest in the property, then for the purpose of assessing compensation in

accordance with the Land Compensation Act 1961 no account shall be taken of any increase in the value of that interest which is attributable to the carrying out of development in contravention of a covenant entered into to give effect to subsection (1) or (2) above, or to any prospect of carrying out any such development; and any compensation payable to a tenant under section 17 above shall be assessed without regard to any increase in the value of his interest which under this subsection would be disregarded on a compulsory purchase of that interest. PART I
1961 c. 33.

(5) For purposes of this section "local authority" means a local authority as defined in section 28(5)(a) above.

(6) Subsections (1) to (4) above shall have effect in relation—

(a) to the Commission for the New Towns and to any development corporation within the meaning of the New Towns Act 1965; and

1965 c. 59.

(b) to any university body as defined in section 28(5)(c) above;

as if any reference in those subsections or in Part I of Schedule 4 to this Act to a local authority were a reference to that Commission, corporation or university body; but a university body shall not require a covenant to be entered into under this section, unless they have first obtained the consent of the Secretary of State.

(7) Part II of Schedule 4 to this Act shall have effect to enable property to be re-acquired compulsorily where it is subject to a covenant entered into to give effect to subsection (1) above with the Commission for the New Towns or a university body.

(8) This section shall apply, with the necessary adaptations, where a new tenancy is granted in satisfaction of the right to an extended lease under this Part of this Act, as it applies where a lease is extended in accordance with this Part of this Act.

30.—(1) Where a tenant of a house and premises acquires the freehold under this Part of this Act, the landlord being a body to which this section applies, there shall, if so required by the landlord, be included in the conveyance under section 8 above the following covenants on the part of the tenant, that is to say,— Reservation of
right of
pre-emption
in new town
or overspill
area.

(a) a covenant that no tenancy of the property comprised in the conveyance or any part of that property shall be granted except with the consent in writing of the landlord; and

(b) such covenant as appears to the landlord to be requisite for securing that, in the event of any proposal

PART I

to sell that property or any part of it, the landlord will have a right of pre-emption at the price mentioned in subsection (4) below.

(2) Where a tenant of a house and premises acquires an extended lease under this Part of this Act, the landlord being a body to which this section applies, such covenants as are mentioned in subsection (1) above shall, if so required by the landlord, be included in the instrument extending the lease under section 14 above and, if so included, then in the terms of any subsequent tenancy at a low rent which is by virtue of section 3(3) above to be treated (with or without intervening tenancies) as a single tenancy with that under the extended lease.

(3) Where a covenant is entered into to give effect to subsection (1) or (2) above, it shall be expressed to be so entered into, and Part I of Schedule 4 to this Act shall have effect, with respect to the operation and enforcement of any covenant so entered into as it applies in the case of a covenant entered into with the same body to give effect to section 29(1) or (2) above.

(4) The price referred to in subsection (1)(b) above, in relation to an interest in any property, is a sum equal to (and, in default of agreement, to be determined in the like manner as) the compensation which would be payable for that interest if acquired by the execution, on such date as may be determined in accordance with the covenant, of a vesting declaration under Schedule 4 to this Act.

1927 c. 36.

(5) Section 19 of the Landlord and Tenant Act 1927 (covenants not to assign etc. without licence or consent) shall not have effect in relation to any covenant entered into to give effect to subsection (2) above.

(6) This section shall apply, with the necessary adaptations, where a new tenancy is granted in satisfaction of the right to an extended lease under this Part of this Act, as it applies where a lease is extended in accordance with this Part of this Act.

(7) This section applies—

1965 c. 59.

(a) to the Commission for the New Towns and to a development corporation within the meaning of the New Towns Act 1965; and

1952 c. 54.

(b) in respect of housing provided by them by virtue of section 5 of the Town Development Act 1952 (which authorises a council to exercise its powers for the purpose of relieving congestion or over-population outside their area), the council of any receiving district for purposes of that Act, including a county borough treated as a receiving district by virtue of section 34 of the Housing Act 1961.

1961 c. 65.

31.—(1) The provisions of this section shall have effect as regards the operation of this Part of this Act on tenancies (including subtenancies) of ecclesiastical property, that is to say, property belonging to a capitular body within the meaning of the Cathedrals Measure 1963 or belonging to an ecclesiastical benefice; and in this section “ecclesiastical landlord” means the capitular body or incumbent having an interest as landlord in ecclesiastical property.

PART I
Ecclesiastical
property.
1963 No. 2.

(2) In relation to an interest of an ecclesiastical landlord, the consent of the Church Commissioners shall be required to sanction—

- (a) the provisions to be contained in a conveyance in accordance with section 10 above, or in a lease granting a new tenancy under section 14, and the price or rent payable, except as regards matters determined by the court or the Lands Tribunal;
- (b) any exercise of the ecclesiastical landlord's rights under section 17 above, except as aforesaid, and any agreement for the payment of compensation to a tenant in accordance with that section without an application thereunder;
- (c) any grant of a tenancy in satisfaction of the right to an extended lease under this Part of this Act;

and the Church Commissioners shall be entitled to appear and be heard in any proceedings under this Part of this Act to which an ecclesiastical landlord is a party or in which he is entitled to appear and be heard.

(3) Where the ecclesiastical property forms part of the endowment of a cathedral church, any sum received by the capitular body by way of the price payable for the property under section 9 above, or by way of compensation under any provision of this Part of this Act providing for compensation to be recovered by or awarded to a landlord, shall be treated as part of that endowment; and the powers conferred by sections 21 and 23 of the Cathedrals Measure 1963 in relation to the investment in the acquisition of land of moneys forming part of the endowment of a cathedral church shall extend to the application of any such moneys in the payment of compensation in accordance with section 17 above (whether possession is obtained under that section or without an application thereunder).

(4) In the case of ecclesiastical property belonging to an ecclesiastical benefice—

- (a) no consent or concurrence other than that of the Church Commissioners under subsection (2) above shall be

PART I

required to a disposition under this Part of this Act of the incumbent's interest (including a grant of a tenancy in satisfaction of the right to an extended lease);

- (b) during a vacancy in the benefice, the abeyance shall not affect the operation of this Part of this Act, but the place of the incumbent shall be taken by the person authorised to exercise in his place the powers conferred on him by the Ecclesiastical Leasing Acts, and the Ecclesiastical Commissioners (Powers) Measure 1936 (together with section 7 of the Vacancies in Sees Measure 1959) shall apply accordingly;
- (c) any sum receivable by the incumbent by way of the price payable for the property under section 9 above, or of any such compensation as is mentioned in subsection (3) above, shall be paid to the Church Commissioners to be applied for purposes for which the proceeds of a sale by agreement of the property would be applicable under any enactment or Measure authorising such a sale or disposing of the proceeds of such a sale, and any sum required for the payment of compensation as mentioned in subsection (3) above may be paid by the Church Commissioners on behalf of the incumbent out of any moneys in their hands;
- (d) the revenues and possessions of the benefice shall stand charged with the repayment of any sum expended by the Church Commissioners in pursuance of paragraph (c) above.

(5) This Part of this Act shall apply to land belonging to an ecclesiastical benefice, and this section shall have effect in relation thereto, notwithstanding that the patronage of the benefice belongs to Her Majesty in right of the Crown or the Duchy of Lancaster or to the Duchy of Cornwall.

Saving for
National
Trust.
1907 c. cxxvi.

32. This Part of this Act shall not prejudice the operation of section 21 of the National Trust Act 1907, and accordingly a person shall not be entitled under this Part of this Act to acquire the freehold of property if an interest in the property is under that section vested inalienably in the National Trust for Places of Historic Interest or Natural Beauty.

Crown land.

33.—(1) In the case of a tenancy from the Crown this Part of this Act shall apply in favour of the tenant as in the case of any other tenancy if there has ceased to be a Crown interest

in the land, and as against a landlord holding a tenancy from the Crown shall apply also if either— PART I

- (a) his sub-tenant is seeking an extended lease and the landlord, or a superior landlord holding a tenancy from the Crown, has a sufficient interest to grant it and is entitled to do so without the concurrence of the appropriate authority ; or
- (b) the appropriate authority notifies the landlord that as regards any Crown interest affected the authority will grant or concur in granting the freehold or extended lease.

(2) For purposes of this section “tenancy from the Crown” means a tenancy of land in which there is, or has during the subsistence of the tenancy been, a Crown interest superior to the tenancy, and “Crown interest” and “the appropriate authority” in relation to a Crown interest mean respectively—

- (a) an interest comprised in the Crown Estate, and the Crown Estate Commissioners ;
- (b) an interest belonging to Her Majesty in right of the Duchy of Lancaster, and the Chancellor of the Duchy ;
- (c) an interest belonging to the Duchy of Cornwall, and such person as the Duke of Cornwall or the possessor for the time being of the Duchy appoints ;
- (d) any other interest belonging to a government department or held on behalf of Her Majesty for the purposes of a government department, and the Minister in charge of that department.

(3) The restriction imposed by section 3(2) of the Crown Estate Act 1961 on the term for which a lease may be granted by the Crown Estate Commissioners shall not apply where the lease is granted by way of extension of a long tenancy at a low rent and it appears to the Crown Estate Commissioners that, if the tenancy were not a tenancy from the Crown, there would be a right to an extended lease under this Part of this Act. 1961 c. 55.

(4) Where, in the case of land belonging to Her Majesty in right of the Duchy of Lancaster or to the Duchy of Cornwall, it appears to the appropriate authority that a tenant under a long lease at a low rent would, if the tenancy were not a tenancy from the Crown, be entitled to an extended lease under this Part of this Act, then a lease corresponding to that to which the tenant would be so entitled may be granted to take effect wholly or partly out of the Crown interest by the same person and with the same formalities as in the case of any other lease of such land.

PART I
1863 c. 49.

(5) In the case of land belonging to the Duchy of Cornwall, the purposes authorised by section 8 of the Duchy of Cornwall Management Act 1863 for the advancement of parts of such gross sums as are therein mentioned shall include the payment to tenants of sums corresponding to those which, if the tenancies were not tenancies from the Crown, would be payable by way of compensation under section 17 above.

Transitional

Tenancies
terminated
since 8th
December
1964, or
subject
to early
termination.

34.—(1) Where, before or after the passing of this Act, but after the 8th December 1964, a long tenancy at a low rent of a house (“the former long tenancy”) has terminated at or after its term date, then subject to the provisions of this section there shall be treated for purposes of this Part of this Act as a long tenancy at a low rent—

1954 c. 56.

- (a) any tenancy which was granted by way of continuation of the former long tenancy but is not or was not a tenancy at a low rent; and
- (b) any statutory tenancy arising by virtue of Part I of the Landlord and Tenant Act 1954 or of the Rent Acts on the termination of the former long tenancy or of any tenancy granted (or treated by implication of law as granted) by way of continuation of it.

For purposes of this subsection a tenancy granted to the tenant of the house under a tenancy granted by way of continuation of the former long tenancy, or to the person retaining possession of the house by virtue of any such statutory tenancy as aforesaid, shall be regarded as granted by way of continuation of the former long tenancy.

(2) A notice of a person's desire to have the freehold or an extended lease of a house and premises, if given by virtue of subsection (1) above, may be given before the appointed day, but shall be of no effect if given more than three months after the day this Act is passed.

(3) A notice of a person's desire to have the freehold or an extended lease of a house and premises may also be given before the appointed day if it is given in respect of a tenancy of which the term date falls within twelve months after the day this Act is passed, or which is to be or can be terminated within those twelve months either by notice given by the landlord or by the operation of section 26 or 28 of the Landlord and Tenant Act 1954 in relation to a request or agreement for a new tenancy made before this Act is passed.

(4) Where by virtue of subsection (2) or (3) above a notice is given before the appointed day—

PART I

- (a) it shall contain the particulars required by Schedule 3 to this Act, but need not be in the prescribed form ;
- (b) if it is given in respect of a sub-tenancy, copies of it shall be served on the same persons other than the recipient as in the case of a notice given after the appointed day ;
- (c) the landlord shall not be required to take any further proceedings before the appointed day and no notice in reply shall be required earlier than one month after the appointed day, but subject to that and to section 35 below, as from the appointed day, the notice shall have effect as if all the provisions of this Part of this Act had come into force on the day it is passed.

(5) In relation to a notice given by virtue of subsection (2) or (3) above, Part I of Schedule 3 to this Act shall have effect from the day it is passed ; but in a case where (by virtue of those subsections or otherwise) a person gives notice, within three months after that day, of his desire to have the freehold or an extended lease and does so in respect of a tenancy falling within subsection (1) above or of any such tenancy as is mentioned in subsection (3), Part I of Schedule 3 shall not have effect to invalidate the notice by reason either—

- (a) that it is given more than two months after a landlord's notice terminating the tenancy has been given under section 4 or 25 of the Landlord and Tenant Act 1954 ; 1954 c. 56. or
- (b) that it is given after a tenant has made a request for a new tenancy under section 26 of that Act, or is given during the subsistence of an agreement for a future tenancy to which section 28 of that Act applies, not being an agreement entered into after the passing of this Act.

(6) Where subsection (1) above applies to a tenancy, this Part of this Act shall have effect in relation to any claim by the tenant to acquire the freehold or an extended lease, and in relation to any new tenancy granted under section 14 above, subject to the following modifications :—

- (a) the provisions to be contained in a conveyance in accordance with section 10 above, or in a lease granting a new tenancy under section 14, shall be determined by

PART I

reference to the terms of the former long tenancy as they applied immediately before its termination and to the circumstances generally of that tenancy; and

- (b) references to the term date of the existing tenancy, or to the original term date, shall have effect as references to the term date of the former long tenancy.

1954 c. 56.

(7) Where a statutory tenancy of a house has arisen by virtue of Part I of the Landlord and Tenant Act 1954 and the terms of the tenancy include the carrying out of initial repairs, but (before or after it arose) a notice is by virtue of this section given by the tenant of his desire to have the freehold or an extended lease, then the rights and obligations under the statutory tenancy in relation to initial repairs (together with any order of the court made with respect thereto before the relevant time) shall be suspended during the currency of the notice, except in so far as the court on the application of the landlord or of the tenant may otherwise order; and—

- (a) if in pursuance of the notice the tenant acquires the freehold, the price payable for the house and premises shall be adjusted as may be proper (regard being had to the rent paid and to be paid under the statutory tenancy) so as to take account of any initial repairs carried out by the landlord before the relevant time, of any order or agreement for the further carrying out by him of any initial repairs thereafter and of any payments for tenant's accrued repairs received by the landlord; or
- (b) if in pursuance of the notice the tenant acquires an extended lease, there shall be payable by the tenant to the landlord as if it were due under the statutory tenancy on its termination such sum, if any, as may be proper so as to take account of the matters aforesaid (regard being had to the rent paid under the statutory tenancy and to any terms of the new tenancy relating to repairs).

(8) Where a statutory tenancy of a house has arisen as mentioned in subsection (1)(b) above, and (before or after it arose) a notice is by virtue of this section given by the tenant of his desire to have the freehold or an extended lease, then so long as the notice has effect the tenancy shall continue, and on the tenant's death or bankruptcy shall devolve, as a contractual tenancy would, and the rights and obligations arising from the notice shall continue and devolve accordingly; but this shall not affect any right to retain possession by virtue of the Rent Acts which arises on a death.

35.—(1) Where a person's notice of his desire to have the freehold or an extended lease under this Part of this Act is given as mentioned in section 34(5)(a) or (b) above, but has effect by virtue of that subsection, then the following provisions of this section shall apply; and in those provisions "claim" and "claimant" mean that notice and the person giving it or for the time being entitled to the rights under it of the person giving it.

PART I
Proceedings
and orders
under
Landlord and
Tenant Act
1954.

(2) On the making of the claim and, if any application has been made to the court under the Landlord and Tenant Act 1954 in respect of a notice given by the landlord or a request by the claimant for a new tenancy, on the claimant lodging a copy of the claim in the court, any such notice or request under that Act and anything done in pursuance thereof (including any such application and any order resulting therefrom) shall cease to have effect, except as otherwise provided by this section:

Provided that this shall not affect any order as to costs (whether of proceedings in the court or of any appeal) or preclude the making of such an order.

(3) The making of the claim shall not affect the operation—

- (a) of any landlord's notice containing proposals for a statutory tenancy where all the terms of the statutory tenancy have been agreed or determined in accordance with section 7 of the Landlord and Tenant Act 1954; or
- (b) of any order of the court under section 29 of that Act for the grant of a new tenancy; or
- (c) of any agreement for a future tenancy to which section 28 of that Act applies;

but subject to the provisions of that Act and of section 34 above, the notice, order or agreement, and any statutory tenancy or tenancy arising or granted under it, shall remain unaffected by the claim unless and until effect is given to the claim.

(4) Where either—

- (a) the landlord has made an application to the court for, or has obtained, an order for the claimant to give up possession on the ground specified in section 12(1)(a) (redevelopment) of the Landlord and Tenant Act 1954, and the claim is for an extended lease; or
- (b) the landlord has made an application to the court for, or has obtained, such an order on the ground specified in paragraph 1(e) (residence for landlord or his family) of Schedule 3 to that Act;

PART I

then if the landlord gives notice of his willingness to pay compensation and lodges a copy of it in the court, the application may be proceeded with or, as the case may be, the order shall have effect as if the claim had not been made.

(5) Where either—

1954 c. 56.

(a) the court has refused an order for the grant of a new tenancy under Part II of the Landlord and Tenant Act 1954 on the ground specified in section 30(1)(f) (redevelopment), and the claim is for an extended lease ;
or

(b) the court has refused an order as aforesaid in accordance with section 30(1)(g) on the ground of the landlord's intention to occupy the holding as his residence ;

then if the landlord gives notice of his willingness to pay compensation, the tenancy shall terminate in accordance with Part II of that Act as if the claim had not been made.

1927 c. 36.

(6) Where the claimant's tenancy is terminated by virtue of subsection (4) or (5) above, and apart from those subsections (and sections 17 and 18 above) he would have been entitled to acquire the freehold or an extended lease in pursuance of the claim, he shall be entitled to recover from the landlord, in lieu of any compensation under the Landlord and Tenant Act 1927 or under section 37 of the Landlord and Tenant Act 1954, the like compensation as is payable where a claim to acquire the freehold or an extended lease is overridden under section 17 or 18 above.

(7) If the claimant's right to compensation under subsection (6) above is disputed, he may apply to the court for an order declaring that he is entitled to the compensation ; and any compensation under that subsection shall in default of agreement be assessed, and may be recovered, in like manner as compensation under section 17 or 18 above.

(8) References in this section to the landlord giving notice of his willingness to pay compensation shall be construed as references to his giving to the claimant (whether before or after the making of the claim) written notice that he is willing to pay compensation in accordance with subsection (6) above if so required by that subsection ; but a notice of a landlord's willingness to pay compensation shall be of no effect if it is given after the tenancy in question would have terminated but for the claim, or if it is given more than one month after the day on which the claim is made.

(9) In this section references to the landlord shall be construed as references to the landlord proceeding under Part I or II, as the case may be, of the Landlord and Tenant Act 1954.

36.—(1) Where at the passing of this Act—**PART I**

- (a)** a house is held on a long tenancy not having more than twenty years unexpired, or on a long tenancy capable of being determined within twenty years by notice given by the landlord ; and
- (b)** the estate of the immediate or a superior landlord is charged to secure payment of any sum (otherwise than by way of rentcharge), whether or not the landlord is personally liable as principal or otherwise for the payment of that sum ;

Relief in respect of mortgages etc. on landlord's estate.

then on an application under subsection (2) or (3) below the court may make such order authorised by the subsection as the court thinks proper for the purpose of avoiding or mitigating any financial hardship that might otherwise be caused by the rights conferred on tenants by this Part of this Act.

(2) In any of the following cases, that is to say,—

- (a)** where the landlord proposes during the tenancy (including any extension thereof under this Act) to sell or realise any property which is subject to the charge, or a tenant of the house has given notice under this Part of this Act of his desire to have the freehold ;
- (b)** where during the tenancy (including any such extension) the person entitled to the benefit of the charge has taken any steps to enforce the charge or demanded payment of the sum thereby secured or, if the house or any other property subject to the charge is subject also to another charge created or arising before the commencement of this Part of this Act, a person entitled to the benefit of the other charge has taken any steps to enforce the other charge or demanded payment of the sum thereby secured ;

the court may on the application of the landlord make an order providing for all or any of the following :—

- (i)** for discharging or modifying any liability in respect of the sum secured by the charge, whether of the landlord or of persons liable jointly with him or as surety for him ;
- (ii)** for discharging or modifying the terms of the charge whether as respects the house or any other property subject to the charge, or the terms of any collateral charge ;
- (iii)** for restricting the exercise of any right or remedy in respect of any such liability or charge.

PART I

(3) In any of the cases mentioned in subsection (2)(a) and (b) above the court may on the application of the person entitled to the benefit of the charge make an order providing for all or any of the following:—

- (a) for discharging or modifying the terms of any prior charge, whether as respects the house or any other property subject to the charge;
- (b) for restricting the exercise of any right or remedy in respect of any prior charge on the house or other property subject to the charge.

(4) Any order under this section may be made either unconditionally or subject to such terms and conditions, including conditions with respect to the payment of money, as the court may think just and equitable to impose.

(5) Where steps are taken in a court other than the county court to enforce a charge or recover any sum thereby secured, that other court shall have the like powers under this section in relation to that or any other charge as the county court would have in consequence of those steps being taken or, if an application under this section is pending in the county court, may on such terms as the other court thinks just suspend the proceedings for the enforcement of the charge or recovery of the said sum or direct that they be transferred to the county court.

Construction

Interpretation
of Part I.

37.—(1) For the purposes of this Part of this Act—

- (a) “the appointed day” means the day appointed for the coming into force of the provisions of this Part of this Act other than sections 34 to 36, and references to the commencement of this Part of this Act shall be construed as referring to the commencement of those provisions;
- (b) “incumbrance” and “tenant’s incumbrance” have, subject to section 12(8) above, the meanings assigned to them by section 8;
- (c) “notice to quit” means a notice to terminate a tenancy (whether a periodical tenancy or a tenancy for a term of years certain) given in accordance with the provisions (whether express or implied) of that tenancy;
- (d) “relevant time” means, in relation to a person’s claim to acquire the freehold or an extended lease under this Part of this Act, the time when he gives notice in accordance with this Act of his desire to have it;

PART I

- (e) "the Rent Acts" means the Rent and Mortgage Interest Restrictions Acts 1920 to 1939 or any of them and any enactment applying or extending any of those Acts ;
- (f) "tenancy" means a tenancy at law or in equity, but does not include a tenancy at will, nor any interest created by way of security and liable to termination by the exercise of any right of redemption or otherwise, nor any interest created by way of trust under a settlement, and "demise" shall be construed accordingly ;
- (g) "term date", in relation to a tenancy granted for a term of years certain, means the date of expiry of that term, and "extended term date" and "original term date" mean respectively the term date of a tenancy with and without an extension under this Part of this Act.

(2) A tenancy to which section 19(2) of the Landlord and Tenant Act 1954 applies shall be treated for purposes of this Part of this Act as granted to expire at the date which is the term date for purposes of that Act (that is to say, the first date after the commencement of that Act on which, apart from that Act, the tenancy could have been brought to an end by notice to quit given by the landlord).

(3) Subject to subsection (2) above, where under section 3(2) of this Act a tenancy created or arising as a tenancy from year to year or other periodical tenancy is to be treated as a long tenancy, the term date of that tenancy shall be taken to be the date (if any) at which the tenancy is to terminate by virtue of a notice to quit given by the landlord before the relevant time, or else the earliest date at which it could at that time (in accordance with its terms and apart from any enactment) be brought to an end by a notice to quit given by the landlord.

(4) Subject to subsection (2) above, in the case of a tenancy granted to continue as a periodical tenancy after the expiration of a term of years certain, or to continue as a periodical tenancy if not terminated at the expiration of such a term, any question whether the tenancy is at any time to be treated for purposes of this Part of this Act as a long tenancy, and (if so) with what term date, shall be determined as it would be if there had been two tenancies, as follows—

- (a) one granted to expire at the earliest time (at or after the expiry of the said term of years) at which the tenancy could (in accordance with its terms and apart from any enactment) be brought to an end by notice to quit given by the landlord ; and

PART I.

(b) the other granted to commence at the expiration of the first (and not being one to which subsection (2) above applies).

(5) References in this Part of this Act to a tenant occupying a house as his residence shall be construed in accordance with section 1(2) above ; but no reference in this Part of this Act to a person occupying property as his residence shall be taken to extend to any occupation of a company or other artificial person nor, where the tenant is a corporation sole, shall the corporator, while in occupation, be treated as occupying as tenant.

1965 c. 75.

(6) Sections 43(1), (2) and (4) of the Rent Act 1965 shall apply to the ascertainment for purposes of this Part of this Act of the rateable value of a house and premises or any other property as they apply to the ascertainment of that of a dwelling-house for purposes of that Act.

(7) For purposes of this Part of this Act an order of a court is to be treated as becoming final—

- (a) if not appealed against, on the expiration of the time for bringing an appeal ; or
- (b) if appealed against and not set aside in consequence of the appeal, at the time when the appeal and any further appeal is disposed of by the determination of it and the expiration of the time for bringing a further appeal (if any) or by its being abandoned or otherwise ceasing to have effect.

PART II

AMENDMENTS OF OTHER ACTS

Modification
of right to
possession
under
Landlord
and Tenant
Act 1954.
1954 c. 56.

38.—(1) The grounds on which under section 13 of the Landlord and Tenant Act 1954 a landlord may apply to the court for possession of property comprised in a tenancy (and which may accordingly under section 4 be specified in a landlord's notice to resume possession), in the case of applications made after the commencement of this Part of this Act, shall not include the ground mentioned in section 12(1)(a) (redevelopment), except where the landlord seeking to obtain possession is a body to which section 28 above applies and the property is required for relevant development within the meaning of section 28 ; but on any application by such a body under section 13 of that Act for possession on that ground a certificate given by a Minister of the Crown as provided by section 28(1) above shall be conclusive that the property is so required.

(2) In section 57 of the Landlord and Tenant Act 1954 (under which a tenant's rights under Part II of that Act are

curtailed if an authority within the section is the landlord or a superior landlord and obtains a certificate similar to that under section 28 above) references to a local authority shall apply to any body to which section 28 above applies and which is not otherwise within the said section 57.

(3) For purposes of this section, section 28(5) to (8) above shall have effect from the commencement of this Part of this Act.

39.—(1) Section 21(2) of the Rent Act 1957 (which applies Part I of the Landlord and Tenant Act 1954 to long tenancies not at a low rent) shall cease to have effect; and—

Application of Rent Acts to long tenancies and adaptation of Landlord and Tenant Act 1954.
1957 c. 25.
1954 c. 56.
1965 c. 75.

(a) the Rent Act 1965 shall have effect as if at the end of section 1(2) (which lists the cases in which the Rent Acts are to apply as modified by that Act) there were added—

“ or

(d) that the tenancy is a long tenancy within the meaning of Part I of the Landlord and Tenant Act 1954 ”;

(b) Part I of the Landlord and Tenant Act 1954 shall have effect as if—

(i) the references therein to the Rent Acts (as defined in section 22(1)) were references to those Acts as, and only as, they apply by virtue of section 1 of the Rent Act 1965; and

(ii) in section 2(5), for paragraphs (a) and (b) (which for purposes of the comparison determining whether a rent is a low rent define “rateable value” by reference to the then Rent Acts) there were substituted the words “for purposes of this subsection the rateable value of the property is that which would for purposes of the Rent Act 1965 be taken as its rateable value on the appropriate day”;

(c) in Part II of the Landlord and Tenant Act 1954, section 43(1)(c) (which excludes from the provision made for business premises by that Part tenancies conferring security of tenure under the Rent Acts) shall cease to apply to long tenancies, and shall accordingly be amended by inserting after the word “where” the words “(the tenancy not being a long tenancy within the meaning of Part I of this Act)”, and by omitting the words added by the Rent Act 1957.

(2) Subsection (1) above shall have effect subject to the adaptations of Part I of the Landlord and Tenant Act 1954, and

PART II
1965 c. 75.

of the Rent Act 1965 as it applies to a statutory tenancy arising by virtue of the said Part I, which are made by Schedule 5 to this Act; and the transitional and supplementary provisions made by that Schedule shall have effect in relation to subsection (1) above and to statutory tenancies so arising.

1964 c. 56.
1954 c. 56.

(3) Subsection (1)(b)(ii) above shall not affect the construction of the expression "long tenancy at a low rent" in section 53 of the Housing Act 1964 (where it is defined by reference to section 2(5) of the Landlord and Tenant Act 1954).

Amendments
of Places of
Worship
(Enfranchise-
ment) Act
1920.

1920 c. 56.

40.—(1) In section 1(1) of the Places of Worship (Enfranchisement) Act 1920 after the words "place of worship", where first occurring, there shall be inserted the words "or, in connexion with a place of worship, for the purpose of a minister's house"; and accordingly in section 5 of that Act—

- (a) in the definition of "place of worship" for the words "caretaker's house or minister's house" there shall be substituted the words "or caretaker's house"; and
(b) in the definition of "trustees" after the words "place of worship" there shall be inserted the words "or minister's house".

(2) In section 1(1) of the Places of Worship (Enfranchisement) Act 1920 after paragraph (a) of the proviso there shall be inserted as a new paragraph (aa) the following paragraph:—

"(aa) where the person entitled to the freehold or an intermediate reversion requires that underlying minerals be excepted, the trustees shall not be entitled to acquire his interest in the minerals if proper provision is made for the support of the premises as they have been enjoyed during the lease and in accordance with the terms of the lease and of the trust; and".

(3) After section 1(1) of the Places of Worship (Enfranchisement) Act 1920 there shall be inserted as a new subsection (1A):—

"(1A) Where the residence house of a benefice is held by the incumbent under a lease to which this Act applies, this Act shall have effect (with any necessary modifications) in relation to the enlargement of the incumbent's leasehold interest into a fee simple, and in relation to the estate so acquired, as it would have effect if the residence house were vested for that interest in trustees; and the powers and provisions of the Parsonages Measure 1938 (as amended by any subsequent enactment) relating to the purchase of houses for parsonages shall apply for and in relation to the acquisition under this Act of the freehold reversion."

1938 No. 3.

(4) In section 2 of the Places of Worship (Enfranchisement) Act 1920 for the words from "the Lands Clauses Acts", where first occurring, to the end of paragraph (a) there shall be substituted— PART II
1920 c. 56.

"Part I of the Compulsory Purchase Act 1965 shall apply as if the trustees were an authority authorised to acquire the premises by virtue of a compulsory purchase order, made under the Acquisition of Land (Authorisation Procedure) Act 1946; but in relation to any acquisition under this Act the following provisions shall have effect:— 1965 c. 56.
1946 c. 49.

(a) in Part I of the Compulsory Purchase Act 1965 section 4 (time limit for acquisition) shall not apply, and for purposes of the said Part I "land" shall include easements in or relating to land ;"

and accordingly in the Places of Worship (Enfranchisement) Act 1920 there shall be omitted the definition in section 5 of "the county court" and the Schedule (which adapted for purposes of that Act the enactments originally applied by section 2, and in particular made in relation to re-sales special provision about the right to pre-emption conferred by the Lands Clauses Acts but not by the Compulsory Purchase Act 1965).

(5) Section 4 of the Places of Worship (Enfranchisement) Act 1920 (under which the trusts of a place of worship may be enforced after enfranchisement by the Charity Commissioners, and if the trusts are not observed, the Commissioners may require the land to be sold) shall be omitted.

(6) In section 5 of the Places of Worship (Enfranchisement) Act 1920, in the definition of "freehold reversion", there shall be omitted the words from "and, where" onwards (being words relating to copyhold land and land of customary tenure).

(7) In accordance with the provisions of this section the Places of Worship (Enfranchisement) Act 1920 shall, subject to subsection (8) below, have effect as set out in Schedule 6 to this Act.

(8) This section and the repeals made by Part II of Schedule 7 to this Act shall not affect the operation of the Places of Worship (Enfranchisement) Act 1920 where an interest has been acquired, or notice to treat for its acquisition has been served, under that Act before this section comes into force, except that section 4 of that Act shall cease to have effect for any purpose.

41.—(1) This Act may be cited as the Leasehold Reform Act 1967. Short title,
repeals, extent
and com-
mencement.

(2) The enactments mentioned in Schedule 7 to this Act are hereby repealed to the extent specified in the third column of

PART II that Schedule, but subject to the savings mentioned at the end of Parts I and II of the Schedule.

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

(4) Sections 34 to 36 of this Act shall come into force on the day it is passed ; and, subject to section 34, the other provisions of Part I shall come into force on such day as the Minister of Housing and Local Government and the Secretary of State may appoint by order made by them jointly by statutory instrument, which shall be laid before Parliament after being made.

(5) Part II of this Act shall come into force at the end of one month following the day on which this Act is passed.

SCHEDULES

SCHEDULE 1

Section 5.

ENFRANCHISEMENT OR EXTENSION BY SUB-TENANTS

General

1.—(1) Where a person (in this Schedule referred to as “the claimant”) gives notice of his desire to have the freehold or an extended lease of a house and premises under Part I of this Act, and does so in respect of a sub-tenancy (in this Schedule referred to as “the tenancy in possession”), then except as otherwise provided by this Schedule—

- (a) the rights and obligations of the landlord under Part I of this Act shall, so far as their interests are affected, be rights and obligations respectively of the estate owner in respect of the fee simple and of each of the persons in whom is vested a concurrent tenancy superior to the tenancy in possession (and references to the landlord shall apply accordingly); and
- (b) the proceedings arising out of the notice, whether for resisting or giving effect to the claim to acquire the freehold or extended lease, shall be conducted, on behalf of all the persons referred to in (a) above, by and through that one of them who is identified by this Schedule as “the reversioner”.

(2) Where there is a tenancy reversionary on a tenancy in respect of which a person gives notice as aforesaid, then (except in so far as special provision is made for such a reversionary tenancy) this Schedule shall apply as if the reversionary tenancy were a concurrent tenancy intermediate between the tenancy in possession and any interest superior to it.

(3) In the following provisions of this Schedule the persons for whom the reversioner is by this paragraph authorised to act are referred to as “other landlords”; and in this Schedule references to superior interests mean the estate in fee simple and any tenancy superior (or treated by sub-paragraph (2) above as superior) to the inferior interest in question.

2. Subject to paragraph 3 below, “the reversioner” shall be—

- (a) if any person has a tenancy of the house carrying an expectation of possession of thirty years or more, that person or, if there is more than one, that one of them to whose tenancy the other tenancies are superior;
- (b) if there is no such tenancy, the estate owner in respect of the fee simple of the house.

3.—(1) If it appears to the court, on an application made by any of the persons having an interest superior to the tenancy in possession,—

- (a) that the respective interests of those persons, the absence or incapacity of the person designated by paragraph 2 above

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or other special circumstances require that one of the other landlords should act as the reversioner instead of that person ; or

- (b) that the person so designated is unwilling to act as the reversioner, and that one of the other landlords could appropriately replace him and is willing to do so ; or
- (c) that by reason of complications in the title paragraph 2 above is inapplicable ;

the court may, on such terms and conditions as it thinks fit, appoint such person as it thinks fit to be the reversioner.

(2) The court may also, on the application of any of the other landlords or of the claimant, remove the reversioner and appoint another person in his place, if it appears to the court proper to do so by reason of any delay or default, actual or apprehended, on the part of the reversioner.

4.—(1) Without prejudice to the generality of paragraph 1 above, the reversioner may on behalf and in the name of the other landlords—

- (a) execute any conveyance to give effect to section 8 of this Act, or any lease to give effect to section 14 ; and
- (b) take or defend any legal proceedings under Part I of this Act in respect of matters arising out of the claimant's notice.

(2) Subject to paragraphs 5 and 6 below, in relation to all matters within the authority given to him by this Schedule the reversioner's acts shall be binding on the other landlords and on their interests in the house and premises or any other property ; but in the event of dispute either the reversioner or any of the other landlords may apply to the court for directions as to the manner in which he should act on the matter in dispute.

(3) If any of the other landlords cannot be found, or his identity cannot be ascertained, the reversioner shall apply to the court for directions, and the court may make such order in the matter as it thinks proper with a view to giving effect to the rights of the claimant and protecting the interests of other persons ; but subject to the directions of the court—

- (a) the reversioner shall proceed as in other cases ;
- (b) a conveyance or lease executed by the reversioner on behalf of that landlord by such description as will identify the interest intended to be conveyed or bound shall be of the same effect as if executed in his name ;
- (c) if the freehold is to be conveyed to the claimant, any sum paid as the price for that landlord's interest shall be paid into court.

(4) The reversioner, if he acts in good faith and with reasonable care and diligence, shall not be liable to any of the other landlords for any loss or damage caused by any act or omission in the exercise or intended exercise of the authority given to him by this Schedule

5.—(1) Notwithstanding anything in paragraph 4(2) above, any of the other landlords shall be entitled, if he so desires, to be separately represented in any legal proceedings in which his title to any property comes in question, or in any legal proceedings relating to the price payable for the house and premises under section 9 of this Act.

(2) For the purpose of deducing, evidencing or verifying his title to any property, any of the other landlords, on giving written notice to the reversioner and to the claimant, may deal directly with the claimant, if he objects to disclosing his title to the reversioner, and he shall deal directly with the claimant if the claimant by written notice given to him and to the reversioner so requires.

(3) For the purpose of agreeing the price payable for his interest under section 9 of this Act, any of the other landlords, on giving written notice to the reversioner and to the claimant, may deal directly with the claimant; and whether he does that or not, he may require the reversioner to apply to the Lands Tribunal for the price to be determined by the Lands Tribunal.

(4) Any of the other landlords shall be entitled to require that the price payable for his interest (or so much of it as is payable to him) shall be paid by the claimant to him or to a person authorised by him to receive it, instead of to the reversioner; but if, after being given proper notice of the time and place fixed for completion with the claimant, neither he nor a person so authorised attends to receive payment, and he has not made, and notified the reversioner of, other arrangements with the claimant to receive payment, the reversioner shall be authorised to receive it for him and the reversioner's written receipt for the amount payable shall be a complete discharge to the claimant.

(5) It shall be the duty of each of the other landlords—

- (a) subject to sub-paragraphs (2) and (3) above, to give the reversioner all such information and assistance as he may reasonably require; and
- (b) after being given proper notice of the time and place fixed for completion with the claimant (if the claimant is acquiring the freehold), to ensure that all deeds and other documents that ought on his part to be delivered to the claimant on completion are available for the purpose, including in the case of registered land the land certificate and any other documents necessary to perfect the claimant's title;

and, if any of the other landlords fails to do so, he shall indemnify the reversioner against any liability incurred by the reversioner in consequence of the failure.

(6) Each of the other landlords shall make such contribution as may be just to the costs and expenses incurred by the reversioner and not recoverable or not recovered from the claimant.

6.—(1) The authority given by this Schedule to the reversioner shall not extend to the bringing of proceedings under section 17 or 18 of this Act on behalf of any of the other landlords, or preclude any of the other landlords from bringing proceedings

SCH. 1 under that section on his own behalf; and (without prejudice to the operation of paragraph 1(2) above) a person entitled to a tenancy reversionary on the tenancy in possession may make an application under section 17 (by virtue of subsection (4)) or section 18 as a landlord.

(2) Sections 29 and 30 of this Act shall apply, and apply only, where the authority entitled to require the covenant under the section is the estate owner in respect of the fee simple and there is no tenancy carrying an expectation of possession of thirty years or more.

(3) For purposes of section 3(6) of this Act separate tenancies shall be deemed to be tenancies with the same landlord if the immediate landlord is the same.

Enfranchisement

7.—(1) Where a conveyance is executed to give effect to section 8 of this Act—

- (a) section 10 shall have effect in relation to rights and restrictions arising by virtue of any tenancy superior to the tenancy in possession (or by virtue of an agreement collateral to such a tenancy), so far as they are directly or indirectly to the benefit of or enforceable against the claimant during the tenancy in possession, as if they arose by virtue of that tenancy; and
- (b) a separate price shall be payable in accordance with section 9 for each of the interests superior to the tenancy in possession, and (subject to paragraph 8 below) section 9 shall apply to the computation of that price with such modifications as are appropriate to relate it to a sale of the interest in question subject to any tenancies intermediate between that interest and the tenancy in possession, together with tenant's incumbrances relative to those tenancies; and
- (c) so much of section 11 as relates to the application of the purchase price for redemption of rentcharges or other rents shall apply only to the price payable for the estate in fee simple; and
- (d) so much of sections 12 and 13 as relates to the application of the price payable in or towards redemption of charges shall apply separately to the price payable for each interest together with the relative charges.

(2) Where by reason of section 11(2) of this Act it is necessary to make (otherwise than out of the price payable for the house and premises) any payment for the redemption of a rentcharge or other rent, the reversioner, if he is not the landlord liable or primarily liable in respect of the rentcharge or rent, shall not be required to make that payment otherwise than out of money made available for the purpose by that landlord, and it shall be the duty of that landlord to provide for the redemption; and similarly where by reason of section 12(8) proviso of this Act it is necessary to discharge the house and premises from a charge affecting the interest of any landlord.

8.—(1) In the case of a tenancy having an expectation of possession of not more than one month, the consideration payable in accordance with section 9 of this Act shall, if the claimant by written notice given to the reversioner so requires, consist of a rentcharge to be charged on the house and premises by the conveyance to the claimant; but a notice under this sub-paragraph shall be of no effect if given after an application has been made for the price payable for the house and premises to be determined by the Lands Tribunal.

(2) A rentcharge payable in accordance with this paragraph in respect of a tenancy (“the superior tenancy”)—

- (a) shall be a terminable rentcharge payable from the date of the conveyance to the claimant (or, if later, the date when the superior tenancy is limited to commence) until the term date of the tenancy on which the superior tenancy is in immediate reversion;
- (b) shall be of an amount equal to that of the rent payable under the tenancy on which the superior tenancy is in immediate reversion, less that of the rent payable under the superior tenancy;
- (c) unless otherwise agreed, shall be payable quarterly on the usual quarter days, commencing with the first quarter day not less than one month after the date of the conveyance (or, if later, the date when the superior tenancy is limited to commence).

(3) Where the superior tenancy or that on which it is in immediate reversion comprises property other than the house and premises, the reference in sub-paragraph (2)(b) above to the rent payable under it means so much of that rent as is apportioned to the house and premises.

(4) A rentcharge charged by a conveyance in accordance with this paragraph shall not be taken into account in the application to the conveyance of section 11 of this Act.

9. Nothing in this Schedule shall be taken to entitle the claimant to give notice under section 9(3) of this Act of his inability or unwillingness to acquire particular interests superior to the tenancy in possession, but any such notice shall extend to all those interests.

Extension

10.—(1) Where a lease is executed to give effect to section 14 of this Act, then except as provided by paragraph 11 below the new tenancy shall be granted by the landlord having an interest sufficient in point of duration which is not superior to another such interest.

(2) Subject to paragraph 11 below, the lease shall have effect for the creation of the new tenancy, and for the operation of the rights and obligations conferred and imposed by it, as if there had been a surrender and re-grant of any subsisting tenancy intermediate between the interest of the landlord granting the new tenancy and the tenancy in possession, and the covenants and other provisions of the lease shall be framed and take effect accordingly.

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(3) If there is no one landlord having such an interest in the whole of the house and premises as is referred to in sub-paragraph (1) above, then those having the appropriate interests in separate parts thereof shall instead grant the tenancy ; and where it is necessary in accordance with this sub-paragraph for more than one landlord to join in granting the new tenancy, the lease shall have effect in accordance with sub-paragraph (2) above, but as if they had been jointly entitled to their interests and had become separately entitled by assignments taking effect immediately after the lease.

(4) The lease shall give effect to section 15(2) of this Act on the basis that the references there to the landlord include the landlord granting the new tenancy, the immediate landlord of whom the new tenancy will be held and any intermediate landlord, and shall give effect to section 15(3) on the basis that account is to be taken of obligations imposed on any of those landlords by virtue of the new tenancy or any superior tenancy ; and section 16(4) of this Act shall apply on the basis that the reference there to the tenant's landlord includes the immediate landlord of whom the new tenancy will be held and all superior landlords, including any superior to the landlord granting the new tenancy.

11.—(1) Where a tenancy in the house and premises superior to the tenancy in possession is vested in the claimant or a trustee for him, the lease under section 14 of this Act shall include an actual surrender of that superior tenancy without a re-grant, and it shall accordingly be disregarded for purposes of paragraph 10 above.

(2) Where, apart from this provision, the effect of the lease under section 14 of this Act would be, as regards any tenancy superior to the new tenancy,—

(a) that the rent payable under that superior tenancy would be equal to or more than the rent payable under the tenancy on which it would be in immediate reversion (regard being had to the operation of this sub-paragraph in relation to any other tenancy) ; or

(b) that the difference between those rents would not be more than four pounds a year ;

then the person entitled to that superior tenancy may by written notice given to his immediate landlord and, if neither of them is the reversioner, to the reversioner require that the lease shall include an actual surrender by him of his tenancy without a re-grant.

(3) Any person entitled to a tenancy superior to the new tenancy may by the like notice require that the lease shall confer on him the right to surrender his tenancy if by reason of any revision of the rent payable under the claimant's new tenancy (together with any consequent surrender under this provision of tenancies intermediate between the superior tenancy and that new tenancy) the rent payable under the superior tenancy will not thereafter be less by more than four pounds a year than the rent payable under the tenancy on which it will be in immediate reversion.

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(4) Where a landlord required apart from this sub-paragraph (or by virtue of this sub-paragraph as it operates in relation to another landlord) to grant the new tenancy would do so by virtue of a tenancy in respect of which he claims, by the like notice, to have the benefit of sub-paragraph (2) or (3) above, he shall for purposes of paragraph 10 above be replaced, subject to any further operation of this sub-paragraph, by the next superior landlord.

(5) References in this paragraph to the rent payable under a tenancy mean, in relation to a tenancy comprising property other than the house and premises, so much of that rent as is apportionable to the house and premises, and any surrender or provision for the surrender of such a tenancy in accordance with this paragraph shall be limited to the house and premises.

12.—(1) No provision of any tenancy prohibiting, restricting or otherwise relating to a sub-demise by the tenant shall have effect with reference to any lease executed to give effect to section 14 of this Act.

(2) Where by reason of section 14(4) proviso of this Act it is necessary to make any payment to discharge the house and premises from a charge affecting the interest of any landlord, the reversioner, if he is not the landlord liable or primarily liable in respect of the charge, shall not be required to make that payment otherwise than out of money made available for the purpose by that landlord, and it shall be the duty of that landlord to provide for the charge being discharged.

Supplementary

13.—(1) For purposes of this Schedule the expectation of possession carried by a tenancy is the expectation which it carries at the relevant time of possession after the tenancy in possession, on the basis that—

- (a) subject to sub-paragraph (2) below, the tenancy in possession terminates at the relevant time if its term date fell before then, or else terminates at its term date or (in the case of a tenancy which has been extended) its original term date ; and
- (b) a tenancy other than the tenancy in possession terminates at its term date.

(2) In a case where before the relevant time the claimant's immediate landlord had given notice to quit terminating the tenancy in possession at a date earlier than the term date, the date specified in the notice to quit shall be substituted for the date in sub-paragraph (1)(a) above.

14.—(1) This Schedule shall apply notwithstanding that the tenancy in possession is a tenancy from the Crown within the meaning of section 33 of this Act ; and, where under section 33(1)(b) the appropriate authority gives notice that as regards a Crown interest the authority will grant or concur in granting the freehold or an extended lease, then in relation to the Crown interest and the person to whom it belongs this Schedule shall have effect as it has effect in relation

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to other landlords and their interests, but with the appropriate authority having power to act as reversioner or otherwise for purposes of this Schedule on behalf of that person:

Provided that paragraph 4(1)(a) above shall not apply to the execution of a conveyance or lease on behalf of the person to whom a Crown interest belongs.

(2) A conveyance or lease executed in pursuance of paragraph 4(3) above shall be effective notwithstanding that the interest intended to be conveyed or bound is a Crown interest or a tenancy from the Crown.

Sections 17
18, 20, 21,
23 and 25.

SCHEDULE 2

**PROVISIONS SUPPLEMENTARY TO SECTIONS 17 AND 18
OF THIS ACT**

1.—(1) This Schedule has effect where a tenant of a house and premises is entitled to be paid compensation under section 17 or 18 of this Act, or would be so entitled on the landlord obtaining an order for possession, or where an application for such an order is dismissed or withdrawn; and for purposes of this Schedule—

- (a) “application for possession” means a landlord’s application under section 17(1) or 18(1); and
- (b) “order for possession” means an order under section 17(2) or 18(4).

(2) Where the tenancy has not been extended under section 14 of this Act, references in this Schedule to the original term date shall be construed as references to the term date or, in a case where before the relevant time the landlord had given notice to quit terminating the tenancy at a date earlier than the term date, as references to the date specified in the notice to quit.

2.—(1) Where an order for possession is made, the tenancy shall determine, and the compensation payable to the tenant by virtue of the order shall become payable, on such date as may, when the amount of that compensation is known, be fixed by order of the court made on the application either of the landlord or of the tenant.

(2) An order of the court under this paragraph shall not fix a date earlier than the original term date of the tenancy, nor shall it fix a date less than four months or more than twelve months after the date of the order unless the court sees special reason for doing so; and in a case under section 18 of this Act an application to the Lands Tribunal to determine the amount of the compensation payable to the tenant shall not be made more than twelve months before the original term date.

(3) In fixing the date the court shall have regard to the conduct of the parties and, in a case under section 17 of this Act, to the extent to which the landlord has made reasonable preparations for proceeding with the redevelopment (including the obtaining of or preparations relating to the obtaining of any requisite permission or consent, whether from any authority whose permission or consent is required under any enactment or from the owner of an interest in any property).

(4) The court may by order direct that the whole or part of the compensation payable to the tenant shall be paid into court, if the court thinks it expedient so to do for the purpose of ensuring that the sum paid is available for meeting charges on the tenant's interest in the house and premises, or for the purpose of division, or for any other purpose.

3.—(1) On the termination of a tenancy under an order for possession there shall terminate also any immediate or derivative sub-tenancy, and the tenant shall be bound to give up possession of the house and premises to the landlord except in so far as he is precluded from doing so by the rights of other persons to retain possession under or by virtue of any enactment.

(2) Where a sub-tenancy of property comprised in the tenancy has been created after the date of the application for possession (or any earlier date when, in the case of an application relying on section 28(1) of this Act, a copy of the Minister's certificate was served on the tenant), then no person shall in respect of that sub-tenancy be entitled under section 15(3) of the Increase of Rent and Mortgage Interest (Restrictions) Act 1920, or any enactment applying or extending it, to retain possession of that property after the termination of the tenancy under the order for possession. 1920 c. 17.

(3) In exercising its jurisdiction under section 17 or 18 of this Act or this Schedule the court shall assume that the landlord, having obtained an order for possession, will not be precluded from obtaining possession by the right of any person to retain possession by virtue of the Rent Acts or otherwise.

(4) A person in occupation of the house and premises or part of them under a sub-tenancy liable to terminate under sub-paragraph (1) above may, with the leave of the court, appear and be heard on any application for possession or application under paragraph 2 above.

4. Where an order has been made under paragraph 2 above, the court making the order or another county court shall have jurisdiction to hear and determine any proceedings brought by virtue of the order to recover possession of the property or to recover the compensation, notwithstanding that by reason of the value of the property or the amount of the compensation the proceedings are not within the jurisdiction conferred on county courts apart from this provision.

5.—(1) The amount payable to a tenant, by virtue of an order for possession, by way of compensation for the loss of the house and premises shall be the amount which, if sections 17 and 18 of this Act had not been passed, the house and premises, if sold in the open market by a willing seller, might at the date when the order for possession becomes final be expected to realise, on the assumption that the vendor was selling the tenancy, and was selling—

- (a) subject to the rights of any person who will on the termination of the tenancy be entitled to retain possession as against the landlord, but otherwise with vacant possession ;
and

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- (b) subject to any subsisting incumbrances which will not terminate with the tenancy and for which during the continuance of the tenancy the tenant is liable without having a right to be indemnified by the landlord, but otherwise free of incumbrances ; and
- (c) subject to any restriction which would be required (in addition to any imposed by the terms of the tenancy) to limit the uses of the house and premises to those to which they have been put since the commencement of the tenancy and to preclude the erection of any new dwelling-house or any other building not ancillary to the house as a dwelling-house ;

but there shall be left out of account any value attaching to the right to acquire the freehold under Part I of this Act.

(2) The compensation payable in respect of a tenancy which has not been extended under section 14 of this Act shall be computed as if the tenancy was to be so extended.

1927 c. 36.

6.—(1) Part I of the Landlord and Tenant Act 1927 (compensation for improvements on termination of business tenancies) shall not apply on the termination of the tenancy or any sub-tenancy in accordance with this Schedule ; and a request for a new tenancy under section 26 of the Landlord and Tenant Act 1954 in respect of the tenancy or any sub-tenancy shall be of no effect if made after the application for possession, or shall cease to have effect on the making of that application.

1954 c. 56.

(2) Where a sub-tenancy terminating with the tenancy in accordance with paragraph 3 above is one to which Part II of the Landlord and Tenant Act 1954 applies, the compensation payable to the tenant shall be divided between him and the sub-tenant in such proportions as may be just, regard being had to their respective interests in the house and premises and to any loss arising from the termination of those interests and not incurred by imprudence.

(3) Where the amount of the compensation payable to the tenant is agreed between him and the landlord without the consent of a sub-tenant entitled under sub-paragraph (2) above to a share in the compensation, and is shown by the sub-tenant to be less than might reasonably have been obtained by the tenant, the sub-tenant shall be entitled under sub-paragraph (2) above to recover from the tenant such increased share as may be just.

7.—(1) The landlord shall not be concerned with the application of the amount payable to the tenant by way of compensation under an order for possession, but (subject to any statutory requirements as to payment of capital money arising under a settlement or a disposition on trust for sale and to any order under paragraph 2(4) above for payment into court) the written receipt of the tenant shall be a complete discharge for the amount payable.

(2) The landlord shall be entitled to deduct from the amount so payable to the tenant—

- (a) the amount of any sum payable by way of rent or recoverable as rent in respect of the house and premises up to the termination of the tenancy ; and

(b) the amount of any other sums due and payable by the tenant to the landlord under or in respect of the tenancy or any agreement collateral thereto.

(3) Where the tenancy is held on trust for sale, and compensation is paid in respect of it in accordance with section 17 or 18 of this Act (whether possession is obtained under that section or without any application for possession), the sum received shall be dealt with as if it were proceeds of sale arising under the trust.

8.—(1) Where a landlord makes an application for possession, and it is made to appear to the court that in relation to matters arising out of that application (including the giving up of possession of the house and premises or the payment of compensation) the landlord or the tenant has been guilty of any unreasonable delay or default, the court may—

- (a) by order revoke or vary, and direct repayment of sums paid under, any provision made by a previous order as to payment of the costs of proceedings taken in the court on or with reference to the application, or, where costs have not been awarded, award costs ;
- (b) certify particulars of the delay or default to the Lands Tribunal with a view to enabling the Tribunal to exercise a like discretion in relation to costs of proceedings before the Tribunal.

(2) Where the court gives any such certificate as is authorised by sub-paragraph (1)(b) above, the Lands Tribunal may make the like order as to costs of proceedings before the Lands Tribunal as the court is authorised by sub-paragraph (1)(a) to make.

(3) Where an application for possession is dismissed or withdrawn, and it is made to appear to the court—

- (a) that the application was not made in good faith ; or
- (b) that the landlord had attempted in any material respect to support by misrepresentation or the concealment of material facts a request to the tenant to deliver up possession without an application for possession ;

the court may order that no further application for possession of the house and premises made by the landlord shall be entertained if it is made within the five years beginning with the date of the order.

9.—(1) The purposes authorised for the application of capital money by section 73 of the Settled Land Act 1925, or by that section as applied by section 28 of the Law of Property Act 1925 in relation to trusts for sale, and the purposes authorised by section 71 of the Settled Land Act 1925 or by that section as applied as aforesaid as purposes for which moneys may be raised by mortgage, shall include the payment of compensation in accordance with section 17 or 18 of this Act (whether possession is obtained under that section or without any application for possession). 1925 c. 18.
1925 c. 20.

(2) The purposes authorised for the application of capital money by section 26 of the Universities and College Estates Act 1925, and the purposes authorised by section 31 of that Act as purposes for 1925 c. 24.

- SCH. 2** which moneys may be raised by mortgage, shall include the payment of compensation in accordance with section 17 of this Act (whether possession is obtained under that section or without any application for possession).

Sections 22
and 34.

SCHEDULE 3

VALIDITY OF TENANTS' NOTICES, EFFECT ON LANDLORD AND TENANT ACT 1954 ETC. AND PROCEDURE GENERALLY

PART I

Restrictions on claims by tenant, and effect of claims on other notices, forfeitures, etc.

1.—(1) A claim to acquire the freehold or an extended lease of any property shall be of no effect if made after the tenant has given notice terminating the tenancy of that property (not being a notice that has been superseded by the grant, express or implied, of a new tenancy), or if made during the subsistence of an agreement for a future tenancy to which section 28 of the Landlord and Tenant Act 1954 applies.

(2) A tenant's notice terminating the tenancy of any property, shall be of no effect if given during the currency of a claim made in respect of the tenancy to acquire the freehold or an extended lease of that property.

(3) In sub-paragraphs (1) and (2) above references to a notice terminating a tenancy include a tenant's request for a new tenancy under section 26 of the Landlord and Tenant Act 1954, and a tenant's notice under section 27(1) of that Act that he does not desire the tenancy to be continued.

2.—(1) A claim to acquire the freehold or an extended lease of any property shall be of no effect if made more than two months after a landlord's notice terminating the tenancy of that property has been given under section 4 or 25 of the Landlord and Tenant Act 1954 (whether or not that notice has effect to terminate the tenancy):

Provided that—

- (a) this sub-paragraph shall not apply where the landlord gives his written consent to a claim being made after the end of those two months ; and
- (b) where a tenant, having given notice of his desire to have the freehold, gives after the end of those two months a further notice under section 9(3) of this Act of his inability or unwillingness to acquire the house and premises at the price he must pay, he may with the notice under section 9(3) give a notice of his desire to have an extended lease (if he then has a right thereto).

(2) A landlord's notice terminating a tenancy of any property under section 4 or 25 of the Landlord and Tenant Act 1954 shall be of no effect if given during the currency of a claim made in

respect of the tenancy to acquire the freehold or an extended lease of that property, and shall cease to have effect on the making of such a claim.

SCR. 3

(3) Where any such landlord's notice ceases (by virtue of sub-paragraph (2) above or section 35 of this Act) to have effect on the making of a claim, but the claim is not effective, then if within one month after the period of currency of that claim (or any subsequent claim made by virtue of the proviso to sub-paragraph (1) above) a landlord's notice terminating the tenancy is given under section 4 or 25 of the Landlord and Tenant Act 1954, the earliest date which may be specified therein as the date of termination shall be the date of termination specified in the previous notice or the expiration of three months from the giving of the new notice, whichever is the later. 1954 c. 56.

(4) Where by virtue of sub-paragraph (3) above a landlord's notice specifies as the date of termination of a tenancy a date earlier than six months after the giving of the notice, then—

- (a) if it is a notice proposing a statutory tenancy, section 7(2) of the Landlord and Tenant Act 1954 shall apply in relation to the notice with the substitution, for references to the period of two months ending with the date of termination specified in the notice and the beginning of that period, of references to the period of three months beginning with the giving of the notice and the end of that period; and
- (b) if it is a notice under section 25 of that Act, an application under section 24 for a new tenancy shall not be entertained unless it is made within three months after the giving of the notice.

3.—(1) Where a tenant makes a claim to acquire the freehold or an extended lease of any property, then during the currency of the claim and for three months thereafter the tenancy in that property shall not terminate either by effluxion of time or in pursuance of a notice to quit given by the landlord or by the termination of a superior tenancy; but if the claim is not effective, and but for this sub-paragraph the tenancy would have so terminated before the end of those three months, the tenancy shall so terminate at the end of the three months.

(2) Sub-paragraph (1) above shall not be taken to prevent an earlier termination of the tenancy in any manner not there mentioned, nor affect the power under section 146(4) of the Law of Property Act 1925 to grant a tenant relief against the termination of a superior tenancy, or any right of the tenant to relief under section 16(2) of the Landlord and Tenant Act 1954 or under paragraph 9 of Schedule 5 to that Act. 1925 c. 20.

4.—(1) Where a tenant makes a claim to acquire the freehold or an extended lease of any property, then during the currency of the claim no proceedings to enforce any right of re-entry or forfeiture terminating the tenancy shall be brought in any court without the leave of that court, and leave shall not be granted

SCH. 3 unless the court is satisfied that the claim was not made in good faith ; but where leave is granted, the claim shall cease to have effect.

(2) Where a claim is made to acquire the freehold or an extended lease of property comprised in a tenancy, the tenancy shall be deemed for purposes of the claim to be a subsisting tenancy notwithstanding that the claim is made when proceedings are pending to enforce a right of re-entry or forfeiture terminating the tenancy and notwithstanding any order made afterwards in those proceedings, and if the claim is effective, the court in which the proceedings were brought may set aside or vary any such order to such extent and on such terms as appear to that court to be appropriate:

Provided that if it appears to that court that the claim is not made in good faith, or there has been unreasonable delay in making it, and that apart from the claim effect should be given to the right of re-entry or forfeiture, the court shall order that the tenancy shall not be treated as subsisting nor the claim as valid by virtue of this sub-paragraph.

(3) Where a court other than the county court—

(a) grants leave under sub-paragraph (1) above ; or

(b) makes an order under the proviso to sub-paragraph (2) above on the ground that a claim was not made in good faith ;

the court may make any such order as the county court is authorised to make by section 20(5) or (6) of this Act.

(4) A tenant who, in proceedings to enforce a right of re-entry or forfeiture or a right to damages in respect of a failure to comply with any terms of the tenancy, applies for relief under section 16 of the Landlord and Tenant Act 1954 is not thereby precluded from making a claim to acquire the freehold or an extended lease ; but if he gives notice under section 16(2) (under which the tenant is relieved from any order for recovery of possession or for payment of damages, but the tenancy is cut short), any claim made by him to acquire the freehold or an extended lease of property comprised in the tenancy, with or without other property, shall be of no effect, or, if already made, shall cease to have effect.

(5) Sub-paragraph (4) above shall apply in relation to proceedings relating to a superior tenancy with the substitution for the references to section 16 and to section 16(2) of the Landlord and Tenant Act 1954 of references to paragraph 9 and to paragraph 9(2) of Schedule 5 to that Act.

5.—(1) For purposes of this Part of this Schedule—

(a) references to a claim to acquire the freehold or an extended lease shall be taken as references to a notice of a person's desire to acquire it under Part I of this Act and, except in so far as the contrary intention appears, as including a claim made by a tenant not entitled to acquire it and a claim made by a person who is not a tenant ; and

1954 c. 56.

- (b) references to a claim being effective shall be taken as references to the freehold or an extended lease being acquired in pursuance of the claim ; and
- (c) references to the currency of a claim shall be taken as references to the period from the giving of a notice which has effect or would, if valid, have effect to the time when the notice is effective or ceases to have effect, or (not being a valid notice) is set aside by the court or withdrawn or would, if valid, cease to have effect, and those references shall include any period when the notice is suspended.

SCH. 3

(2) For purposes of sub-paragraph (1)(c) above the date when a notice ceases to have effect or is set aside or would, if valid, cease to have effect in consequence of an order of a court shall be taken to be the date when the order becomes final.

PART II

Procedural Provisions

6.—(1) A tenant's notice under Part I of this Act of his desire to have the freehold or an extended lease of a house and premises shall be in the prescribed form, and shall contain the following particulars:—

- (a) the address of the house, and sufficient particulars of the house and premises to identify the property to which the claim extends ;
- (b) such particulars of the tenancy and of the rateable value of the house and premises as serve to identify the instrument creating the tenancy and show that (apart from the operation, if any, of the proviso to section 4(1) of this Act) the tenancy is and has at the material times been a long tenancy at a low rent ;
- (c) the date on which the tenant acquired the tenancy ;
- (d) the periods for which since the beginning of the preceding ten years and since acquiring the tenancy the tenant has and has not occupied the house as his residence, together with the following additional particulars about the periods for which during that time he has so occupied the house, that is to say,—
- (i) what parts, if any, of the house have not been in his own occupation and for what periods ; and
- (ii) what other residence, if any, he has had and for what periods, and which was his main residence.

(2) Where the tenant gives the notice by virtue of section 6 or 7 of this Act, sub-paragraph (1)(c) and (d) above shall apply with the appropriate modifications of references to the tenant, so that the notice shall show the particulars bringing the case within section 6 or 7.

(3) The notice shall not be invalidated by any inaccuracy in the particulars required by this paragraph or any misdescription of the property to which the claim extends ; and where the claim extends to property not properly included in the house and premises, or does not extend to property that ought to be so included, the notice

SCH. 3 may with the leave of the court, and on such terms as the court may see fit to impose, be amended so as to exclude or include that property.

7.—(1) Where a tenant of a house gives the landlord notice in accordance with Part I of this Act of the tenant's desire to have the freehold or an extended lease, the landlord shall within two months give the tenant a notice in reply in the prescribed form stating whether or not the landlord admits the tenant's right to have the freehold or extended lease (subject to any question as to the correctness of the particulars given in the tenant's notice of the house and premises); and if the landlord does not admit the tenant's right, the notice shall state the grounds on which it is not admitted.

(2) Subject to sub-paragraph (3) below, where under Part I of this Act the landlord may object to the inclusion of any part of the house and premises as described in the tenant's notice, or may object to the exclusion of other property, the notice of his objection shall be given with or before his notice in reply, unless the right to give it later is reserved by the notice in reply.

(3) If (on the assumption, where it is not admitted, that the tenant has the right claimed) it is intended to apply to the court for possession of the house and premises under section 17 or 18 of this Act, the notice in reply shall state that it is the intention to do so, and sub-paragraph (2) above shall not apply.

(4) Where a landlord's notice in reply admits the tenant's right to have the freehold or extended lease of a house and premises, the admission shall be binding on the landlord, so far as relates to the matters mentioned in section 1(1)(a) and (b) of this Act, unless the landlord shows that he was induced to make the admission by misrepresentation or the concealment of material facts; but the admission shall not conclude any question whether the particulars of the house and premises in the tenant's notice are correct.

(5) The tenant shall not institute proceedings in the court with a view to the enforcement of his right to have the freehold or an extended lease before the landlord has given his notice in reply or two months have elapsed without his doing so since the giving of the tenant's notice.

8.—(1) Where a person ("the claimant") gives notice as tenant of a house of his desire to have the freehold or an extended lease under Part I of this Act,—

- (a) the notice shall be regarded as served on the landlord if it is served on any of the persons having an interest in the house and premises superior to the claimant's tenancy and references to the relevant time shall be construed accordingly;
- (b) copies of the notice shall be served by the claimant on any other persons known or believed by him to have such an interest;
- (c) the notice shall state whether copies are being served in accordance with paragraph (b) above on anyone other than the recipient and, if so, on whom;

SCH. 3

- (d) a recipient of the notice or a copy of it (including a person receiving a copy under this paragraph), unless he is a person having no such interest, shall forthwith serve a copy on any person who is known or believed by him to have such an interest and is not stated in the recipient's copy of the notice or known by him to have received a copy ;
- (e) a recipient of the notice or a copy of it shall, in any further copies served by him in accordance with paragraph (d) above, supplement the statement under paragraph (c) by adding any further persons on whom he is serving copies or who are known by him to have received one.
- (2) Any recipient of any such notice or a copy of it—
- (a) if he serves further copies of it on other persons in accordance with sub-paragraph (1)(d) above, shall notify the claimant of the persons added by him to the statement under sub-paragraph (1)(c) ; and
- (b) if he knows who is, or believes himself to be, the person designated as the reversioner by paragraph 2 of Schedule 1 to this Act, shall give written notice to the claimant stating who is thought by him to be the reversioner, and shall serve copies of it on all persons known or believed by him to have an interest superior to the claimant's tenancy.
- (3) Any person who fails without reasonable cause to comply with sub-paragraph (1) or (2) above, or is guilty of any unreasonable delay in doing so, shall be liable for any loss thereby occasioned to the claimant or to any person having an interest superior to the claimant's tenancy.
- (4) In this paragraph references to an interest superior to the claimant's tenancy mean the estate in fee simple and any tenancy superior to the claimant's tenancy, but shall apply also to a tenancy reversionary on the claimant's tenancy.

9.—(1) Where the interest of a landlord is subject to a charge, and the person entitled to the benefit of the charge is in possession or a receiver appointed by him or by the court is in receipt of the rents and profits, a notice by a tenant of his desire to have the freehold or an extended lease under Part I of this Act shall be duly given if served either on the landlord or on that person or any such receiver ; but the landlord or that person, if not the recipient of the notice, shall forthwith be sent the notice or a copy of it by the recipient :

Provided that in the case of a debenture-holders' charge within the meaning of section 12(5) of this Act this sub-paragraph shall not authorise the service of a notice on, or require a notice or copy to be sent to, the persons entitled to the benefit of the charge, other than trustees for the debenture-holders, but where the notice is served on the landlord and there is no trustee for the debenture-holders, he shall forthwith send it or a copy of it to any receiver appointed by virtue of the charge.

SCH. 3

(2) Where a tenant of a house gives notice of his desire to have the freehold or an extended lease under Part I of this Act, and the interest of the person to whom the notice is given, or of any person receiving a copy of it under paragraph 8 above, is subject to a charge to secure the payment of money, then subject to sub-paragraph (3) below the recipient of the notice or copy shall forthwith inform the person entitled to the benefit of the charge (unless the notice was served on him or a receiver appointed by virtue of the charge) that the notice has been given, and shall give him such further information as may from time to time be reasonably required from the recipient by him.

(3) References in sub-paragraph (2) above to a charge shall not include a charge falling within section 11 of this Act or a debenture-holders' charge within the meaning of section 12(5) of this Act.

1954 c 56.

10.—(1) This paragraph shall have effect in relation to a landlord's notice terminating a tenancy of a house under section 4 or 25 of the Landlord and Tenant Act 1954 if—

- (a) no previous notice terminating the tenancy has been given under either of those sections ; and
- (b) in the case of a notice under section 25, the tenancy is a long tenancy at a low rent, and the tenant is not a company or other artificial person.

(2) The landlord's notice shall not have effect unless it states—

- (a) that, if the tenant has a right under Part I of this Act to acquire the freehold or an extended lease of property comprised in the tenancy, notice of his desire to have the freehold or an extended lease cannot be given more than two months after the service of the landlord's notice ; and
- (b) that, in the event of a tenant having that right and giving such a notice within those two months, the landlord's notice will not operate ; and
- (c) that, in the event of the tenant giving such a notice within those two months, the landlord will be entitled to apply to the court under section 17 or 18 of this Act and proposes to do so or, as the case may be, will not be entitled or does not propose to do so.

(3) The landlord shall also in the notice give the names and addresses of any other persons known or believed by him to have an interest superior to the tenancy terminated by the notice or to be the agent concerned with the property on behalf of a person having such an interest ; and for this purpose "an interest superior to the tenancy terminated by the notice" means the estate in fee simple and any tenancy superior to that tenancy, but includes also a tenancy reversionary on that tenancy.

(4) Where a tenant's notice of his desire to have the freehold or an extended lease of a house and premises under Part I of this Act is given after the service of a landlord's notice terminating the tenancy under section 4 or section 25 of the Landlord and Tenant Act 1954, and the landlord's notice does not comply with sub-paragraph (2) above, no application made under section 17 or 18 of this Act with

respect to the house and premises by the landlord giving the notice shall be entertained by the court (other than an application under section 17 after the grant of an extended lease). SCH. 3

(5) This paragraph shall not apply, or be treated by virtue of section 34(4)(c) as applying, to a landlord's notice given before the appointed day.

SCHEDULE 4

SPECIAL COVENANTS WITH LOCAL AUTHORITIES ETC. ON ENFRANCHISEMENT OR EXTENSION

Sections 29
and 30.

PART I

OPERATION AND ENFORCEMENT OF COVENANTS

- 1.—(1) A covenant entered into in accordance with section 29 or 30 of this Act (in this Part of this Schedule referred to as “a relevant covenant”) shall not be enforceable by any means other than those provided by paragraphs 2 and 3 below.
- (2) A relevant covenant affecting land other than registered land—
- (a) may be registered under section 10 of the Land Charges Act 1925 c. 22. 1925 as a restrictive covenant, if apart from this sub-paragraph it would not be registrable under that section as a restrictive covenant or as an estate contract ; and
 - (b) subject to section 13 of that Act, shall be binding upon every successor of the covenantor, if apart from this sub-paragraph it would not be binding upon every such successor.
- (3) Where a relevant covenant affects registered land,—
- (a) notice of the covenant may be registered under section 59(2) of the Land Registration Act 1925 as a land charge (other than a local land charge) within the meaning of that Act, if apart from this subsection notice of the covenant would not be so registrable, and the provisions of that Act as to land charges shall apply accordingly ; and
 - (b) where notice of the covenant has been so registered, the covenant shall be binding upon every successor of the covenantor, if apart from this subsection it would not be binding upon every such successor.
- (4) In sub-paragraphs (2) and (3) above “successor of the covenantor”, in relation to the covenants entered into on any disposition, means a person, other than the covenantor, who is for the time being entitled—
- (a) to the interest disposed of, either in the whole or in part of the property comprised in the disposition ; or
 - (b) to an interest consisting of a tenancy (whether of the whole or of part of that property) which has been created (directly or indirectly) out of the interest disposed of.
- (5) Section 84 of the Law of Property Act 1925 (power to discharge or modify restrictive covenants affecting land) shall not have effect in relation to any relevant covenant. 1925 c. 20.

SCH. 4

(6) The rule against perpetuities and any enactment relating to that rule shall not apply to any right conferred by, or exercisable in relation to, a relevant covenant, if apart from this sub-paragraph it would apply to any such right.

1962 c. 38.

(7) Where any such interest as is mentioned in sub-paragraph (4)(a) or (b) above is acquired (whether compulsorily or by agreement) by an authority possessing compulsory purchase powers within the meaning of the Town and Country Planning Act 1962 (including any government department), nothing in the enactment which authorises that acquisition, or in any other enactment conferring powers on that authority, shall be construed as relieving that authority from the obligation to comply with any relevant covenant to which that interest remains subject; but the rights of the covenantee shall for purposes of any such acquisition be treated as an interest in the land affected, and as capable of being, and liable to be, extinguished by being compulsorily acquired in like manner and subject to the like conditions as other interests of the covenantee would be.

2.—(1) Where it appears to a local authority that a relevant covenant entered into on a disposition by that authority has been broken, the authority may serve written notice under this paragraph on any one or more of the following persons, that is to say—

- (a) any person for the time being entitled to the interest disposed of either in the whole or in part of the land comprised in the disposition (in this paragraph referred to as “the land under covenant”); and
- (b) any person entitled to an interest consisting of a tenancy (whether of the whole or of part of the land under covenant) which has been created (directly or indirectly) out of the interest disposed of.

(2) A notice served on any person under sub-paragraph (1) above shall—

- (a) specify the covenant and the matters in respect of which it is alleged by the authority that the covenant has been broken; and
- (b) state that, after the end of such period (not being less than six weeks from the date of service of the notice) as may be specified in the notice, the authority propose to execute a vesting declaration under paragraph 3 below in respect of that person’s interest in the land under covenant unless before the end of that period he serves on the authority a counter-notice under sub-paragraph (3) below.

(3) Any person on whom a notice is served under sub-paragraph (1) above may, before the end of the period specified in the notice in accordance with sub-paragraph (2)(b) serve on the authority a counter-notice in writing objecting to the notice on such one or more of the following grounds as may be specified in the counter-notice, that is to say—

- (a) that the relevant covenant specified in the notice under sub-paragraph (1) above has not been broken as alleged in the notice;

- (b) that, if that covenant has been so broken, the breach does not relate to any part of the land under covenant in which the person serving the counter-notice has an interest :
- (c) that in the circumstances he ought to be relieved against the execution of a vesting declaration under paragraph 3 below in respect of his interest.

(4) Where a person has served a counter-notice under sub-paragraph (3) above and that counter-notice has not been withdrawn, the authority shall not execute a vesting declaration under paragraph 3 below in respect of his interest except with the leave of the court ; and on any application for such leave—

- (a) where the grounds of objection specified in the counter-notice consist of or include that which is specified in sub-paragraph (3)(a) or (b) above, the court shall not grant leave unless satisfied that the objection on that ground is not well-founded ; and
- (b) without prejudice to paragraph (a) above, where the grounds of objection specified in the counter-notice consist of or include that which is specified in sub-paragraph (3)(c) above, the court, if having regard to the conduct of the parties and to all the other circumstances it appears to the court to be just and equitable to do so, may refuse to grant leave, either unconditionally or on such terms (as to costs, damages or otherwise) as the court think fit.

3.—(1) Where a local authority have served on any person a notice under paragraph 2 above in respect of such an interest as is mentioned in paragraph 2(1)(a) or (b), then subject to paragraph 2(4) above and to the provisions of any order made under it, the authority may execute a vesting declaration under this paragraph in respect of that interest—

- (a) at any time within the six months following the end of the period specified in the notice in accordance with paragraph 2(2)(b), if no counter-notice under paragraph 2(3) is served before the end of that period ; or
- (b) if such a counter-notice is so served but is withdrawn, at any time within the six months following the withdrawal of the counter-notice ; or
- (c) if such a counter-notice is so served and is not withdrawn, at any time within the six months following the time when the order giving leave under paragraph 2(4) becomes final.

(2) A vesting declaration under this paragraph in respect of an interest in land shall be in such form as may be prescribed by regulations made by statutory instrument by the Minister of Housing and Local Government.

(3) Where a vesting declaration is executed under this paragraph the interest to which it relates shall vest in the authority on such date as is specified in that behalf in the declaration.

(4) Any reference in the Land Compensation Act 1961 to the 1961 c. 33, compulsory acquisition of land, or of an interest in land, shall be construed as including a reference to the execution of a vesting

- SCH. 4 declaration under this paragraph in respect of an interest in land ;
and that Act shall apply in relation to the execution of such a
declaration as if the authority, having been duly authorised to acquire
that interest compulsorily in accordance with the Acquisition of Land
1946 c. 49. (Authorisation Procedure) Act 1946, had served notice to treat in
respect of that interest on the date of execution of the declaration.
- 1961 c. 33. (5) In assessing compensation in accordance with the Land Com-
pensation Act 1961 in respect of an interest in land vested in a local
authority by a vesting declaration under this paragraph—
- (a) nothing shall be included for damage sustained by reason
that the land in which the interest subsists is severed from
other land held therewith, or for disturbance or any other
matter not directly based on the value of land or of an
interest in land ; and
- (b) in a case where immediately before the execution of the
declaration the interest is subject to a right of pre-emption
under a covenant entered into in accordance with section
30(1)(b) of this Act, no account shall be taken of any
diminution of the value of the interest which is attributable
to that right.

PART II

RE-ACQUISITION FOR DEVELOPMENT BY NEW TOWNS COMMISSION
OR UNIVERSITY BODY

4. Where a tenant of a house and premises acquires the freehold under Part I of this Act subject to a covenant entered into under section 29(1) with the Commission for the New Towns, and the property or any part of it is afterwards required for development for purposes (other than investment purposes) of the Commission, the Commission may be authorised by the Minister of Housing and Local Government to acquire the property or that part of it compulsorily ; and the provisions of the Acquisition of Land (Authorisation Procedure) Act 1946 and any other enactment relating to compulsory purchases to which the provisions of Schedule 1 to that Act apply shall have effect in relation to a compulsory purchase under this paragraph as if the paragraph were contained in an Act in force immediately before the commencement of that Act and as if the Commission were a local authority.

5.—(1) Where a tenant of a house and premises acquires the freehold under Part I of this Act subject to a covenant entered into under section 29(1) with a university body, and the property or any part of it is afterwards required for development for the purposes (other than investment purposes) of that or a related university body, the Secretary of State for Education and Science may at the cost and on behalf of the university body for which it is required acquire the property or that part of it by compulsory purchase.

(2) The power of compulsory purchase conferred by this paragraph shall be exercisable in accordance with the provisions of the Acquisition of Land (Authorisation Procedure) Act 1946 ; and that Act

shall apply accordingly in relation to the authorisation of a compulsory purchase under this paragraph as it applies to such an authorisation as is mentioned in section 1 of that Act.

SCH. 4

(3) For purposes of this paragraph a university and the colleges of that university (within the meaning of section 28(5)(c) of this Act) are university bodies related to one another.

SCHEDULE 5

Section 39.

LANDLORD AND TENANT ACT 1954 PART I (CONSEQUENTIAL AMENDMENTS, EFFECT OF RENT ACT 1965, ETC.)

Consequential amendments of Landlord and Tenant Act 1954

1. In Schedule 3 to the Landlord and Tenant Act 1954, paragraph 1 shall be amended as follows:—

- (a) in sub-paragraph (e) (under which a landlord may claim possession of premises as a residence for himself or certain members of his family) after the word "mother" there shall be inserted the words "or the father or mother of his spouse"; and
- (b) in proviso (a) (under which a landlord cannot claim possession of premises as a residence for himself or his family unless his interest ante-dated the date there mentioned) for the words "the 21st November 1950" there shall be substituted the words "the 18th February 1966" (in place of the words "the 7th November 1956" substituted by the Rent Act 1957).

1957 c. 25.

2. The following provisions of the Landlord and Tenant Act 1954 shall have effect as if the amendments and repeals made in them by the Rent Act 1957 in consequence of the passing of section 21 of that Act had not been made, that is to say,—

- (a) section 2 (the words "at a low rent" being re-inserted in subsections (1), (2) and (3) after the words "long tenancy", and the words "if the tenancy had not been one at a low rent" being restored in place of the words "if the tenancy had not been a long tenancy and (in the case of a tenancy at a low rent) had not been a tenancy at a low rent");
- (b) section 3(3) (the words "if the tenancy in question were not one at a low rent" being restored in place of the words "if the tenancy in question were not a long tenancy and (in the case of a tenancy at a low rent) were not a tenancy at a low rent");
- (c) section 12(2)(a) and (b) (the words "if the tenancy were not one at a low rent" being in each case restored in place of the words "if the tenancy were not a long tenancy and (in the case of a tenancy at a low rent) were not a tenancy at a low rent");
- (d) section 18(1) (the words "at a low rent" being re-inserted after the words "long tenancy" where first occurring);

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SCH. 5

(e) section 19(1) (the words “at a low rent” being re-inserted after the word “tenancy”, where first occurring, and after the words “another tenancy”, and there being omitted the words “and the second tenancy is a tenancy at a low rent”).

Regulated tenancies

1954 c. 56. 3.—(1) The amount of the rent payable under a regulated tenancy arising by virtue of Part I of the Landlord and Tenant Act 1954 shall, subject to the provisions of that Act as to initial repairs and subject to the operation (as regards the fixing of a fair rent and otherwise) of the Rent Act 1965, be such amount as may be agreed between the landlord and the tenant or, in default of agreement, the same amount as the rent last payable under the long tenancy; and accordingly in the Landlord and Tenant Act 1954—

(a) for section 6(1)(b) there shall be substituted—

“(b) had not been a tenancy at a low rent and, except as regards the duration of the tenancy and the amount of the rent, had been a tenancy on the terms agreed or determined in accordance with the next following section and no other terms”; and

1957 c. 25. (b) in section 7, in subsection (1) after the word “period” there shall be inserted the words “other than the amount of the rent”, in subsection (2)(b) for the words (as amended by the Rent Act 1957) “what is to be the rent” there shall be substituted the words “as regards the rent” and in subsection (3) after the word “means” there shall be inserted the words “proposals as to the rent of the dwelling-house during the period of the statutory tenancy”.

(2) Where the rent payable under a statutory tenancy is arrived at in accordance with sub-paragraph (1) above, then the Rent Act 1965 shall apply with the following adaptations:—

(a) for purposes of section 3(3)(a) (under which the rent payable under one regulated tenancy may impose a limit on the rent payable under a later one) the tenancy shall be disregarded;

(b) section 5 (under which the rent payable for a statutory period of a tenancy is not to exceed that payable for the last contractual period) shall not apply;

(c) section 6 (which provides for variations of rent in respect of changes in the burden on the landlord for rates, provision of services etc.) shall apply only if the rent is one arrived at by agreement, and shall then apply as if references to the last contractual period were references to the first statutory period.

4.—(1) In relation to a rent registered or to be registered for a dwelling-house on an application made with reference to a regulated tenancy arising by virtue of Part I of the Landlord and Tenant Act 1954, the Rent Act 1965 shall have effect subject to the provisions of this paragraph.

(2) An application for the registration of a rent may be made by the landlord or the tenant, or jointly by the landlord and the tenant, before the commencement of the statutory tenancy, but not before the terms of that tenancy other than the amount of the rent have been agreed or determined in accordance with section 7 of the Landlord and Tenant Act 1954; and the provisions of the Rent Act 1965 (including the provisions of paragraph 13 of Schedule 3 as to the date from which the registration takes effect) shall apply accordingly. SCH. 5
1954 c. 56.
1965 c. 75.

(3) Where a rent is registered in pursuance of an application made by virtue of sub-paragraph (2) above, then a notice under section 7(b) of the Rent Act 1965 increasing the rent payable may, if the notice is given within four weeks after the date on which the rent is registered, specify as the date from which the increase is to take effect any date not earlier than the commencement of the tenancy nor earlier than the date from which the registration takes effect.

(4) Where initial repairs (within the meaning of Part I of the Landlord and Tenant Act 1954) remain to be carried out to the dwelling-house, then in determining what rent is or would be a fair rent regard shall be had under section 27(1) of the Rent Act 1965 to the state of repair which may be expected to subsist after the completion of the initial repairs.

(5) The provisions of the Rent Act 1965 as to the amount of the rent recoverable shall be taken as applying to the amount before account is taken of the provisions of the Landlord and Tenant Act 1954 as to initial repairs.

(6) Any entry in the register of a rent or of its confirmation by the rent assessment committee shall indicate that the rent is registered on an application made with reference to a statutory tenancy arising by virtue of Part I of the Landlord and Tenant Act 1954.

Transitional

5. In relation to a tenancy to which section 1 of the Landlord and Tenant Act 1954 applies immediately before the date of coming into operation of section 39 of this Act (in this and the following paragraphs referred to as "the operative date"), section 39 of this Act and paragraphs 1 to 4 above, together with the repeals made by Part I of Schedule 7 to this Act, shall not have effect if at the operative date there is in force a landlord's notice proposing a statutory tenancy and all the terms of the tenancy have been agreed or determined in accordance with section 7 of the Landlord and Tenant Act 1954 or an application for securing their determination by the court has been made.

6.—(1) Subject to paragraph 7(1) below, where at the operative date (within the meaning of paragraph 5 above) a tenancy is continuing by virtue of section 3 of the Landlord and Tenant Act 1954, section 39 of this Act and paragraphs 1 to 4 above, together with the repeals made by Part I of Schedule 7 to this Act, shall apply to the tenancy only to the extent provided for by this paragraph.

SCH. 5
1954 c. 56.

(2) Where at the operative date no notice under section 4 of the Landlord and Tenant Act 1954 terminating the tenancy is in force, Part I or, as the case may be, Part II of that Act shall apply as it would apply if the term date of the tenancy (within the meaning of Part I) had fallen on the operative date and if, in the case of a tenancy not at a low rent, it had been one at a low rent.

(3) Where at the operative date there is in force a landlord's notice proposing a statutory tenancy, sub-paragraph (2) above shall apply as it applies in a case where there is no such notice, unless either—

(a) all the terms of the tenancy have been agreed or determined in accordance with section 7 of the Landlord and Tenant Act 1954 or an application for securing their determination by the court has been made ; or

(b) Part II of that Act would in accordance with sub-paragraph (2) above apply to the tenancy.

(4) Where a landlord's notice terminating the tenancy is in force at the operative date, and the notice ceases to have effect without the tenancy being terminated or a statutory tenancy arising, then sub-paragraph (2) above shall thereafter apply as it applies in a case where there is no such notice.

1965 c. 75.

(5) Where a statutory tenancy arises by virtue of Part I of the Landlord and Tenant Act 1954 as it applies in accordance with sub-paragraph (2) above the Rent Act 1965 shall have effect in relation to the statutory tenancy accordingly.

(6) Nothing in section 39 of this Act or in sub-paragraphs (2) to (5) above shall affect the operation of any notice given by a tenant under section 5 of the Landlord and Tenant Act 1954 to terminate the tenancy, if the notice is given while section 1 of the Act applies to the tenancy.

7.—(1) This paragraph shall have effect in relation to tenancies of the following description, except where paragraph 5 above applies, and paragraph 6 shall not have effect in relation to them, that is to say, tenancies—

(a) to which section 1 of the Landlord and Tenant Act 1954 applies immediately before the operative date (within the meaning of paragraph 5 above) ; but

(b) to which in accordance with section 39 of this Act section 1 of the Landlord and Tenant Act 1954 can no longer apply because the rateable value of the dwelling-house on the appropriate day for purposes of the Rent Act 1965 exceeds the amount specified in section 1(1) of that Act.

(2) Where, on section 1 of the Landlord and Tenant Act 1954 ceasing by virtue of section 39 of this Act to apply to any such tenancy, Part II of that Act would not become applicable to it, then, if the term date falls or fell before the operative date or within the three months beginning with the operative date, the tenancy shall continue until the expiration of those three months unless sooner

determined by a notice given by the tenant in accordance with section 5(1) or (2) of the Landlord and Tenant Act 1954 or by a landlord's notice to resume possession given before the operative date. SCH. 5
1954 c. 56.

(3) Where, on section 1 of the Landlord and Tenant Act 1954 ceasing by virtue of section 39 of this Act to apply to any such tenancy, Part II of that Act would become applicable to it, section 39 of this Act and paragraphs 1 to 4 above, together with the repeals made by Part I of Schedule 7 to this Act, shall not have effect in relation to the tenancy if at the operative date there is in force a landlord's notice to resume possession, or there is in force a notice given by the tenant in accordance with section 5(1) or (2) of the Landlord and Tenant Act 1954 to terminate the tenancy on a date within the three months beginning with the operative date :

Provided that this sub-paragraph shall cease to apply if the notice ceases to have effect without the tenancy being terminated.

8.—(1) Where a statutory tenancy has by virtue of Part I of the Landlord and Tenant Act 1954 arisen before the operative date (within the meaning of paragraph 5 above), the operation of Part I of that Act in relation to the tenancy shall not be affected by section 39 of this Act and paragraphs 2 to 4 above, or the repeals made by Part I of Schedule 7 to this Act, except as provided by sub-paragraph (2) below.

(2) Where before or after the operative date an order has been or is made under section 11 of the Rent Act 1965 (conversion of existing controlled tenancies into regulated tenancies), then in relation to any statutory tenancy arising by virtue of Part I of the Landlord and Tenant Act 1954 before or after the order comes into operation and not being a regulated tenancy the order shall have effect as in the case of an existing controlled tenancy not so arising (except that an order coming into operation before the operative date shall apply as from the operative date) ; and an order may be made under that section so as to have effect (by reason of section 11 of the Rent Act 1957) only in relation to tenancies so arising. 1965 c. 75.
1957 c. 25.

(3) Where by virtue of sub-paragraph (2) above an order under section 11 of the Rent Act 1965 has effect in relation to a statutory tenancy arising after the coming into operation of the order, the references in section 11(5) and (6) to the last rental period before the order comes into operation shall take effect as references to the first rental period of the statutory tenancy.

(4) Where in accordance with section 11(7) of the Rent Act 1965 a statutory tenancy arising by virtue of Part I of the Landlord and Tenant Act 1954 is required to be treated as a tenancy continuing under section 24 of the Landlord and Tenant Act 1954, that shall not affect any outstanding obligations, rights or remedies of any person in respect of initial repairs within the meaning of Part I of the Landlord and Tenant Act 1954.

9. Where at the operative date (within the meaning of paragraph 5 above) land consisting of or including a dwelling-house

SCH. 5 is subject to a long tenancy which becomes a regulated tenancy on the operative date by virtue of section 39 of this Act, then section 42 of the Rent Act 1965 (which makes provision for relieving mortgagors from hardship in connection with mortgages created before the commencement of that Act) shall have effect as if in relation to that land the reference in subsection (1)(a) to the commencement of that Act were a reference to the operative date.

1965 c. 75.

Supplementary

10.—(1) Section 46(2) of the Rent Act 1965 (which confers power by regulations to modify Schedule 3 to that Act) shall apply also to this Schedule in so far as it affects Schedule 3.

(2) In so far as they relate to the Rent Act 1965, section 39 of this Act and this Schedule shall have effect subject to section 49 of that Act (which confers power to adapt the Act in its application to the Isles of Scilly) as if those provisions of this Act were contained in that Act.

Section 40.

SCHEDULE 6

THE PLACES OF WORSHIP (ENFRANCHISEMENT) ACT 1920, AS AMENDED

1.—(1) Where premises held under a lease to which this Act applies are held upon trust to be used for the purposes of a place of worship or, in connexion with a place of worship, for the purpose of a minister's house, whether in conjunction with other purposes or not, and the premises are being used in accordance with the terms of the trust, the trustees, notwithstanding any agreement to the contrary (not being an agreement against the enlargement of the leasehold interest into a freehold contained in a lease granted or made before the passing of this Act), shall have the right as incident to their leasehold interest to enlarge that interest into a fee simple, and for that purpose to acquire the freehold and all intermediate reversions:

Provided that—

- (a) if the premises exceed two acres in extent, the trustees shall not be entitled to exercise the right in respect of more than two acres thereof; and
- (aa) where the person entitled to the freehold or an intermediate reversion requires that underlying minerals be excepted, the trustees shall not be entitled to acquire his interest in the minerals if proper provision is made for the support of the premises as they have been enjoyed during the lease and in accordance with the terms of the lease and of the trust; and
- (b) this Act shall not apply where the premises are used or are proposed to be used for the purposes of a place of worship in contravention of any covenant contained in the lease under which the premises are held or in any lease superior thereto; and

Right of persons holding leasehold interest in place of worship or minister's house to acquire freehold.

- (c) this Act shall not apply where the premises form part of land which has been acquired by or is vested in any municipal, local or rating authority or in the owners thereof for the purposes of a railway, dock, canal or navigation under any Act of Parliament, Provisional Order or Order having the force of an Act of Parliament and the freehold reversion in the premises is held or retained by such owners for those purposes.

SCH. 6

(1A) Where the residence house of a benefice is held by the incumbent under a lease to which this Act applies, this Act shall have effect (with any necessary modifications) in relation to the enlargement of the incumbent's leasehold interest into a fee simple, and in relation to the estate so acquired, as it would have effect if the residence house were vested for that interest in trustees; and the powers and provisions of the Parsonages Measure 1938 (as amended by any subsequent enactment) relating to the purchase of houses for parsonages shall apply for and in relation to the acquisition under this Act of the freehold reversion.

1938 No. 3.

(2) The leases to which this Act applies are leases (including underleases and agreements for leases or underleases), whether granted or made before or after the passing of this Act, for lives or a life or for a term of years where the term as originally created was a term of not less than twenty-one years, whether determinable on a life or lives or not.

2. For the purpose of acquiring such reversionary interests as aforesaid, Part I of the Compulsory Purchase Act 1965 shall apply as if the trustees were an authority authorised to acquire the premises by virtue of a compulsory purchase order, made under the Acquisition of Land (Authorisation Procedure) Act 1946; but in relation to any acquisition under this Act the following provisions shall have effect:—

Procedure for acquisition of reversionary interests.

1965 c. 56.

1946 c. 49.

- (a) in Part I of the Compulsory Purchase Act 1965 section 4 (time limit for acquisition) shall not apply, and for purposes of the said Part I "land" shall include easements in or relating to land;
- (b) the consideration payable in respect of any intermediate reversion may, at the option of the person entitled to that reversion, be an annual rentcharge for a term corresponding to the unexpired residue of the term of the reversion;
- (c) in determining the amount of any compensation the value of any buildings erected, or improvements made by the trustees, shall be excluded;
- (d) no allowance shall be made on account of the acquisition being compulsory;
- (e) in determining the amount of compensation in any case where the rent reserved under the lease is less than the full annual value of the land the compensation, so far as it is payable in respect of the interest of the lessor expectant on the expiration of the term of the lease, shall not be ascertained on the basis of the rent so reserved, but, subject always to the foregoing provisions of this section, on the estimated

SCH. 6 full value of the land at the expiration of the term of the lease.

Effect of enfranchisement on covenants.

3. The estate in fee simple acquired by the trustees shall be held by them upon the same trusts as those upon which the leasehold interest would have been held by them if it had not been enlarged into a fee simple, and shall be subject to all the same covenants and provisions relating to user and enjoyment and to all the same obligations of every kind other than the payment of rent as those to which the leasehold interest would have been subject if it had not been so enlarged, and all such covenants, provisions, and obligations shall be enforceable against the trustees and their successors in title by the persons who, but for the enlargement of the leasehold interest under this Act, would for the time being have been entitled to enforce such covenants, provisions, or obligations :

Provided that any covenant to insure against fire, whether in any particular office or not, and to reinstate and apply the insurance money in reinstating the premises in case of damage by fire, and any other covenant to do any act which may or will be beneficial to the demised premises alone, shall continue in force only where the consideration is payable in the form of a rentcharge, and so long as that rentcharge is payable.

Definitions.

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

The expression “place of worship” means any church, chapel, or other building used for public religious worship, and includes a burial ground, Sunday or Sabbath school or caretaker’s house attached to or used in connexion with and held upon the same trusts as a place of worship ;

The expression “freehold reversion” means the estate of fee simple in the premises subject to the lease held by the trustees and any lease superior thereto ;

The expression “intermediate reversion” means any leasehold interest in the land (whether under a lease or underlease or under an agreement for a lease or underlease) superior to the lease held by the trustees ;

The expression “trustees” means the persons in whom the leasehold premises are for the time being vested for the purposes of a place of worship or minister’s house under any trust whether express or implied and includes their predecessors in title.

6.—(1) This Act may be cited as the Places of Worship (Enfranchisement) Act 1920.

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

ort title
d extent.

SCHEDULE 7

Sections 40
and 41.

REPEALS

PART I

Repeals arising out of section 39 of this Act

| Chapter | Short title | Extent of repeal |
|---------------------------|--|--|
| 14 & 15 Geo. 6. c. 65. | The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951. | In section 16(2), the paragraph (<i>f</i>) added by the Rent Act 1957. |
| 2 & 3 Eliz. 2. c. 56. | The Landlord and Tenant Act 1954. | Section 6(4). Section 9(5). In section 43(1)(c) the words (added by the Rent Act 1957) "or subsection (1) of section 21 of the Rent Act 1957". In Schedule 1, in paragraph 9 the words (added by the Rent Act 1957) following the word "rent". In Schedule 2, in paragraph 1(1) the words (added by the Rent Act 1957) following the word "determination", where last occurring. In Schedule 3, paragraph 1(<i>d</i>). In Schedule 5, in paragraph 7(3), the words from "under the Rent Acts" to "this Act". |
| 5 & 6 Eliz. 2. c. 25. | The Rent Act 1957. | Section 11(4). Section 21(2). In section 25, in subsection (1) the definitions of "long tenancy" and "tenancy at a low rent", and in subsection (3) paragraph (<i>b</i>) and in paragraph (<i>c</i>) the words from "or" onwards. In Schedule 6, paragraphs 7 to 10, 15, 25(3) and 27. |

The repeals in this Part of this Schedule are made subject to the provisions of Schedule 5 to this Act.

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PART II

Repeals arising out of section 40 of this Act

| Chapter | Short title | Extent of repeal |
|---------------------------|---|---|
| 10 & 11 Geo. 5. c. 56. | The Places of Worship (Enfranchisement) Act 1920. | Section 4. In section 5, in the definition of "freehold reversion" the words from "and, where" onwards, and the definition of "the county court". The Schedule. |

The repeals in this Part of this Schedule are made subject to the provisions of section 40(8) of this Act.



Expiring Laws Continuance Act 1967

1967 CHAPTER 89

An Act to continue certain expiring laws.

[20th December 1967]

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

1.—(1) The Acts mentioned in columns 1 and 2 of the Schedule to this Act (which, to the extent specified in column 3 of that Schedule, are limited to expire at the end of December 1967) shall, to that extent, continue in force till the end of December 1968. Continuance of certain expiring enactments.

(2) Part VII of the Licensing Act 1964 (which is limited to expire at the end of March 1968) shall continue in force till the end of March 1969. 1964 c. 26.

2.—(1) This Act may be cited as the Expiring Laws Continuance Act 1967. Short title and application to Northern Ireland.

(2) Except in so far as it continues section 1 of the Aliens Restriction (Amendment) Act 1919, section 4 of the Children and Young Persons (Harmful Publications) Act 1955, section 3 of the Emergency Laws (Repeal) Act 1959 and Part I of, and Schedule 1 to, the Commonwealth Immigrants Act 1962, this Act shall not extend to Northern Ireland. 1919 c. 92. 1955 c. 28. 1959 c. 19. 1962 c. 21.

Section 1.

SCHEDULE

ACTS CONTINUED TILL END OF DECEMBER 1968

| Chapter | Short Title | Extent to which Act is temporary in Duration and is continued in Force |
|----------------------------|---|--|
| 9 & 10 Geo. 5. c. 92. | The Aliens Restriction (Amendment) Act 1919. | Section 1. |
| 1 & 2 Eliz. 2. c. 23. | The Accommodation Agencies Act 1953. | The whole Act. |
| 3 & 4 Eliz. 2. c. 28. | The Children and Young Persons (Harmful Publications) Act 1955. | The whole Act. |
| 7 & 8 Eliz. 2. c. 19. | The Emergency Laws (Repeal) Act 1959. | Section 3. |
| 10 & 11 Eliz. 2. c. 21. | The Commonwealth Immigrants Act 1962. | Part I and Schedule 1 |



Family Allowances and National Insurance Act 1967

1967 CHAPTER 90

An Act to increase family allowances under the Family Allowances Act 1965 and make related adjustments of certain benefits under the National Insurance Act 1965 or the National Insurance (Industrial Injuries) Act 1965, to make further provision as to the time at which a person ceases to be a child within the meaning of those Acts, and for purposes connected therewith.
[20th December 1967]

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

- 1.—(1) As regards allowances for periods after the 8th April 1968 the Family Allowances Act 1965 shall have effect—
- (a) with the substitution of the words “fifteen shillings” for the words “eight shillings” and of the words “seventeen shillings” for the words “ten shillings” in section 1 (where the first amount mentioned gives the weekly rate of the allowance for the first child of a family other than the elder or eldest, and the second that of the allowance for any other such child); and
- (b) with the substitution of the words “fifteen shillings” for the words “eight shillings” also in section 3(2) and paragraph 1(1) of the Schedule (where the amount mentioned gives the minimum weekly contribution required from a person towards the maintenance of a
- Increase of family allowances and related amendments. 1965 c. 53.

child not living with him, if the child is to be included in a family as being his issue or maintained by him).

1965 c. 51.
1967 c. 73. (2) The rates of benefit provided by Schedule 3 to the National Insurance Act 1965, as amended by the National Insurance Act 1967, shall be modified as follows:—

- (a) the rates specified in column 3 (increases for only, elder or eldest qualifying child), and the rates specified in column 2 in paragraphs 7 and 9 (weekly rate of guardian's allowance and of child's special allowance) shall each be increased by 3s. ;
- (b) the rates specified in column 4 (increases for second qualifying child) shall each be decreased by 4s. ;
- (c) the rates specified in column 5 (increases for each additional qualifying child) shall each be decreased by 6s., except that those in paragraphs 4, 5 and 9 (widow's allowance, widowed mother's allowance, and child's special allowance) shall be decreased only by 4s.

Accordingly for the provisions of that Schedule as set out in Schedule 2 to the National Insurance Act 1967 there shall be substituted the provisions set out in Part I of Schedule 1 to this Act; and in the National Insurance Act 1967 section 1(1)(b) and Schedule 2 are hereby repealed.

1965 c. 52. (3) In the provisions of Schedule 3 to the National Insurance (Industrial Injuries) Act 1965, as set out in Schedule 6 to the National Insurance Act 1967, there shall be made in paragraphs 7 and 11 the amendments provided for by Part I of Schedule 2 to this Act (being amendments modifying certain rates of benefit payable in respect of children).

(4) The provisions set out in Part II of Schedule 1 to this Act and those set out in Part II of Schedule 2 shall respectively be substituted—

- (a) for those of section 41(4)(b) of the National Insurance Act 1965 (which are to the like effect as the substituted provisions, except that they do not make provision for a special rate of benefit in respect of a second child); and
- (b) for those of paragraph 1 of Schedule 5 to the National Insurance (Industrial Injuries) Act 1965 (which are also to the like effect as the substituted provisions, with the same exception).

(5) Section 114(2)(c) of the National Insurance Act 1965 and section 86(2)(c) of the National Insurance (Industrial Injuries) Act 1965 (under which references to a person having a family which includes a child or children or to a child of a person's family are in those Acts to be construed by reference to the

operation of the Family Allowances Act 1965) shall have effect 1965 c. 53.
by reference to the operation of the Family Allowances Act
1965 as modified by subsection (1)(b) above.

(6) Schedule 3 to this Act shall have effect with respect to
the commencement of subsections (2) to (5) above and with
respect to the transitory matters dealt with in that Schedule.

2.—(1) The power to make regulations under section 13 of *Meaning of*
the Family Allowances Act 1965 shall, as regards England and “child”.
Wales, include power to provide, either generally or for par-
ticular cases or classes of case,—

(a) that for the purpose of determining whether a person is
to be treated as a child either—

(i) as being under the upper limit of the com-
pulsory school age (in a case where by virtue of
section 9(5) of the Education Act 1962 this may 1962 c. 12
depend on the ending of a school term); or

(ii) as undergoing full-time instruction in a school ;
the term in any school or establishment shall be
treated as ending on a date determined by or under
the regulations, and the instruction given there during
the term as continuing to or ending on that date
accordingly ;

(b) that for the purpose of determining whether a person
is to be treated as a child as undergoing full-time
instruction in a school, a person who receives full-
time instruction during any term shall be treated as
continuing to receive it until the end of term (whether
the actual end or the date treated as such by virtue of
paragraph (a) above).

(2) The power to make regulations as aforesaid shall, as
regards Scotland, include power to provide, either generally
or for particular cases or classes of case—

(a) that for the purpose of determining whether a person
is to be treated as a child either—

(i) as being under the upper limit of the com-
pulsory school age (in a case where by virtue of
section 33 of the Education (Scotland) Act 1962 1962 c. 47.
the upper limit of school age may depend on the
incidence of the school leaving dates required to
be fixed by education authorities for their areas) ;
or

(ii) as undergoing full-time instruction in a
school ;

the school leaving date in respect of any school or
establishment shall be treated as being a date deter-
mined by or under the regulations, and the instruction

*Family Allowances and
National Insurance Act 1967*

given there be treated as continuing to or ending on that date accordingly, whether or not any such date falls in a holiday period ;

- (b) that for the purpose of determining whether a person is to be treated as a child as undergoing full-time instruction in a school, a person who receives full-time instruction during any term shall be treated as continuing to receive it throughout the term or until the occurrence of any school leaving date which may be fixed under the regulations.

1965 c. 51.

1965 c. 52.

1965 c. 53.

(3) Section 114(2)(a) of the National Insurance Act 1965 and section 86(2)(a) of the National Insurance (Industrial Injuries) Act 1965 (under which the expression "child" is in those Acts to be construed by reference to the operation of the Family Allowances Act 1965) shall have effect accordingly ; but section 114(2)(b) and section 86(2)(b) (which make corresponding provision about references to the upper limit of the compulsory school age) shall continue to have effect as if subsections (1) and (2) above had not been passed, and in the National Insurance (Industrial Injuries) Act 1965 the word "person" shall be substituted for the word "child" wherever occurring in section 86(2)(b) or in section 78 (which makes special provision as to contributions and as to injury benefit in the case of a child under the upper limit of the compulsory school age).

Expenses.

3.—(1) There shall be paid out of moneys provided by Parliament any increase attributable to the provisions of this Act in the sums payable out of such moneys under the Family Allowances Act 1965.

(2) Subject to the provision made by section 85 of the National Insurance Act 1965 for reimbursement out of the National Insurance Fund or by section 61 of the National Insurance (Industrial Injuries) Act 1965 for reimbursement out of the Industrial Injuries Fund, there shall be paid out of moneys provided by Parliament any increase attributable to this Act in the expenses of the Minister of Social Security or any other government department which are so payable under either of those sections.

Citation and construction.

4.—(1) This Act may be cited as the Family Allowances and National Insurance Act 1967, and—

- (a) the Family Allowances Act 1965 and this Act may be cited together as the Family Allowances Acts 1965 and 1967 ; and
- (b) this Act shall be included among the Acts that may be cited together as the National Insurance Acts 1965 to

1967, and among those that may be cited together as the National Insurance (Industrial Injuries) Acts 1965 to 1967.

(2) This Act—

- (a) in relation to allowances under the Family Allowances 1965 c. 53. Act 1965 shall be construed as one with that Act ; and
- (b) in relation to benefit under the National Insurance 1965 c. 51. Act 1965 shall be construed as one with that Act ; and
- (c) in relation to benefit under the National Insurance 1965 c. 52. (Industrial Injuries) Act 1965 shall be construed as one with that Act.

SCHEDULES

SCHEDULE 1

AMENDMENTS OF NATIONAL INSURANCE ACT 1965

PART I

PROVISIONS TO BE SUBSTITUTED IN SCHEDULE 3

RATES OF PERIODICAL BENEFITS AND OF INCREASES FOR DEPENDANTS

| 1 | 2 | | | 3 | | | 4 | | | 5 | | | 6 | | |
|---|----------------|----|----|---|----|----|---|----|----|--|----|----|---|----|----|
| Description of Benefit | Weekly rate | | | Increase for only, elder or eldest quali- fying child | | | Increase for second quali- fying child | | | Increase for each additional quali- fying child | | | Increase for adult dependant (where payable) | | |
| | £ | s. | d. | £ | s. | d. | £ | s. | d. | £ | s. | d. | £ | s. | d. |
| 1. Unemployment or sick- ness benefit under s. 19(2)— | | | | | | | | | | | | | | | |
| (a) in the case of a person over the age of 18, not being a married woman ... | 4 | 10 | 0 | 1 | 8 | 0 | 13 | 0 | — | 11 | 0 | — | 2 | 16 | 0 |
| (b) in the case of a person under the age of 18, not being a married woman— | | | | | | | | | | | | | | | |
| (i) during any period during which that person is entitled to an increase of benefit in respect of a child or adult dependant ... | 4 | 10 | 0 | 1 | 8 | 0 | 13 | 0 | — | 11 | 0 | — | 2 | 16 | 0 |
| (ii) during any other period ... | 2 | 10 | 0 | — | — | — | — | — | — | — | — | — | — | — | — |
| (c) in the case of a married woman over the age of 18— | | | | | | | | | | | | | | | |
| (i) during any period during which she is en- titled to an in- crease of benefit in respect of her husband, or dur- ing which she is not residing with her husband nor is he contributing to her mainten- ance at not less than the relevant rate ... | 4 | 10 | 0 | 1 | 8 | 0 | 13 | 0 | — | 11 | 0 | — | 2 | 16 | 0 |
| (ii) during any other period ... | 3 | 2 | 0 | 1 | 8 | 0 | 13 | 0 | — | 11 | 0 | — | 2 | 16 | 0 |
| (d) in the case of a married woman under the age of 18— | | | | | | | | | | | | | | | |
| (i) during any period during | | | | | | | | | | | | | | | |

SCH.

| 1 Description of Benefit | 2 Weekly rate | | | 3 Increase for only, elder or eldest quali- fying child | | | 4 Increase for second quali- fying child | | | 5 Increase for each additional quali- fying child | | | 6 Increase for adult dependant (where payable) | | | |
|---|---------------------|----|----|--|----|----|--|----|----|---|----|----|--|----|----|--|
| | £ | s. | d. | £ | s. | d. | £ | s. | d. | £ | s. | d. | £ | s. | d. | |
| 1. Unemployment or sick- ness benefit under s. 19(2) —cont. which she is en- titled to an in- crease of benefit in respect of her husband, or dur- ing which she is entitled to an in- crease of benefit in respect of a child or an adult dependant other than her husband and she is not residing with her husband nor is he contributing to her maintenance at not less than the relevant rate (i) during any other period during which she is en- titled to an in- crease of benefit in respect of a child or adult dependant ... (ii) during any her period ... | 4 | 10 | 0 | 1 | 8 | 0 | 13 | 0 | | 11 | 0 | | 2 | 16 | 0 | |
| (ii) during any other period during which she is en- titled to an in- crease of benefit in respect of a child or adult dependant ... (iii) during any her period ... | 3 | 2 | 0 | 1 | 8 | 0 | 13 | 0 | | 11 | 0 | | 2 | 16 | 0 | |
| (iii) during any her period ... | 2 | 10 | 0 | — | | | — | | | — | | | — | | | |
| 2. Unemployment or sickness benefit at a weekly rate determined under s. 19(3) | — | | | 1 | 8 | 0 | 13 | 0 | | 11 | 0 | | 2 | 16 | 0 | |
| 3. Maternity allowance ... | 4 | 10 | 0 | 1 | 8 | 0 | 13 | 0 | | 11 | 0 | | 2 | 16 | 0 | |
| 4. Widow's allowance ... | 6 | 7 | 0 | 2 | 5 | 6 | 1 | 10 | 6 | 1 | 8 | 6 | — | | | |
| 5. Widowed mother's allow- ance | 4 | 10 | 0 | 2 | 5 | 6 | 1 | 10 | 6 | 1 | 8 | 6 | — | | | |
| 6. Widow's pension ... | 4 | 10 | 0 | — | | | — | | | — | | | — | | | |
| 7. Guardian's allowance ... | 2 | 5 | 6 | — | | | — | | | — | | | — | | | |
| 8. Retirement pension— (a) where the pension is payable to a woman by virtue of her hus- band's insurance and he is alive | 2 | 16 | 0 | 1 | 8 | 0 | 13 | 0 | 11 | 0 | — | | — | | | |
| (b) in any other case ... | 4 | 10 | 0 | 1 | 8 | 0 | 13 | 0 | 11 | 0 | 2 | 16 | 0 | | | |
| 9. Child's special allowance | 2 | 5 | 6 | — | | | 1 | 10 | 6 | 1 | 8 | 6 | — | | | |

3 Y

SCH. 1

1. In paragraphs 1(c)(i) and 1(d)(i) of this Schedule "the relevant rate" means a weekly rate equal to the difference under this Schedule between the rates of benefit applying if the husband is, and if he is not, contributing to the wife's maintenance at not less than the relevant rate.

2. In paragraph 2 of this Schedule, column 6 shall have effect subject to section 43(3)(b) of this Act.

PART II

PROVISIONS TO BE SUBSTITUTED FOR SECTION 41(4)(b)

Where a man and his wife are both entitled to a retirement pension by virtue of his insurance—

- (i) they shall not both be entitled for the same period to an increase under the said section 40(1) in respect of the same child, nor shall they both be entitled for the same period, in respect of different children, to such an increase at the rate applicable to an only, elder or eldest child, nor both to such an increase at the rate applicable to a second child ;
- (ii) where one of them is entitled to such an increase at either of the rates above mentioned in respect of a child not included or treated as included in the other's family, the rates of any such increases to which the other is entitled shall be the rates which would have been appropriate if that child had been the elder or eldest or, as the case may be, the second child of the other's family.

Section 1.

SCHEDULE 2

AMENDMENTS OF NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT 1965

PART I

AMENDMENTS OF SCHEDULE 3

1965 c. 52.
1967 c. 73.

1. In Schedule 3 to the National Insurance (Industrial Injuries) Act 1965, as set out in Schedule 6 to the National Insurance Act 1967, in paragraph 7 (under which the weekly amount of increases in respect of children in industrial injury benefit or a disablement pension is £1 5s. for the first and 17s. for any other child) there shall be substituted for the entries in column 2—

| | |
|--|--------|
| (a) in respect of only, elder or eldest child of beneficiary's family | £1 8s. |
| (b) in respect of second child of beneficiary's family | 13s. |
| (c) in respect of each additional child of beneficiary's family | 11s." |

2. In that Schedule, as so set out, in paragraph 11, in subparagraph (a) (under which the ordinary weekly rate of death

benefit in respect of children of the deceased's family is £1 5s. for the first and 17s. for any other child) there shall be substituted for the entries in column 2—

SCH. 2

- | | |
|---|--------|
| “ (i) in respect of only, elder or eldest qualifying child | £1 8s. |
| (ii) in respect of second qualifying child ... | 13s. |
| (iii) in respect of each additional qualifying child | 11s.”; |

and in sub-paragraph (b) (under which the additional weekly amount payable in cases where the beneficiary is the deceased's widow is 17s. 6d. for the first and for the second and 15s. 6d. for any other child) there shall be substituted for the entries in column 2 a single entry “ 17s. 6d. in respect of each qualifying child ”.

PART II

PROVISIONS TO BE SUBSTITUTED FOR SCHEDULE 5, PARAGRAPH 1

Where two or more persons satisfy the conditions, in respect of the same death, for receipt of an allowance or allowances under section 21 of this Act for any period—

- (a) not more than one of those persons shall be entitled for that period to such an allowance in respect of the same child, nor shall more than one of them be entitled for that period, in respect of different children, to such an allowance at a rate applicable to an only, elder or eldest child, nor more than one to such an allowance at a rate applicable to a second child ;
- (b) where one of them is entitled to such an allowance at a rate above mentioned in respect of a child not included in the family of the other or another of them, the rates of any such allowances to which that other is entitled shall be those that would have been appropriate if the child had been the elder or eldest or, as the case may be, the second child of that other's family ;
- (c) where the deceased leaves a widow or widower, then for any period for which she or he is entitled to death benefit as the deceased's widow or widower and satisfies the conditions for receipt of such an allowance in respect of a child, she or he shall be entitled to the allowance in respect of that child, and any allowance payable to her or him in respect of the only, elder or eldest or the second child of her or his family shall be payable at a rate applicable to such a child ;
- (d) subject to sub-paragraph (c) of this paragraph, regulations may make provision as to the priority in any prescribed circumstances of two or more persons satisfying the said conditions.

Section 1.

SCHEDULE 3

COMMENCEMENT AND TRANSITORY PROVISIONS

Commencement of section 1(2) to (5)

1.—(1) The provisions of section 1(2) to (5) of this Act shall not come into force until such date as the Minister of Social Security may by order appoint.

(2) Different days may be appointed under this paragraph for different purposes of section 1(2) to (5) or for the same purposes in relation to different cases or classes of case; and if that is done, or if a day is appointed other than the 9th April 1968, then—

(a) an order under this paragraph may contain such incidental or supplemental provisions as appear to the Minister to be necessary or expedient as respects the period or any part of the period when the provisions contained in section 1 (or in Schedules 1 and 2 to this Act) are to have a partial operation only, and, in particular, may contain provisions modifying and supplementing, in relation to the period to which the order is to apply, the provisions so contained or those of any previous Act relating to national insurance; and

(b) any provision made in pursuance of paragraph (a) above may be varied or revoked by a subsequent order of the Minister.

1965 c. 51.

(3) Section 107(4) of the National Insurance Act 1965 (which provides for orders under that Act to be subject to annulment in pursuance of a resolution of either House of Parliament) shall not apply to any order under this paragraph, but a statutory instrument containing any such order shall be laid before Parliament after being made.

Awards made before changes in rates take effect

1965 c. 53.

2.—(1) As from the 9th April 1968 any allowance under the Family Allowances Act 1965 awarded before that date shall, subject to any prescribed exceptions or conditions, become payable at the rate provided for by this Act, and the award shall have effect accordingly.

(2) Accordingly any award of such an allowance made before that date either may provide for the allowance to be paid as from that date at the rate provided for by this Act or may be expressed in terms of the rates appropriate at the date of the award.

3.—(1) Where the weekly rate of any benefit is affected by this Act, and before the date when the change takes effect (in this paragraph referred to as "the relevant date") an award of that benefit has been made whether before or after the passing of this Act, then subject to such exceptions or conditions as may be prescribed the benefit shall, except as respects any period falling before the relevant date, become payable at the rate appropriate under or by virtue of

this Act without any claim being made therefor in the case of an increase in the rate of benefit or any review of the award in the case of a decrease, and the award shall have effect accordingly.

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(2) Where the weekly rate of any benefit is affected by this Act, and before the relevant date (but after the date is appointed) an award is made of the benefit, the award either may provide for the benefit to be paid as from the relevant date at the rate appropriate under or by virtue of this Act or may be expressed in terms of the rates appropriate at the date of the award.

Set-off of overpayments of benefit

4. Where a beneficiary receives in respect of any persons as being, or as falling to be treated as, children of his family an amount of benefit which by reason of section 1 of this Act is not properly payable, but would have been properly payable according to the rates in force at the passing of this Act or at that of the National Insurance Act 1967, and he receives it for a period for which there are payable to him or anyone else in respect of those persons or any of them allowances under the Family Allowances Act 1965 at a rate which would not have been payable but for this Act, then the amount of benefit overpaid and not required to be repaid shall be treated as properly paid, but up to that amount any arrears of allowances payable under the Family Allowances Act 1965 for that period in respect of those persons shall be withheld.

Calculation of contributions to cost of providing for child

5.—(1) Where for any purpose of the provisions amended by section 1(1)(b) of this Act the weekly rate at which a person contributes to the cost of providing for a child is to be calculated for a period after section 1(1)(b) applies, but account is taken of amounts referable to the period before it applies, then those amounts shall be treated as increased in proportion to the increase effected by section 1(1)(b) in the required rate of contributions.

(2) In the case of any payment of benefit of which the amount is increased by this Act, the like principle shall be applied for purposes of section 42(1)(b) of the National Insurance Act 1965 or section 17(4)(b) of the National Insurance (Industrial Injuries) Act 1965 as is to be applied under sub-paragraph (1) above in the case provided for by that sub-paragraph.

Continuation of previous rates of benefit in special cases

6. As regards benefit of which any weekly rate is reduced by this Act, the Minister of Social Security may by regulations make provision, either generally or for particular cases or classes of case, for excluding the reduction in whole or in part where—

- (a) immediately before the reduction takes effect a person is entitled to any such benefit in respect of any children; and
- (b) during any period during which he continues without a break to be entitled to benefit (whether the same benefit or another) in respect of those children or any of them the aggregate weekly rate of the benefit to which he is entitled

*Family Allowances and
National Insurance Act 1967*

SCH. 3
1965 c. 53.
1967 c. 73.

in respect of those children and of the allowances payable in respect of them under the Family Allowances Act 1965 is less than it would have been according to the rates in force at the passing of this Act or at that of the National Insurance Act 1967.

Regulations

1965 c. 51.
1965 c. 52.

7. Section 108 of the National Insurance Act 1965 and section 62(2) of the National Insurance (Industrial Injuries) Act 1965 (which require a draft of proposals for regulations under the Act to be submitted to the National Insurance Advisory Committee or Industrial Injuries Advisory Council, as the case may be) shall not apply to any regulations (whether made under this Schedule or not) if they are contained in a statutory instrument made before the expiration of the six months beginning with the date of the passing of this Act and the instrument states that it is made in consequence of the passing of this Act.

Interpretation

8. In this Schedule "benefit" means benefit under the National Insurance Act 1965 or the National Insurance (Industrial Injuries) Act 1965, and "beneficiary" has a corresponding meaning.



Coal Industry Act 1967

1967 CHAPTER 91

An Act to make further provision with respect to borrowing by and grants to the National Coal Board; to provide for supplementary payments to redundant workers in the coal industry, for the reimbursement to the Board of contributions to retirement benefits to or in respect of such workers and of losses incurred by the Board in deferring the closure of coal mines and for the reimbursement to boards generating electricity or producing gas of the additional cost of using coal in pursuance of an arrangement made with the Minister of Power or the Secretary of State; and for connected purposes. [20th December 1967]

B E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) The limit imposed by section 1(3) of the 1965 Act on the aggregate amount outstanding in respect of the principal of all sums borrowed or deemed to be borrowed by the Board under that section shall be raised from £700,000,000 or such greater sum not exceeding £750,000,000 as the Minister may from time to time by order specify to £900,000,000 or such greater sum not exceeding £950,000,000 as he may so specify. Borrowing powers of the National Coal Board.

(2) The limit imposed by section 1(4) of the 1965 Act on the amount of the accumulated deficit in the Board's revenue account at the end of any financial year of the Board shall be raised from £30,000,000 to £50,000,000.

Grants in connection with pit closures.

2.—(1) As regards any year falling wholly or partly after the passing of this Act the grants which may be made under section 3 of the 1965 Act (grants in connection with pit closures) shall be such grants towards any relevant expenditure of the Board as in the opinion of the Minister will assist in the attaining of the object mentioned in subsection (1) of that section and not grants towards any relevant increase of expenditure.

(2) The limit on the aggregate amount of the grants made under that section shall be raised from £30,000,000 for the five financial years ending with 27th March 1971 to £45,000,000 for the four financial years ending with that date and the limit on the aggregate amount of the grants so made in respect of any one of those four financial years shall be raised from an amount equal to half the relevant increase of expenditure for that year to an amount equal to two-thirds of the relevant expenditure for that year (as certified by the Board's auditors).

(3) Expressions used in this section and section 3 of the 1965 Act have the same meanings in this section as they have in that section.

Payments to redundant workers in the coal industry.

3.—(1) For the purpose of providing assistance to persons made redundant by the closure of coal mines, the reduction in the number of persons employed thereat or the consequent reduction in ancillary services and facilities the Minister may make a scheme providing for the making of payments to persons of any prescribed class who at any time between 17th July 1967 and 28th March 1971—

(a) are employed at a coal mine or at any place of a prescribed class used for providing services or facilities ancillary to the working of one or more coal mines; and

(b) become redundant within the meaning of the scheme after attaining the age of fifty-five and before attaining the age of sixty-five in the case of men or sixty in the case of women.

(2) Any sums required by the Minister for making payments under a scheme under this section and any expenses incurred by him in the administration of any such scheme shall be defrayed out of moneys provided by Parliament.

(3) A scheme under this section may be varied or revoked by a subsequent scheme thereunder.

(4) The power to make a scheme under this section shall be exercisable by statutory instrument, but no such scheme shall be made unless a draft thereof has been laid before and approved by each House of Parliament.

(5) In this section "prescribed" means prescribed by a scheme thereunder.

4.—(1) The Minister may, out of moneys provided by Parliament, make payments to the Board reimbursing the Board the amount determined in accordance with subsection (2) below of any contributions in respect of any increase in the cost of retirement benefits paid before normal retiring age to or in respect of persons who have at any time been eligible to receive payments under a scheme under section 3 above. Reimbursement of contributions to early retirement benefits.

(2) The amount of any payments under this section shall be determined in such manner as may be agreed between the Minister and the Board with the approval of the Treasury and shall be certified by the Board's auditors.

(3) Contributions made by the Board and reimbursed under this section shall not be treated as relevant expenditure for the purposes of the 1965 Act.

(4) In this section "contributions" means payments by way of contributions to superannuation funds maintained by virtue of section 37 of the Coal Industry Nationalisation Act 1946.

1946 c. 59.

5.—(1) Subject to the following provisions of this section, the Minister may, out of moneys provided by Parliament, make payments to the Board reimbursing the Board the amount of any loss determined in accordance with subsection (2) below to have been incurred by the Board not later than 27th March 1971 in consequence of deferring the closure of coal mines in pursuance of an arrangement entered into between the Minister and the Board on or after 1st September 1967. Reimbursement of losses incurred by the National Coal Board in postponing pit closures.

(2) The question whether any loss has been so incurred shall be determined by the Minister with the approval of the Treasury and after consultation with the Board and the amount of any loss so incurred shall be determined in such manner as may be agreed between the Minister and the Board with the approval of the Treasury and shall be certified by the Board's auditors.

(3) The aggregate amount of the payments made under this section shall not exceed £5,000,000 or such greater sum not exceeding £8,000,000 as the Minister may by order specify.

(4) The power to make an order under this section shall be exercisable by statutory instrument; but no such order shall be made unless a draft thereof has been laid before and has been approved by the Commons House of Parliament.

Reimbursement of additional cost of using coal in generating electricity or producing gas.

6.—(1) Subject to the following provisions of this section, the appropriate Minister may, out of moneys provided by Parliament, make payments to the Central Electricity Generating Board, the North of Scotland Hydro-Electric Board, the South of Scotland Electricity Board or any area gas board reimbursing the amount by which the costs incurred between 31st July 1967 and 1st April 1971 by that board in using, in pursuance of an arrangement with the appropriate Minister, coal for the purpose of generating electricity or producing gas exceed the costs which would have been so incurred if that board had used another fuel for that purpose.

(2) For the purposes of subsection (1) above the amount of any costs which have or would in the circumstances there mentioned have been incurred by a board shall be determined in such manner as may be agreed between the appropriate Minister and the board with the approval of the Treasury and shall be certified by the board's auditors.

(3) The aggregate amount of the payments made under this section shall not exceed £45,000,000.

(4) In this section "the appropriate Minister" means, as respects the North of Scotland Hydro-Electric Board and the South of Scotland Electricity Board, the Secretary of State and in any other case the Minister of Power.

Supplemental.

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

"the Board" means the National Coal Board;

"the Minister" means the Minister of Power;

"the 1965 Act" means the Coal Industry Act 1965.

1965 c. 82.

(2) Except in so far as the context otherwise requires, any reference in this Act to any other enactment is a reference thereto as amended, and includes a reference thereto as extended or applied, by or under any other enactment, including this Act.

(3) The provisions of the 1965 Act specified in the Schedule to this Act shall have effect subject to the amendments set out in that Schedule, being amendments consequential on the foregoing provisions of this Act.

Short title, citation and extent.

8.—(1) This Act may be cited as the Coal Industry Act 1967.

(2) The Coal Industry Acts 1946 to 1965 and this Act may be cited together as the Coal Industry Acts 1946 to 1967.

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

SCHEDULE

Section 7.

CONSEQUENTIAL AMENDMENTS TO 1965 ACT

1. In section 1(3) for the words "£700,000,000" and "£750,000,000" there shall be respectively substituted the words "£900,000,000" and "£950,000,000".
2. In section 1(4) for the words "£30,000,000" there shall be substituted the words "£50,000,000".
3. In section 3(1) for the words from "such grants" onwards there shall be substituted the words "such grants towards any relevant expenditure of the Board for any of the four years ending with 27th March 1971 as in his opinion will assist in the attaining of that object".
4. In section 3(2) for the words "£30,000,000" there shall be substituted the words "£45,000,000" and for the words from "half" onwards there shall be substituted the words "two-thirds of the relevant expenditure for that year (as certified by the Board's auditors)".
5. Section 3(3)(a) shall cease to have effect.

1967 No. 1

A MEASURE passed by the National Assembly of the Church of England to amend the Clergy Pensions Measure 1961. [22nd March 1967]

1.—(1) Sections 11 to 13 of the principal Measure (which provide for contributory pensions for widows and children of clergy ordained after 1947) shall not apply to any clerk ordained after the passing of this Measure.

Termination of contributory pension scheme for widows and children.

(2) Any clerk ordained after the thirty-first day of December 1947 and before the passing of this Measure may at any time give notice in writing to the Board that he wishes to cease payment of contributions under the said section 11, and thereupon his liability to pay such contributions shall cease and no further contributions shall be paid by him.

(3) Any clerk who is at the passing of this Measure or subsequently becomes more than 12 months in arrear with the payment of any contribution for which he is liable under the said section 11, shall be deemed to have given notice under the last foregoing subsection either immediately after the passing of this Measure or, as the case may be, when he becomes in arrear as aforesaid :

Provided that the Board may, if they think fit and on the payment of any contribution so in arrear, direct that this subsection shall be deemed not to have had effect as respects the period before the direction.

(4) Where the said liability of a clerk ceases under either of the last two foregoing subsections, the benefits to which his widow and children (if any) would have been entitled at his death, if the liability had not ceased, shall be granted at such reduced rate as an actuary may certify to be proper, and the actuary may take into account any arrears of contributions which have not been paid and section 35(4) of the principal Measure shall not apply to any such arrears :

Provided that where the said liability ceases as a result of a notice actually given under subsection (2) within twelve months after the passing of this Measure, and the clerk states in that notice or in a subsequent notice in writing given to the Board within the said twelve months that he wishes to be repaid a part of the contributions paid by him under section 11 in lieu of any benefits under the foregoing provisions of this subsection, the Board shall repay to him such part of those contributions calculated

at the rate of £1 2s. 6d. for each complete half year of the payment as the Board may determine and the foregoing provisions in relation to this subsection shall not apply in respect of that clerk.

Power to commute part of pension.

2.—(1) A clerk may, during the period of three months before he becomes entitled to a pension, make an application, in such manner as the Board may determine, to commute such part of the pension not exceeding one-fifth as he may specify, and the Board shall have power to agree to the commutation of the part of the pension so specified, or such smaller part as they think proper, for such capital sum as is estimated to be the actuarial equivalent thereof.

(2) The Church Commissioners may, at the request of the Board, fix a higher proportion than one-fifth for the purposes of the foregoing subsection, and may vary the proportion so fixed, but not so as to be less than one-fifth or more than one-quarter, and the foregoing subsection shall have effect accordingly.

(3) Where a clerk has commuted a part of his pension, then,—

(a) in determining for the purposes of section 2(3) of the principal Measure the total income of the clerk ;

(b) in determining for the purposes of section 10 thereof the pension payable to the widow of the clerk ;

the clerk shall be deemed to be receiving or, as the case may be, to have been receiving the pension that he would have received but for the commutation.

Power to make lump sum payments in addition to pensions.

3.—(1) As from such date as may be specified in rules made under this section, the Commissioners may, subject to and in accordance with such rules, make lump sum payments to clerks entitled to pensions under Part I of the principal Measure, in addition to those pensions.

(2) The Board may make rules for the purposes of this section, and any such rules shall be agreed with the Commissioners and shall be laid before the Church Assembly and shall not come into operation until they have been approved by the Church Assembly.

Amendments of powers of Board relating to provision of residences.

4.—(1) Section 26(1) of the principal Measure (which empowers the Board to provide homes of residence and to assist others in providing them) shall be amended by the addition of the following paragraph :—

“ (e) to make loans, on such terms as the Board think fit, to retired clerks or their wives or widows, and to retired church workers or their wives or widows, to assist them to purchase, build, rebuild or improve

dwelling-houses (including flats) in which they reside or are to reside, being loans made on the security of the dwelling-houses and in respect of freehold interests or leasehold interests the unexpired terms of which are not less than sixty years.”

(2) It is hereby declared for the removal of doubt that the expression “home of residence” in the principal Measure includes a separate dwelling-house; and the references in sections 19, 20 and 28 of the principal Measure to the provision of homes of residence shall include references to the making of loans under the paragraph added to section 26(1) by the foregoing subsection.

(3) Section 28(b) of the principal Measure (which includes among the purposes of the Fund therein mentioned the provision of homes of residence for church workers and their wives, widows and dependants) shall be amended by the insertion after the word “provision” of the words “maintenance or management”.

(4) For the purposes of the powers of the Board under section 26(4) and section 28 of the principal Measure to borrow money on the security of the assets of the Funds mentioned in those provisions, a home of residence vested in the Board and certified on its behalf to be maintained to a material extent out of any such Fund shall be deemed to be an asset of the Fund concerned.

(5) Where it appears to the Board that any land or building (including a part of a building) used as or for the purposes of, or held with, any such home or residence should cease to be so used or held, the Board may by instrument under seal transfer the land or building to the Fund out of which the home of residence is or was maintained, and the land or building or the proceeds of sale thereof shall be treated as capital of the said Fund and that capital shall not be applicable for the purposes of the said Fund other than the acquisition of land or buildings for use as or for the purposes of a home of residence:

Provided that—

- (i) where the property proposed to be transferred consists of or comprises a gift of property required to be used specifically as or for the purposes of the home of residence, the transfer shall not be made without the sanction of an order of the Charity Commissioners, and the order may vary the trusts so as to allow the transfer without special directions as to the application of the property or proceeds or may give such directions, which may be varied or revoked by a subsequent order of the said Commissioners;

- (ii) save as aforesaid, the powers of the Board under this subsection shall have effect subject to any expressed directions of the testators or other donors relating to the manner in which the assets concerned are to be applied.

Power to give directions with respect to widows' pensions.

5. The power of the Commissioners under section 10(2) of the principal Measure shall include power to give directions to the Board—

- (a) for increasing the pension payable to a widow under that section to an amount based on what the deceased clerk's pension or entitlement to pension would have been if his period of pensionable service had included such additional number of years as may be specified in the directions or determined thereunder ;
- (b) for the payment to widows of clerks who died before the first day of April 1961 of such pensions as may be specified in the directions or determined thereunder.

Construction, interpretation and short title.

6.—(1) This Measure shall be construed as one with the principal Measure.

1961 No. 3

(2) In this Measure "the principal Measure" means the Clergy Pensions Measure 1961.

(3) This Measure may be cited as the Clergy Pensions (Amendment) Measure 1967.

1967 No. 2

A MEASURE passed by the National Assembly of the Church of England to authorise the Minister of a parish to exercise his ministry outside the parish for the benefit of persons on the electoral roll of the parish: and for licensing a Minister to exercise his ministry at or for the benefit of an institution without the consent of and without being subject to the control of the Minister of the parish. [14th July 1967]

1. The Minister of a parish may perform offices and services at the home of any person whose name is on the church electoral roll of the parish but who is not resident in the parish, to the like extent and in the like circumstances as he performs offices and services at the homes of his parishioners resident in the parish, but excluding the performance of any office or service attended by persons other than the members of the family and household of the person whose name is on the church electoral roll; and the performance of offices and services in accordance with this section shall not require the consent or be subject to the control of the Minister of the parish in which they are performed.

Ministry to non-resident electors.

2.—(1) The Bishop of the diocese in which any university, college, school, hospital or public or charitable institution is situated, whether or not it possesses a chapel, may license a clergyman of the Church of England to perform such offices and services as may be specified in the licence on any premises forming part of or belonging to the institution in question, including residential premises managed by the institution and occupied by the members or staff of the institution:

Ministry at or for the benefit of certain institutions.

Provided that no such licence shall extend to the solemnisation of marriage.

(2) The performance of offices and services in accordance with any such licence shall not require the consent or be subject to the control of the Minister of the parish in which they are performed.

(3) The alms collected in the course of or in connection with the performance of such offices and services shall be disposed of in such a manner as the Minister performing the office or service, subject to the direction of the Bishop of the diocese, may determine.

(4) A licence granted under this section may be revoked at any time by the Bishop of the diocese.

1868 c. 118.
1869 c. 56.

(5) Nothing in this section shall affect section 31 of the Public Schools Act 1868 and section 53 of the Endowed Schools Act 1869, which relate to the chapels and chaplains of certain public and endowed schools.

Interpretation. **3. In this Measure—**

“home”, in relation to any person, means the house, flat or other place where he is living, whether permanently or temporarily;

“Minister of a parish” includes a curate licensed under seal by the Bishop to the charge of a parish, and the powers exercisable by the Minister of a parish shall also be exercisable by an assistant curate or other clergyman assisting the Minister;

“parish” means an ecclesiastical parish or district the Minister of which has a separate cure of souls, and includes a conventional district to the charge of which a separate curate is licensed.

Repeal and
saving.
1871 c. 66.

4. The Private Chapels Act 1871 is hereby repealed:

Provided that any licence granted under the said Act shall continue in force and shall have effect as if it had been granted under this Measure.

Short title
and extent.

5.—(1) This Measure may be cited as the Extra-Parochial Ministry Measure 1967.

(2) This Measure shall extend to the whole of the provinces of Canterbury and York except the Channel Islands:

Provided that this Measure may be applied to the Channel Islands as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957, or either of them, in accordance with those Measures.

1967 No. 3

A MEASURE passed by the National Assembly of the Church of England to make better provision for permitting overseas clergymen and certain other clergymen to exercise their ministry in the provinces of Canterbury and York, for enabling overseas bishops and certain other bishops to exercise episcopal functions in the said provinces, for the ordination of clergymen for ministry overseas, and for matters connected with the matters aforesaid. [14th July 1967]

1.—(1) If any overseas clergyman desires to officiate as priest or deacon in the province of Canterbury or York, he may apply to the Archbishop of the province in which he desires to officiate for written permission to do so. Permission for overseas clergymen to officiate.

(2) The Archbishop may, on any such application, grant the permission either without limitation of time or, if he thinks fit, for a limited period specified in the permission, and thereupon, subject to any such limitation of period, the overseas clergyman shall possess all such rights and advantages and be subject to all such duties and liabilities as he would have possessed and been subject to if he had been ordained by the bishop of a diocese in the province of Canterbury or York (otherwise than under section 5 of this Measure).

(3) Where a permission is granted for a limited period, a further permission, either temporary or permanent, may be granted by the Archbishop of the same province.

(4) Any permission granted under this section shall be registered in the registry of the province.

(5) An application for a permission under this section shall be made on a form approved by the Archbishops of Canterbury and York.

(6) It shall be an offence against the laws ecclesiastical, for which proceedings may be taken under the Ecclesiastical Jurisdiction Measure 1963, for any overseas clergyman to officiate as priest or deacon in the province of Canterbury or York otherwise than in accordance with a permission granted under this section, and for any clergyman knowingly to allow such an offence to be committed in any church in his charge. 1963 No. 1.

(7) Nothing in this section shall prevent an overseas clergyman who is a deacon from being ordained priest by the bishop of a diocese in the province of Canterbury or York (otherwise than under section 5 of this Measure), and the last foregoing subsection shall not apply in any such case.

Dispensing with oath of allegiance on admission of overseas clergymen.
1865 c. 122.

2. Where any overseas clergyman to whom permission has been granted under section 1 of this Measure is not a citizen of the United Kingdom and Colonies, and he is to be admitted to a benefice or other office to which section 5 of the Clerical Subscription Act 1865 applies, the bishop by whom he is to be admitted may dispense with the taking of the oath of allegiance.

Application to clergymen episcopally ordained in other Churches.

3. The foregoing provisions of this Measure shall apply to any person who has been episcopally ordained priest or deacon in a Church not in Communion with the Church of England whose Orders are recognised and accepted by the Church of England and desires to officiate as priest or deacon in the province of Canterbury or York, in like manner as they apply to an overseas clergyman.

Performance of episcopal functions by overseas bishops.

4.—(1) An overseas bishop or a bishop consecrated in a Church not in Communion with the Church of England whose Orders are recognised and accepted by the Church of England may, on the request and by the commission in writing of the bishop of a diocese in the province of Canterbury or York, and with the consent and licence in writing of the Archbishop of the province, ordain persons and perform other episcopal functions in that diocese.

(2) For the purpose of this Measure any person ordained priest or deacon by a bishop acting on such request and by such commission as aforesaid shall be deemed to have been ordained by the bishop making the request and issuing the commission and not by the bishop acting as aforesaid.

1963 No. 1.

(3) If any overseas bishop performs any episcopal functions in a diocese in the province of Canterbury or York, otherwise than in accordance with this section, he shall be guilty of an offence against the laws ecclesiastical for which proceedings may be taken under the Ecclesiastical Jurisdiction Measure 1963.

Ordination of clergymen for ministry overseas.

5.—(1) Any bishop of a diocese in the province of Canterbury or York, on receiving a request from the bishop of an overseas diocese that he should ordain as priest or deacon a person named in the request, with a view to his exercising his ministry in the overseas diocese, may ordain that person in pursuance of that request and shall endorse on his Letters of Orders that he has been ordained under this section in pursuance of the request of the overseas bishop concerned.

(2) Where any person who is to be ordained under this section is not a citizen of the United Kingdom and Colonies, the bishop who is to ordain him may dispense with the taking of the oath of allegiance.

(3) Where it is desired that a person ordained under this section should exercise his ministry for a limited period in the province of Canterbury or York before proceeding overseas, the power of the Archbishop to grant a temporary permission under section 1 of this Measure shall be applicable.

6.—(1) In this Measure, unless the context otherwise requires— **Interpretation.**

“admission” includes institution and induction, collation, licence and any other process by which a person becomes the incumbent of a benefice or the holder of any other ecclesiastical preferment and “admit” shall be construed accordingly;

“Archbishop” and “bishop” include the commissary of the Archbishop or bishop and also include, if the see of Canterbury or York is vacant, the other Archbishop and his commissary or, if any other see is vacant, the Archbishop of the province and his commissary;

“overseas bishop” means a bishop of the Church of England or a Church in Communion with the Church of England having a diocese or office elsewhere than in the province of Canterbury, the province of York, Ireland, Wales or Scotland, and “overseas diocese” means the diocese of an overseas bishop;

“overseas clergyman” means a clergyman who has been ordained priest or deacon by an overseas bishop or under section 5 of this Measure.

(2) If any question arises whether, for the purposes of this Measure, a Church is in Communion with the Church of England or whether the Orders of any Church are recognised and accepted by the Church of England, it shall be determined by the Archbishops of Canterbury and York, whose decision shall be conclusive.

7.—(1) The Ordination of Aliens Act 1784, the Ordinations Repeal and for Colonies Act 1819, the Colonial Bishops Act 1852, the Colonial Clergy Act 1874, except section 12 thereof (which enables Archbishops, in consecrating bishops who are to exercise episcopal functions overseas, to dispense with the oath of due obedience), and section 7 of the Clergy (Ordination and Miscellaneous Provisions) Measure 1964, are hereby repealed.

transitional provisions.
1784 c. 35.
1819 c. 60.
1852 c. 52.
1874 c. 77.
1964 No. 6.

(2) An ordination under either of the two first-mentioned Acts shall be deemed for the purposes of this Measure to be an ordination under section 5 of this Measure.

- 1852 c. 52. (3) A request or commission under the Colonial Bishops Act 1852 shall be deemed for the purpose of this Measure to have been made or issued under section 4 of this Measure.
- 1874 c. 77. (4) A written permission granted under section 3 of the Colonial Clergy Act 1874 which is in force at the commencement of this Measure shall continue in force for the remainder of the period for which it was granted and shall be deemed for the purpose of this Measure to be a temporary permission granted under section 1 of this Measure, and a licence granted under section 5 of the said Act shall continue in force and be deemed to be permanent permission granted under the said section 1.
- Short title. 8. This Measure may be cited as the Overseas and Other Clergy (Ministry and Ordination) Measure 1967.

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Other

TABLE V

Tables of the Derivations of the Consolidation Acts of 1967

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THE ADVERTISEMENTS (HIRE-PURCHASE) ACT 1967
(C. 42)

*Note:—*The following abbreviations are used in this Table:—

1957 = The Advertisements (Hire-Purchase) Act 1957
(5 & 6 Eliz. 2. c. 41)

1964 = The Hire-Purchase Act 1964
(1964 c. 53)

1965 = The Hire-Purchase (Scotland) Act 1965
(1965 c. 67)

| Section of 1967 Act | Derivation |
|------------------------|--|
| 1 | 1957, ss. 1(1), (2), 2(1), (4); 1964, ss. 30, 31(4), 32, Sch. 4. |
| 2 | 1957, ss. 1, 2(1), (4); 1964, ss. 30, 31(4), 32, Sch. 4. |
| 3 | 1957, s. 2(5). |
| 4 | 1957, s. 4(2). |
| 5 | 1957, s. 4(3). |
| 6 | 1957, s. 3; 1964, Sch. 4. |
| 7 | 1957, s. 4(1); 1965, Sch. 5. |
| 8 | [Short title, etc.] |
| Schedule 1 | 1957, s. 2(2), (3); 1964, ss. 31, 32, Sch. 3. |
| Schedule 2 | [Enactments repealed.] |

THE AIR CORPORATIONS ACT 1967 (c. 33)

*Note:—*The following abbreviations are used in this Table—

- 1949 = The Air Corporations Act 1949
(12, 13 & 14 Geo. 6. c. 91)
- 1953 = The Air Corporations Act 1953
(2 & 3 Eliz. 2. c. 7)
- 1962 = The Air Corporations Act 1962
(11 Eliz. 2. c. 5)
- 1966 = The Air Corporations Act 1966
(1966 c. 11)

| Section of 1967 Act | Derivation |
|------------------------|---|
| 1 | 1949 s. 1 (part). |
| 2 | 1949 s. 2. The functions of the Minister of Aviation under the Air Corporations Acts 1949 to 1966 were transferred to the Board of Trade by the Transfer of Functions (Civil Aviation) (No. 2) Order 1966 (S.I. 1966/1015). For previous transfers see the Transfer of Functions (Ministry of Civil Aviation) Order 1953 (S.I. 1953/1204) and the Minister of Aviation Order 1959 (S.I. 1959/1768). |
| 3 | 1949 s. 3. |
| 4 | 1949 s. 5. |
| 5 | 1949 s. 6. |
| 6 | 1949 s. 7 (part). |
| 7 | 1949 s. 8 (part) as substituted by 1962 s. 1; 1966 s. 6(1). |
| 8 | 1962 ss. 3, 6(4). |
| 9 | 1949 s. 9 as amended by 1962 s. 6(3). |
| 10 | 1949 s. 10; 1966 s. 6(2). |
| 11 | 1949 s. 11. |
| 12 | 1949 s. 18. |
| 13 | 1966 ss. 3(8) and 5(2). |
| 14 | 1966 s. 2(1) to (6). |
| 15 | 1966 s. 1(2). |
| 16 | 1949 s. 12(1)(3)(4) as substituted by 1962 s. 2; 1966 s. 1(3). |
| 17 | 1966 s. 3(1) to (6). |
| 18 | 1966 s. 3(9)(10). |
| 19 | 1966 s. 4. |
| 20 | 1966 s. 5(1). |
| 21 | 1966 s. 5(3)(4). |
| 22 | 1949 s. 12(2)(3)(4) as substituted by 1962 s. 2. |

AIR CORPORATIONS ACT—*cont.*

| Section of 1967 Act | Derivation |
|------------------------|---|
| 23 | 1949 s. 20; Minister of Labour Order 1959 (S.I. 1959/1769); Ministries (Transfer of Functions) (No. 2) Order (Northern Ireland) 1964 (S.R. & O. (N.I.)/205). |
| 24 | 1949 s. 21; 1953 s. 2(1); 1962 s. 4; 1966 s. 7. |
| 25 | 1949 s. 22. |
| 26 | 1949 s. 23(1) to (3). |
| 27 | 1949 s. 23(4) and (6) to (8) as amended by 1966 s. 8(1)(2); 1966 s. 2(8). |
| 28 | 1949 s. 26; Land Compensation Act 1961; Land Compensation (Scotland) Act 1963. |
| 29 | — |
| 30 | 1949 s. 35. |
| 31 | 1949 s. 37; 1966 ss. 3(7), 4(3). |
| 32 | Transfer of Functions (Civil Aviation) Order 1966 (S.I. 1966/741) art. 3(4) and Transfer of Functions (Civil Aviation) (No. 2) Order 1966 (S.I. 1966/1015) art. 2(3). |
| 33 | 1949 ss. 10(2), 24(2), 38; 1966 s. 6(4). |
| 34 | 1949 s. 39 (part). |
| 35 | 1949 s. 40. |
| 36 | — |
| 37 | — |
| Schedule 1 | |
| para. 1 | 1949 Sch. 1 para. 1. |
| 2 | 1949 Sch. 1 para. 2. |
| 3 | 1949 Sch. 1 para. 3. |
| 4 | 1949 Sch. 1 para. 5. |
| 5 | 1949 Sch. 1 para. 6. |
| 6 | 1949 Sch. 1 para. 7. |
| 7 | 1949 Sch. 1 para. 9 as substituted by 1966 s. 8(3). |
| 8 | 1953 s. 2(2)(3); 1962 s. 4. |
| 9 | 1962 s. 5. |
| 10 | 1949 Sch. 1 para. 11. |
| 11 | 1949 Sch. 1 para. 12. |
| 12 | 1949 Sch. 1 para. 13. |
| 13 | 1949 Sch. 1 para. 14. |
| Schedule 2 | |
| para. 1 | 1949 s. 28(1); 1966 s. 1(1)(b). |
| 2 | 1949 s. 28(2). |
| 3 | 1949 s. 31(2); British South American Airways Corporation (Dissolution) Order 1952 (S.I. 1952/1138). |
| 4 | 1949 s. 31(4). |
| 5 | 1949 ss. 32(4), 34. |
| 6 | 1949 s. 32(2). |
| 7 | 1949 Sch. 2 Pt. I. |
| 8 | 1949 Sch. 2 Pt. II. |
| Schedule 3 | — |

THE DEVELOPMENT OF INVENTIONS ACT 1967 (c. 32)

Note:—The following abbreviations are used in this Table—

1948 = The Development of Inventions Act 1948
(11 & 12 Geo. 6. c. 60)

1954 = The Development of Inventions Act 1954
(2 & 3 Eliz. 2. c. 20)

1965 = The Development of Inventions Act 1965
(1965 c. 21)

| Section of 1967 Act | Derivation |
|---------------------|---|
| 1(1) | 1948, s. 1(1) (part). |
| (2) | 1948, s. 2(1); 1965, s. 6(1); The Minister of Technology Order 1965 (S.I. 1965/125) art. 2 (This Order transferred all functions of the Board of Trade under 1948 to the Minister of Technology). |
| (3) | 1948, s. 2(2). |
| (4) | 1948, s. 2(3). |
| 2(1)(a) | 1948, s. 1(1)(a). |
| (b) | 1948, s. 1(1)(b). |
| (c) | 1954, s. 2(2); 1965, s. 7(4). |
| (d) | 1954, s. 2(3); 1965, s. 7(4). |
| (2) | 1948, s. 1(3); 1965, s. 7(3). |
| (3) | 1954, s. 2(1). |
| (4) | 1948, s. 1(4). |
| (5) | 1948, s. 1(2) (part). |
| 3(1) | 1948, s. 4(1). |
| (2) | 1965, s. 7(1). |
| 4(1)(a) | 1948, s. 4(2)(a). |
| (b) | 1948, s. 4(2)(b). |
| (c) | 1948, s. 4(2)(c). |
| concluding words | 1954, s. 2(4); The Minister of Technology Order 1965 art. 2 (This Order transferred the functions of the Board of Trade under 1954 and the functions of the Secretary of State under s. 2 of 1954 to the Minister of Technology. See also the Minister of Science Order 1959 (S.I. 1959/1826) and the Secretary of State for Education and Science Order 1964 (S.I. 1964/490)). |
| (2) | 1948, s. 4(2) proviso; 1954, s. 3(1). |
| (3) | 1948, s. 4(2) concluding words; 1954, s. 2(5). |
| 5(1) | 1948, s. 3. |
| (2) | 1965, s. 5(1). |
| (3) | 1965, s. 5(2). |
| 6 | 1948, s. 6. |
| 7(1) | 1948, s. 7(1); 1965, s. 1(3). |
| (2) | 1948, s. 7(2); 1965, s. 1(1). |
| (3) | 1948, s. 8(1). |
| (4) | 1948, s. 8(2). |
| (5) | 1948, s. 12(1). |
| (6) | 1948, s. 8(3). |
| 8 | 1965, s. 2 (except subsections (7) and (8)). |
| 9 | 1965, s. 3. |
| 10 | 1948, s. 9. |

DEVELOPMENT OF INVENTIONS ACT—*cont.*

| Section of 1967 Act | Derivation |
|------------------------|---|
| 11 | 1965, s. 4. |
| 12(1) | 1948, s. 10(1); 1965, s. 1(5). |
| (2) | 1948, s. 10(2). |
| (3) | 1948, s. 10(3); 1954, s. 3(2)(3); 1965, s. 7(2). |
| (4) | 1948, s. 10(4). |
| (5) | 1965, s. 1(6). |
| (6) | 1965, s. 1(7). |
| 13(1) | 1948, s. 4(3). |
| (2) | 1948, s. 4(4). |
| (3) | 1965, s. 2(7). |
| (4) | 1965, s. 2(8). |
| (5) | 1948, s. 4(5). |
| 14 | 1965, s. 9. |
| 15(1) | 1948, s. 1(2) (part), s. 1(3) (part); 1954, s. 4(3); 1965, s. 8(1). |
| (2) | — |
| (3) | — |
| (4) | — |
| (5) | — |
| (6) | — |
| (7) | — |
| (8) | — |
| Schedule | 1948, Schedule. |

THE FORESTRY ACT 1967 (c. 10)

Note:— The following abbreviations are used in this Table—

- 1919 = The Forestry Act 1919
9 & 10 Geo. 5. c. 58.
1923 = The Forestry (Transfer of Woods) Act 1923
13 & 14 Geo. 5. c. 21.
1927 = The Forestry Act 1927
17 Geo. 5. c. 6.
1945 = The Forestry Act 1945
8 & 9 Geo. 6. c. 35.
1947 = The Forestry Act 1947
10 & 11 Geo. 6. c. 21.
1951 = The Forestry Act 1951
14 & 15 Geo. 6. c. 61.
1963 = The Forestry (Sale of Land) (Scotland) Act 1963
1963 c. 23
Memo = Lord Chancellor's Memorandum under Consolidation of Enactments
(Procedure) Act 1949

| Section of 1967 Act | Derivation |
|------------------------|----------------------------------|
| 1(1)–(3) | 1919 s. 3(1); 1951 s. 1(1). |
| (4) | 1945 s. 2. |
| (5) | 1945 s. 10(2). |
| 2(1) | 1945 s. 1(1). |
| (2) | 1945 s. 1(2); 1951 s. 18. |
| (3) | 1945 s. 3(1). |
| (4) | (See Sch. 1). |
| 3(1) | 1945 s. 4(6), (8). |
| (2) | 1919 s. 3(3)(e). |
| (3) | 1919 s. 3(3)(c), (f). |
| (4) | 1919 s. 3(6). |
| 4 | 1919 s. 3(3)(d). |
| 5(1) | 1947 ss. 1(1), 3(1). |
| (2) | 1947 s. 1(2), (3). |
| (3) | 1947 s. 3(2). |
| (4) | (See Sch. 2). |
| 6(1)–(5) | 1919 s. 7(4); Memo. |
| 7(1)–(5) | 1919 s. 4. |
| 8 | 1919 s. 3(3)(g), (h), (i); Memo. |
| 9(1) | 1951 s. 2(1). |
| (2)–(4) | 1951 s. 2(2). |
| (5) | 1951 s. 2(3), (4). |
| (6) | 1951 s. 2(5). |
| 10(1) | 1951 s. 3(1). |
| (2) | 1951 s. 3(2). |
| (3) | 1951 s. 3(8). |
| (4) | 1951 ss. 5(1), 6. |
| (5) | 1951 s. 5(4). |
| (6) | 1951 s. 3(7). |
| (7) | 1951 s. 10(1). |

| Section of 1967 Act | Derivation |
|---|--|
| 11(1), (2) (3) (4) (5) (6) | 1951 s. 5(1). 1951 s. 5(2). 1951 s. 5(3). 1951 s. 5(4)(b). 1951 s. 5(5). |
| 12(1) (2) | 1951 s. 3(3). 1951 s. 10(1). |
| 13(1) (2) | 1951 s. 3(6). 1951 s. 3(5). |
| 14(1)–(3) (4) (5) | 1951 s. 10(2). 1951 s. 10(3). 1951 s. 10(4). |
| 15(1) (2) (3) (4) (5), (6) (7) | 1951 s. 13(2), (4). 1951 s. 13(3). 1951 s. 13(4). 1951 s. 13(5). 1951 s. 13(1). (See Sch. 3). |
| 16(1)–(4) | 1951 s. 4(1), (4), (5). |
| 17 | 1951 s. 12(1), (3). |
| 18(1), (2) (3) (4) | 1951 s. 7(1). 1951 s. 7(3). 1951 ss. 11(8), 13(1). |
| 19(1) (2) (3) | 1951 ss. 7(2), 10(5). 1951 s. 13(4)(a). 1951 s. 13(6). |
| 20(1), (2) | 1951 s. 7(4). |
| 21(1)–(5) (6) (7) | 1951 s. 8(1)–(3). 1951 s. 8(8). 1951 s. 13(7). |
| 22(1)–(5) | 1951 s. 8(6)–(8). |
| 23(1), (2) | 1951 s. 9. |
| 24(1), (2), (3) (4) (5) | 1951 s. 11(1). 1951 s. 12(1), (3). 1951 s. 11(8). |
| 25(1)–(4) | 1951 s. 11(3), (4). |
| 26(1) (2) (3) (4) | 1951 s. 11(1). 1951 s. 11(5). 1951 s. 11(6). 1951 s. 11(7). |
| 27(1)–(3) (4) | 1951 s. 4(2), (3). 1951 s. 26(1). |
| 28 | 1951 s. 14. |
| 29(1)–(3) | 1951 ss. 16(1), (2); 24(1)(i). |

FORESTRY ACT—*cont.*

| Section of 1967 Act | Derivation |
|------------------------|--|
| 30(1)–(5) | 1951 s. 21. |
| 31(1), (2) | 1951 ss. 5(5); 8(5), (7); 10(3). |
| 32(1)–(3) | 1951 s. 22. |
| 33 | 1951 s. 23. |
| 34 | 1951 ss. 24(1)(h), 27(1). |
| 35 | 1951 s. 27(1) et passim. |
| 36 | 1951 s. 17. |
| 37(1) | 1951 s. 15(1). |
| (2) | 1951 ss. 1(2), 22(1). |
| (3) | 1951 s. 3(2) proviso. |
| 38(1), (2), (3) | 1951 s. 15(2), (3), (4). |
| (4) | 1951 s. 26(2). |
| 39(1) | 1945 s. 4(2), (6). |
| (2) | 1945 s. 4(7)(c); 1963 s. 1. |
| (3) | 1945 s. 4(7)(a), (b). |
| (4) | — |
| (5) | 1947 s. 7. |
| (6) | See Sch. 4. |
| 40(1) | 1945 s. 4(2). |
| (2) | 1945 s. 5(1), (2). |
| (3) | 1947 s. 5(1)–(3). |
| (4) | 1945 s. 4(4). |
| (5) | 1945 s. 4(3). |
| (6) | 1947 s. 6. |
| 41(1) | 1919 s. 8. |
| (2) | 1945 s. 6(4). |
| (3) | 1919 s. 8(1); 1951 s. 26(1), (2). |
| (4) | 1919 s. 8(2)(b). |
| (5) | 1919 s. 8(3). |
| (6) | 1919 s. 8(5). |
| (7) | 1919 s. 8(6). |
| 42(1) | 1945 s. 6(1); 1951 s. 26(2). |
| (2) | 1945 s. 6(2). |
| (3) | 1945 s. 6(2), (3). |
| (4) | 1945 s. 6(1). |
| 43(1) | Crown Estate Act 1961 (c. 55) s. 8(1). |
| (2) | 1923 s. 3. |
| 44(1), (2) | 1945 s. 7(1), (2). |
| 45 | 1945 s. 7(3). |
| 46(1)–(3) | 1927 s. 2(1). |
| (4) | 1927 s. 2(2); Memo. |
| (5) | 1927 s. 2(4); New Forest Act 1964 (c. 83) s. 13. |
| (6) | 1927 s. 2(6); Memo. |
| 47(1) | 1927 ss. 2(1), 3(3). |
| (2) | — |
| (3), (4) | 1927 s. 2(5). |
| (4) | 1927 ss. 2(5), 3(3). |

Table of Derivations

FORESTRY ACT—cont.

| n of Act | Derivation |
|----------|--|
| I II | 1919 s. 9; 1927 s. 2(3), (4). |
| | 1945 ss. 9(a), 10; 1951 s. 24(1)(b), (e); S.I. 1965 No. 143 Art. 2(2)(b); S.I. 1965 No. 319 Arts. 1(3), 4; Memo. |
| | — |
| | — |
| | 1919 s. 2; 1945 ss. 1(1), 3(2), 10(2). |
| | 1923 s. 6(2); Superannuation (Various Services) Act 1938 (c. 13) ss. 1, 2, 3(2); 1945 s. 8; Superannuation Act 1949 (c.44) s. 52(1). |
| | 1947 ss. 2, 4. |
| | 1951 s. 13(3)(a), (4)(b). |
| | 1945 Sch. 1 Part I; Memo. |
| | 1945 Sch. 1 Parts I, II, III; 1951 ss. 20(2)–(6), 21(1), 24(2); Memo. |
| — | |
| — | |

THE GENERAL RATE ACT 1967 (c. 9)

Note:—The following abbreviations are used in this Table—

| | |
|---------------|---|
| 1601 | = The Poor Relief Act 1601 (43 Eliz. 1. c. 2) |
| 1743 | = The Poor Relief Act 1743 (17 Geo. 2. c. 38) |
| 1801 | = The Poor Rate Act 1801 (41 Geo. 3. c. 23) |
| 1835 | = The Highway Act 1835 (5 & 6 Will. 4. c. 50) |
| 1869 | = The Poor Rate Assessment and Collection Act 1869 (32 & 33 Vict. c. 41) |
| 1874 | = The Rating Act 1874 (37 & 38 Vict. c. 54) |
| 1889 | = The Advertising Stations (Rating) Act 1889 (52 & 53 Vict. c. 27) |
| 1925 | = The Rating and Valuation Act 1925 (15 & 16 Geo. 5. c. 90) |
| 1928 c. 8 | = The Rating and Valuation Act 1928 (18 & 19 Geo. 5. c. 8) |
| 1928 c. 44 | = The Rating and Valuation (Apportionment) Act 1928 (18 & 19 Geo. 5. c. 44) |
| 1929 | = The Local Government Act 1929 (19 & 20 Geo. 5. c. 17) |
| 1933 | = The Local Government Act 1933 (23 & 24 Geo. 5. c. 51) |
| 1938 | = The Rating and Valuation (Air-Raid Works) Act 1938 (1 & 2 Geo. 6. c. 65) |
| 1939 | = The Civil Defence Act 1939 (2 & 3 Geo. 6. c. 31) |
| 1946 | = The Statutory Instruments Act 1946 (9 & 10 Geo. 6. c. 36) |
| 1948 | = The Local Government Act 1948 (11 & 12 Geo. 6. c. 26) |
| 1949 | = The Lands Tribunal Act 1949 (12, 13 & 14 Geo. 6. c. 42) |
| 1953 | = The Valuation for Rating Act 1953 (1 & 2 Eliz. 2. c. 42) |
| 1955 | = The Rating and Valuation (Miscellaneous Provisions) Act 1955 (4 & 5 Eliz. 2. c. 9) |
| 1957 | = The Electricity Act 1957 (5 & 6 Eliz. 2. c. 48) |
| 1958 | = The Local Government Act 1958 (6 & 7 Eliz. 2. c. 55) |
| 1959 c. 25 | = The Highways Act 1959 (7 & 8 Eliz. 2. c. 25) |
| 1959 | = The Rating and Valuation Act 1959 (7 & 8 Eliz. 2. c. 36) |
| 1960 | = The Distress for Rates Act 1960 (8 & 9 Eliz. 2. c. 12) |
| 1960 c. xxxvi | = The City of London (Various Powers) Act 1960 (8 & 9 Eliz. 2. c. xxxvi) |
| 1961 | = The Rating and Valuation Act 1961 (9 & 10 Eliz. 2. c. 45) |
| 1962 c. 46 | = The Transport Act 1962 (10 & 11 Eliz. 2. c. 46) |
| 1962 c. 58 | = The Pipe-lines Act 1962 (10 & 11 Eliz. 2. c. 58) |
| 1962/940 | = The Valuation (Statutory Deductions) Order 1962 (S.I. 1962 No. 940) |
| 1962/1687 | = The Gas Boards (Rateable Values) Order 1962 (S.I. 1962 No. 1687) |
| 1962/1688 | = The Electricity Boards (Rateable Values) Order (S.I. 1962 No. 1688) |

Table of Derivations

- 016 = The Rating of Owners Order 1962
(S.I. 1962 No. 2016)
- = The London Government Act 1963
(1963 c. 33)
- 38 = The Water Resources Act 1963
(1963 c. 38)
- 61 = The Rating (Charitable Institutions) Order 1963
(S.I. 1963 No. 1361)
- = The Administration of Justice Act 1964
(1964 c. 42)
- 54 = The Transport Boards (Adjustment of Payments) Order 1964
(S.I. 1964 No. 254)
- = The Gas Act 1965
(1965 c. 36)
- 56 = The Compulsory Purchase Act 1965
(1965 c. 56)
- 9 = The Secretary of State for Wales and Minister of Land and
Natural Resources Order 1965
(S.I. 1965 No. 319)
- 54 = The London Government Order 1965
(S.I. 1965 No. 654)
- 726 = The Rating (Charitable Institutions) Order 1965
(S.I. 1965 No. 1726)
- 9 = The Rating Act 1966
(1966 c. 9)
- = The Local Government Act 1966
(1966 c. 42)
- 98 = The Rating (Charitable Institutions) Order 1966
(S.I. 1966 No. 198)
- 305 = The London Government Order 1966
(S.I. 1966 No. 1305)

| n of Act | Derivation |
|-------------|--|
| | 1925, s. 1(1); 1963, s. 63(1), Sch. 15, §1. 1601, s. 1; 1835, s. 27; 1925, ss. 2(3), 68(1); 1933, ss. 186, 189, 192(1). 1925, ss. 1(1), 68(1); 1963, Sch. 15, §1. 1835, s. 27; 1925, s. 1(2). |
| a) | 1925, ss. 12(1), 68(1); 1933, ss. 186, 189, 192(1). 1961, Sch. 4, §11. 1925, s. 2(1), (2); 1955, s. 4(1); 1966, Sch. 4, §6. |
| b) | 1925, s. 2(3), (5); 1955, s. 4(1)(b). 1948, s. 51; 1955, s. 4(7), Sch. 7, Pt. III. 1960, ss. 13(1), 14(a); 1963, Sch. 15, §§2(1), 8, 14; 1966, s. 6(5). |
| | 1925, s. 4(1). 1955, s. 4(2). 1925, s. 4(2). 1869, s. 15; 1925, s. 2(3). 1925, s. 4(6); 1966, Sch. 4, §7. 1963, Sch. 15, §3(1). |
| | 1925, s. 6(1). 1925, s. 6(2). 1963, Sch. 15, §4. |
| | 1925, s. 7(1). 1963, Sch. 15, §4. |
| | 1948, s. 52; 1966, Sch. 4, §1. |
| | 1743, s. 4; 1801, s. 6; 1966, Sch. 4, §2. 1948, s. 53. |

GENERAL RATE ACT—cont.

| Section of 1967 Act | Derivation |
|------------------------|---|
| (3) | 1801, s. 2; 1966, Sch. 4, §2. |
| (4)(a) | 1801, ss. 1, 6. |
| (b) | 1801, s. 8. |
| (c) | 1801, s. 7. |
| (5) | 1801, s. 1. |
| (6) | 1801, s. 3. |
| (7) | 1966, Sch. 4, §1(a). |
| 8(1) | 1955, s. 1(7); 1961, s. 16(2), (4), Sch. 4, §14. |
| (2) | 1961, s. 16(3). |
| (3) | 1961, s. 16(5); 1966, Sch. 4, §24. |
| 9 | 1961, s. 17. |
| 10 | 1961, s. 14(3)–(5). |
| 11 | 1925, s. 12(1). |
| 12 | 1925, s. 9(2); 1948, s. 121(4), (5), (7); 1963, Sch. 15, §5(2), (3). |
| 13 | 1925, s. 9(3); 1963, Sch. 15, §5(2), (4); 1966, Sch. 4, §8. |
| 14 | 1925, s. 9(4), (5); 1948, s. 121(5); 1963, Sch. 15, §5(2); 1966, c. 9, s. 4(6). |
| 15 | 1925, s. 13; 1933, s. 193(7); 1966, Sch. 4, §9. |
| 16 | 1601, s. 1; 1874, ss. 3, 10, 13; 1925, s. 2(3). |
| 17 | 1966, ss. 20, 22(1). |
| 18(1) | 1925, s. 4(4). |
| (2) | 1925, s. 4(4)(a). |
| (3) | 1925, s. 4(4)(b). |
| (4) | 1925, s. 4(4)(c). |
| (5) | 1963, Sch. 15, §3(2). |
| (6) | 1925, s. 4(5). |
| 19(1) | 1925, s. 22(1)(c). |
| (2) | 1925, s. 22(1)(a); 1955, s. 5(2), (5); 1962/940. |
| (3) | 1925, s. 22(1)(b). |
| (4) | 1925, s. 22(1)(d); 1961, Sch. 4, §9. |
| (5) | 1955, s. 5(5). |
| (6) | 1925, s. 68(1); 1955, s. 5(3); 1966, Sch. 4, §10. |
| 20(1)–(4) | 1966, s. 17. |
| (5) | 1966, s. 18. |
| 21(1) | 1925, s. 24(1), (5), (6). |
| (2) | 1925, s. 24(2); 1948, Sch. 1, §3. |
| (3) | 1925, s. 24(3), (4), (6). |
| (4) | 1925, s. 24(4)–(6). |
| (5) | 1961, s. 5(1), (2). |
| (6) | 1925, s. 24(5), (6); 1948, s. 5(2); 1961, s. 5(3). |
| (7) | 1925, s. 24(10). |
| 22 | 1925, s. 24(7)–(9); 1948, Sch. 1, §3. |
| 23 | 1961, s. 6(1)–(5). |
| 24 | 1948, s. 57(1); 1955, Sch. 7, Pt. I; 1966, Sch. 4, §10. |
| 25 | 1961, s. 7. |

Table of Derivations

GENERAL RATE ACT—*cont.*

| Section of Act | Derivation |
|----------------|--|
| | 1929, s. 67. |
| (4) | 1929, s. 72; 1966, Sch. 4, §10. 1928, c. 44, s. 2(2); 1961, Sch. 4, §2; 1966, Sch. 4, §10. |
| | 1874, ss. 3(1), (4); 1929, s. 137, Sch. 12, Pt. V; 1966, Sch. 4, §3. |
| | 1948, s. 56; 1961, s. 9(1), (3). 1961, s. 9(2), (3). 1889, s. 3; 1948, s. 56. 1889, s. 4; 1948, s. 56. 1889, ss. 3, 4; 1961, s. 9(3). 1955, s. 9(5). |
| | 1874, s. 6; 1929, s. 67. |
| | 1961, s. 4. |
| | 1961, s. 18(1), (4); 1966, Sch. 4, §10. 1961, s. 23. 1961, s. 22(3). |
| | 1948, ss. 85(1), 86(1); 1962, c. 46, s. 66(1). 1948, s. 86(1); 1966, s. 23(1), Sch. 4, §10. 1948, s. 85(1). 1948, s. 87(1); 1958, s. 66, Sch. 8, §23(1); 1962, c. 46, s. 66 (1). 1962, c. 46, s. 66(2); 1966, Sch. 4, §18. 1948, s. 86(2); 1962, c. 46, s. 66(1). 1948, s. 86(2); 1955, s. 9(6); 1962, c. 46, s. 66(1). 1948, ss. 86(3), 144(1); 1962, c. 46, s. 92(1); 1963, Sch. 15, §21; 1966, s. 23(9). [Introductory.] |
| | 1955, s. 6(2); 1965, s. 3(1), (10). 1955, s. 6(2), (6); 1958, s. 10; 1965, s. 3(10); 1966, s. 23(1), Sch. 4, §10. 1955, s. 6(1); 1958, s. 11(4)(a); 1965, s. 3(2), (4). 1955, s. 6(3). 1966, s. 24(2). 1966, s. 24(1)(e). 1955, ss. 6(4), (6), 16(1); 1965, s. 3(9); 1966, s. 23(8), (9). |
| | 1948, s. 85(1); 1957, Sch. 4 Pt. II. 1948, s. 91; 1957, Sch. 4, Pt. II; 1958, s. 10; 1966, s. 23(1), Sch. 4, §10. 1958, s. 12(1). 1958, s. 12(2). 1958, ss. 10(3), 12(3), 66(1); 1966, s. 23(8), (9). |
| | 1961, s. 3. |
| | 1874, s. 7; 1966, Sch. 4, §§5, 10. |
| | 1925, s. 64(3); 1955, Sch. 7, Pt. IV. |
| | 1961, s. 24; 1963, Sch. 15, §25. |
| | 1955, s. 7. |
| (2) | 1961, s. 11(1), (2). |
| (4) | 1961, s. 11(3). |
| (8) | 1961, s. 11(4)–(7). |
| | 1961, s. 11(9). |
| | 1961, s. 12(5); 1966, Sch. 4, §20. |

Table of Derivations

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GENERAL RATE ACT—cont.

| Section of 1967 Act | Derivation |
|---|--|
| 41 | 1961, s. 12(3). |
| 42 | 1955, s. 9(2), (3). |
| 43 | 1955, s. 9(4). |
| 44 | 1961, s. 13; 1963, Sch. 15, §22. |
| 45 | 1955, s. 9(1). |
| 46 | 1938, s. 1; 1939, ss. 69, 90. |
| 47 | 1961, s. 12(4). |
| 48 | 1966, s. 6. |
| 49(1)–(4) (5) (6)–(9) (10) (11) | 1966, c. 9, s. 5(1)–(4). 1966, c. 9, ss. 5(5), 8(1). 1966, c. 9, s. 5(6)–(9). 1966, c. 9, ss. 10(2)(a), 11(1). 1966, c. 9, s. 11(1). |
| 50(1) (2) (3) (4) | 1966, c. 9, s. 1(1). 1966, c. 9, s. 3. 1966, c. 9, s. 1(8). 1966, c. 9, s. 11(1). |
| 51(1)–(4) (5), (6) (7) | 1966, c. 9, s. 4(1)–(4). 1966, c. 9, s. 4(5). 1966, c. 9, s. 11(1). |
| 52(1) (2) | 1961, s. 2(1). 1961, s. 2(3). |
| 53 | 1925, s. 2(4). |
| 54(1) (2) (3) (4) | 1925, s. 8(1); 1966, c. 9, ss. 1(8), 4(5). 1925, s. 8(2). 1925, s. 8(3). 1963, Sch. 15, §4. |
| 55(1) (2) (3) (4) (5) (6) (7) | 1925, s. 11(1); 1929, s. 71; 1948, s. 55(1); 1955, Sch. 7 Pt. I; 1962/2016; 1966, Sch. 4, §23. 1925, s. 11(1); 1961, s. 15(2). 1925, s. 11(3). 1925, s. 11(9). 1961, s. 15(1), (5); 1966, Sch. 4, §23. 1961, s. 15(1). 1963, Sch. 15, §7. |
| 56(1) (2) (3) (4) (5) (6) (7) | 1925, s. 11(2); 1961, s. 15(4). 1925, s. 11(2). 1925, s. 11(3). 1925, s. 11(3). 1925, s. 11(5). 1925, s. 11(5). 1963, Sch. 15, §16. |
| 57(1) (2) (3) (4) (5) | 1925, s. 11(4); 1966, c. 9, s. 1(8). 1925, s. 11(8). 1925, s. 11(6). 1925, s. 11(10). 1925, s. 11(10); 1928, c. 8, s. 3(2), Sch. 2. |

Table of Derivations

GENERAL RATE ACT—*cont.*

Derivation

- 1869, ss. 1, 2; 1925, s. 2(3).
1869, s. 8; 1925, ss. 2(3), 11(7).
1963, Sch. 15, §15.
1925, s. 15.
1869, s. 12; 1925, ss. 2(3), 11(7).
1874, ss. 8, 11.
1874, ss. 5, 11; 1966, Sch. 4, §3.
1874, s. 6(1); 1948, Sch. 1, §1; 1966, Sch. 4, §4.
1874, s. 9.
1948, s. 33(1).
1925, s. 21(1); 1961, Sch. 4, §1; 1963, Sch. 15, §9.
1925, s. 2(7); 1965, c. 56, s. 27(5).
1925, s. 21(2).
1948, s. 34(2); 1959, s. 1(2), Sch.; 1966, s. 16.
1925, s. 20(1); 1948, s. 51; 1955, s. 4(7).
1948, s. 42.
1948, s. 34(1); 1955, s. 1(2); 1959, s. 1(2), Sch.; 1966, s. 16.
1948, s. 39(1); 1955, s. 1(1)–(3).
1955, s. 1(4).
1948, s. 42(1); 1955, s. 1(4), Sch. 7 Pt. III.
1955, s. 1(5).
1955, s. 1(6).
1948, ss. 33(2), 40(1).
1948, s. 40(2); 1955, Sch. 3, §11(b); 1958, s. 14(3); 1965, s. 3(8);
1966, Sch. 4, §21.
1955, s. 2(1).
1961, Sch. 4, §4.
1948, s. 41(1).
1955, Sch. 3, §10; 1958, Sch. 2, §12; 1961, ss. 3(6), 19(7), Sch. 2,
§11.
1948, s. 41(2), (3); 1955, s. 2(3), (5), Sch. 1, Pt. I.
1948, s. 41(4), (6)(d); 1955, s. 2(6), Sch. 1, Pt. II; 1961, Sch. 4, §5(3).
1948, s. 41(5); 1955, s. 2(6), Sch. 1, Pt. II.
1948, s. 41(8); 1955, s. 2(6), Sch. 1, Pt. II.
1948, s. 41(6)(a), (7), (8); 1955, s. 2(6), Sch. 1, Pt. II; 1961, Sch. 4,
§5(3).
1948, s. 41(6)(b), (c), (7), (8); 1955, s. 2(6), Sch. 1, Pt. II; 1961,
Sch. 4, §5(3).
1961, Sch. 4, §5(1).
1948, s. 48(1); 1955, Sch. 7, Pt. III.
1948, s. 48(2); 1966, Sch. 4, §16.
1961, Sch. 4, §5(2).
1948, s. 48(3).
1948, s. 48(4); 1955, Sch. 7, Pt. I.
1948, s. 49(1); 1949, s. 1(3)(e); 1961, Sch. 4, §7; 1966, Sch. 4, §17.

GENERAL RATE ACT—*cont.*

| Section of 1967 Act | Derivation |
|--|--|
| 78 | 1948, s. 50. |
| 79(1) (2) (3) (4) | 1948, s. 42(1). 1948, s. 42(2); 1955, Sch. 7, Pt. III. 1948, s. 42(3). 1961, Sch. 4, §6. |
| 80(1) (2) (3) (4) | 1948, s. 43; 1966, Sch. 4, §14(a). 1948, s. 43; 1966, Sch. 4, §14(b). 1961, Sch. 4, §3. 1955, Sch. 3, §11(a); 1966, s. 38(2). |
| 81(1) (2) (3) (4) | 1948, s. 64; 1961, Sch. 4, §8. 1948, s. 66(1); 1961, Sch. 4, §5(4). 1948, s. 66(2). 1955, s. 2(7). |
| 82 | 1948, s. 58; 1955, Sch. 7, Pt. I. |
| 83 | 1955, s. 3; 1966, Sch. 4, §20. |
| 84 | 1948, s. 61(1). |
| 85 | 1948, ss. 59(2), 144(1); 1963, Sch. 15, §21; 1966/1305, art. 2(9). |
| 86 | 1948, s. 60. |
| 87 | 1948, s. 39(2); 1955, Sch. 7, Pt. I; 1961, Sch. 4, §12. |
| 88(1) (2) (3) (4) (5) (6) | 1948, s. 44(1). 1948, s. 44(2). 1948, s. 44(2). 1948, s. 71; 1961, Sch. 4, §10. 1948, s. 44(3). 1955, Sch. 7, Pt. I. |
| 89(1) (2) | 1948, s. 46(1); 1955, Sch. 7, Pt. I. 1948, s. 45; 1963, Sch. 15, §19. |
| 90 | 1948, s. 46(2). |
| 91 | 1948, s. 45(5), (6); 1963, Sch. 15, §19(1). |
| 92 | 1948, s. 47; 1966, Sch. 4, §14. |
| 93 | 1948, s. 67; 1955, Sch. 7, Pt. I. |
| 94 | 1948, s. 69; 1963, Sch. 15, §20. |
| 95 | 1948, s. 143(1)(a); 1961, s. 26(b). |
| 96(1) (2) (3) | 1960, s. 1. 1966, c. 9, s. 1(9). 1960, s. 14(b). |
| 97 | 1960, s. 2. |
| 98 | 1960, s. 3. |
| 99 | 1960, s. 4. |
| 100 | 1960, s. 5. |

GENERAL RATE ACT—*cont.*

| Section of 1967 Act | Derivation |
|------------------------|--|
| 101 | 1960, s. 6. |
| 102 | 1960, s. 7. |
| 103 | 1960, s. 8. |
| 104 | 1960, s. 9. |
| 105 | 1960, s. 10. |
| 106 | 1960, s. 11; 1964, Sch. 3, §26. |
| 107(1) (2) | 1960, s. 15(5). 1955, s. 13(4). |
| 108 | 1925, s. 60; 1948, s. 61(2). |
| 109 | 1925, ss. 59, 68(1); 1948, s. 63; 1955, s. 3(9); 1960, s. 12; 1961, s. 11(8); 1966, c. 9, s. 11(3); 1966, s. 23(4), Sch. 4, §2(a). |
| 110 | 1925, s. 61(1). |
| 111 | 1925, s. 63. |
| 112 | 1925, s. 53(5); 1948, s. 141. |
| 113 | 1925, s. 58; 1946, s. 5(2); 1966, ss. 25, 40(3), Sch. 4, §11. |
| 114 | 1925, s. 24(6); 1948, ss. 109(2), 142; 1955, s. 16(5), (6); 1958, s. 11(5), Sch. 2, §4(8); 1960, s. 6(4); 1961, ss. 4(3), 27; 1962, c. 46, s. 66(5)(b); 1966, s. 40(1), (2). |
| 115(1) | 1889, s. 2; 1925, ss. 11(11), 68(1), (4); 1948, ss. 33(3), 144(1); 1953, s. 3(1); 1955, s. 16(1), (2), Sch. 3, §14, Sch. 7, Pt. I; 1960, s. 13; 1961, s. 28(1); 1962, c. 46, s. 66(10); 1963, Sch. 15, §13; 1966, c. 9, s. 11; 1966, s. 41(1). |
| (2) | 1965/319; 1966, Sch. 4, §27. |
| (3) | 1966, s. 9, s. 11(2). |
| (4) | 1966, s. 19. |
| (5) | 1948, s. 144(9); 1955, s. 16(3); 1961, s. 28(4). |
| (6) | 1948, s. 144(10); 1955, s. 16(4); 1961, s. 28(5); 1966, c. 9, s. 11(4); 1966, s. 41(4). |
| 116(1) | 1925, s. 2(3); 1963, Sch. 15, §2(1). |
| (2)-(5) | 1925, s. 69(2); 1955, Sch. 7, Pt. IV. |
| (6) | 1925, s. 69(2); 1960, s. 15(3). |
| (7) | 1960, s. 15(4). |
| (8) | 1925, s. 68(4); 1963, Sch. 15, §13. |
| (9) | 1963, Sch. 15, §26. |
| 117(1) | [Repeals.] |
| (2) | [Repeal and saving.] |
| (3) | 1960, s. 15(2). |
| (4) | [Saving.] |
| (5) | 1925, s. 64(1); 1948, s. 70(1). |
| (6) | 1963, Sch. 15, §11; 1966, Sch. 4, §12(1). |
| (7) | 1925, s. 64(2); 1959, c. 25, s. 301; 1966, Sch. 4, §12(1). |
| (8) | 1925, s. 64(2). |
| (9) | 1925, s. 64(2)(c), Sch. 2, Pt. III, §7; 1966, Sch. 4, §12(2), (3). |
| (10) | 1925, s. 66; 1948, ss. 70(3), 71; 1966, Sch. 4, §13. |
| (11),(12) | [Savings.] |
| (13) | 1960, s. 15(6). |

GENERAL RATE ACT—cont.

| Section of 1967 Act | Derivation |
|------------------------|---|
| 118(1) (2) | 1966, c. 9, s. 11(1); 1966, s. 41(1), Sch. 4, §28(1). 1966, Sch. 4, §28(2). |
| 119(1) (2) | [Short title.] 1869, s. 21; 1874, s. 2; 1925, s. 70(1); 1928, c. 44, s. 10; 1948, s. 148(2); 1953, s. 8; 1955, s. 17(5); 1957, s. 7; 1959, s. 4; 1960, s. 16(2); 1961, s. 29(4); 1966, s. 43(2). |
| (3) | 1869, s. 21; 1874, s. 2; 1925, s. 70(1); 1928, c. 44, s. 10; 1948, ss. 109, 110; 1953, s. 8; 1955, s. 17(5); 1957, s. 7; 1959, s. 4; 1960, s. 16(2); 1961, s. 29(4); 1966, s. 43(2). |
| (4) | [Commencement.] |
| Sch. 1 | |
| §1(1), (2) | 1966, s. 21(1), (2). |
| (3) | 1966, s. 21(4). |
| (4) | 1966, s. 22(2). |
| §§2-4 | 1966, s. 22(3)-(5). |
| §§5-14 | 1966, Sch. 2, §§1-10. |
| §15 | 1966, ss. 21(1), (3), 41(1), Sch. 2, §11. |
| Sch. 2 | 1966, s. 18(2), (3). |
| Sch. 3 | 1925, Sch. 3; 1961, s. 5(4); 1962, c. 58, s. 41(1); 1965, s. 3(7). |
| Sch. 4 | |
| §1 | 1961, ss. 18(1), (2), 22(4), Sch. 2, §§1-4; 1963, Sch. 15, §23; 1966, Sch. 4, §25. |
| §2 | 1961, s. 18(3). |
| §3(1)-(3) | 1961, s. 19(1)-(3). |
| (4) | 1961, s. 20(4). |
| (5) | 1961, s. 19(6). |
| (6) | 1961, Sch. 2, §5. |
| 4(1), (2) | 1961, s. 19(4), (5). |
| (3) | 1961, s. 20(5), (7). |
| §5(1) | 1961, s. 20(3). |
| (2) | 1961, s. 20(6). |
| (3) | 1961, s. 20(8). |
| (4) | 1961, s. 20(9). |
| (5) | 1961, s. 20(10); 1966, Sch. 4, §17. |
| (6) | 1961, s. 20(11). |
| §6(1) | 1961, s. 22(5), Sch. 3; 1966, Sch. 4, §26. |
| (2) | 1961, s. 20(1). |
| (3) | 1961, s. 22(1); 1966, Sch. 4, §10. |
| (4) | 1961, s. 20(2). |
| §7(1)-(7) | 1961, s. 21. |
| (8) | 1961, s. 22(2), (3); 1963, c. 38, s. 122. |
| §8(1) | 1961, s. 22(3); 1963, Sch. 15, §24. |
| (2) | 1961, Sch. 2, §§3, 7. |
| §9 | 1961, Sch. 2, §8. |
| §10 | 1961, Sch. 2, §9. |
| §11 | 1961, Sch. 2, §10. |
| Sch. 5 | |
| §1 | 1962, c. 46, s. 66(2); 1964/254, art. 4. |
| §2 | 1948, ss. 94(2), (3), 144(5); 1958, Sch. 8, §24; 1962, c. 46, s. 66(4)(a); 1966, Sch. 5, §3. |
| §3(1) | 1948, s. 94(3), (4); 1962, c. 46, s. 66(4). |
| (2) | 1962, c. 46, s. 66(5). |
| §4(1) | 1948, ss. 100, 102; 1958, Sch. 8, §25; 1962, c. 46, s. 66(8)(a), (c); 1966, Sch. 4, §§18, 19. |

GENERAL RATE ACT—*cont.*

| Section of 1967 Act | Derivation |
|------------------------|---|
| Sch. 5 | |
| (2) | 1966, ss. 24(1)(a), (3), (4), 40(3). |
| (3) | 1948, s. 88(2). |
| (4) | 1960, c. xxxvi, s. 35. |
| §5 | 1948, s. 109(1); 1962, c. 46, s. 66(6), (8)(a). |
| §6(1) | 1948, s. 109(3); 1962, c. 46, s. 66(4)(b). |
| (2) | 1962, c. 46, s. 66(5). |
| (3) | 1948, s. 109(1). |
| §7 | 1948, s. 100; 1966 Sch. 4, §18. |
| §8(1) | 1966, s. 23(2). |
| (2) | 1966, s. 23(7). |
| (3) | 1966, s. 23(6). |
| (4) | 1966, s. 23(3)–(5). |
| Sch. 6 | |
| §1 | 1955, Sch. 3, §1. |
| §2 | 1955, Sch. 3, §2; 1958, s. 11(5); 1962/1687. |
| §3 | 1958, s. 11(2), (3). |
| §4(1) | 1955, Sch. 3, §4(1), (2); 1958, s. 11(3); 1965, s. 3(3)(a), (6)(a). |
| (2) | 1965, s. 3(6)(b). |
| §5(1), (2) | 1955, s. 11(4)(a), Sch. 3, §4(1), (3); 1965, s. 3(3)(b), (4). |
| (3) | 1958, s. 11(4)(b). |
| (4) | 1966, s. 24(1)(b). |
| §6 | 1955, Sch. 3, §5. |
| §7 | 1955, Sch. 3, §6. |
| §8 | 1955, Sch. 3, §7. |
| §9 | 1955, Sch. 3, §8. |
| §10 | 1955, Sch. 3, §9. |
| §11 | 1955, Sch. 3, §12; 1965, s. 3(4), (5). |
| §12 | 1955, Sch. 3, §13. |
| §13 | 1966, s. 23(2)–(7). |
| §14 | 1966, ss. 24(3), (4), 40(3). |
| Sch. 7 | |
| §1 | 1958, Sch. 2, §1. |
| §2(1) | 1958, Sch. 2, §2. |
| (2) | 1966, s. 24(1)(c). |
| §3 | 1958, Sch. 2, §3; 1966, s. 24(1)(d). |
| §4 | 1958, Sch. 2, §4(1), (5). |
| §5 | 1958, Sch. 2, §4(1)–(4), (8); 1962/1688. |
| §6 | 1958, Sch. 2, §4(6). |
| §7 | 1958, Sch. 2, §4(7). |
| §8 | 1958, Sch. 2, §5. |
| §9 | 1958, Sch. 2, §6. |
| §§10–14 | 1958, Sch. 2, §§7–11. |
| §15 | 1966, s. 23(2)–(7). |
| §16 | 1966, ss. 24(3), (4), 40(3). |
| Sch. 8 | 1961, Sch. 1; 1963/1361; 1965/1726; 1966/198. |
| Sch. 9 | |
| §§1–8 | 1966, c. 9, s. 6(1)–(8). |
| §§9–15 | 1966, c. 9, s. 7(1)–(7). |
| §§16–25 | 1966, c. 9, s. 8(1)–(10). |
| §26 | 1966, c. 9, s. 11(1). |
| Sch. 10 | 1966, c. 9, s. 1(2)–(7). |
| Sch. 11 | |
| §1(1) | 1953, s. 2(1), (2), (4); 1961, s. 2(1), (2); 1965/654, art. 3(19). |
| (2) | 1953, s. 3(6); 1961, s. 2(1). |
| §2 | 1953, s. 3(1). |

GENERAL RATE ACT—*cont.*

| Section of 1967 Act | Derivation |
|------------------------|--|
| Sch. 12 | 1960, Sch. 1. |
| Sch. 13 §§1-4 §5 | 1953, ss. 3(2)-(6), 4(5); 1961, Sch. 4, §13(1), (2). 1966, s. 26. |
| Sch. 14 | [Repeals.] |

**THE INDUSTRIAL INJURIES AND DISEASES
(OLD CASES) ACT (c. 34)**

Note:—The following abbreviations are used in the Table—

| | |
|--------------|--|
| 1946 | = The National Insurance (Industrial Injuries) Act 1946 (9 & 10 Geo. 6. c. 62) |
| 1951, c. 22 | = The Workmen's Compensation (Supplementation) Act 1951 (14 & 15 Geo. 6. c. 22) |
| 1951, c. 4 | = The Pneumoconiosis and Byssinosis Benefit Act 1951 (15 & 16 Geo. 6. c. 4) |
| 1954 | = The Industrial Diseases (Benefit) Act 1954 (2 & 3 Eliz. 2. c. 16) |
| 1957 | = The National Insurance Act 1957 (5 & 6 Eliz. 2. c. 26) |
| 1957 (No. 2) | = The National Insurance (No. 2) Act 1957 (6 & 7 Eliz. 2. c. 1) |
| 1961 | = The Family Allowances and National Insurance Act 1961 (10 & 11 Eliz. 2. c. 6) |
| 1964 | = The National Insurance &c. Act 1964 (1964 c. 96) |
| 1965, c. 55 | = The Statute Law Revision (Consequential Repeals) Act 1965 (1965 c. 55) |
| 1965 | = The Workmen's Compensation and Benefit (Amendment) Act 1965 (1965 c. 79) |
| 1966 | = The National Insurance Act 1966 (1966 c. 6) |
| 1966, c. 20 | = The Ministry of Social Security Act 1966 (1966 c. 20) |
| 1967 | = The National Insurance (Industrial Injuries) (Amendment) Act 1967 (1967 c. 25) |

| Section of 1967 Act | Derivation |
|--|--|
| 1 | 1946, s. 89(1)(a), (4). |
| 2(1) (2) (3)–(7) | 1951, c. 22, s. 1(1); 1965, s. 1(1), Sch. 1, §1. 1951, c. 22, s. 1(2). 1965, s. 1(2)–(6). |
| 3(1) (2) (3) (4) (5) (6) (7) | 1951, c. 22, s. 1(5)(c); 1965, s. 4(2)(c), (d), Sch. 1, §3. 1965, s. 4(3). 1951, c. 22, s. 2(3); 1965, Sch. 1, §4. 1951, c. 22, s. 2(5); 1965, Sch. 1, §5. 1965, Sch. 1, §5. 1951, c. 22, s. 2(6); 1965, Sch. 1, §6. 1951, c. 22, s. 2(7). |
| 4(1) (2) (3)–(5) (6) (7) (8) | 1951, c. 22, s. 3. 1951, c. 22, ss. 1(3), 3(1). 1951, c. 22, s. 3(2)–(4). 1951, c. 22, s. 3(7). 1951, c. 22, s. 1(3). 1951, c. 22, s. 1(4); 1965, s. 4(4). |
| 5 | 1951, c. 4, s. 1(1); 1954, s. 1(1), (2); 1965, s. 2(2). |
| 6 | 1951, c. 4, s. 2; 1954, ss. 1(3), 2(1)(a), (3); 1957 (No. 2), s. 4(2), 1965, s. 2(4)(a). |

INDUSTRIAL INJURIES AND DISEASES (OLD CASES) ACT—*cont.*

| Section of 1967 Act | Derivation |
|--|--|
| 7 | 1951, c. 4, s. 3; 1957, Sch., §3; 1961, s. 3(4); 1964, s. 3(3); 1965, s. 2, 1966, ss. 6(4)(d), 7(2). |
| 8(1) (2) (3) (4) (5) (6) | 1951, c. 4, s. 4(1). 1951, c. 4, s. 4(1). 1951, c. 4, s. 4(2); 1966, ss. 8(1), 9. 1954, s. 2(2). 1951, c. 4, s. 4(3). 1951, c. 4, s. 4(4). |
| 9 | 1965, s. 3(1), (2). |
| 10 | 1951, c. 22, s. 3(6); 1951, c. 4, s. 4(1). |
| 11 | 1951, c. 22, s. 4; 1951, c. 4, s. 4(1). |
| 12 | 1951, c. 22, s. 5; 1951, c. 4, s. 4(1). |
| 13 | 1946, s. 86; 1951, c. 22, s. 3(5), Sch.; 1951, c. 4, s. 4(1); 1965, c. 55, s. 1(2); 1967, s. 2. |
| 14(1) (2) (3) (4) (5) | 1951, c. 4, s. 6(1); 1965, s. 4(1)(a), (2)(a), (b); 1966, c. 20, s. 2. 1967, s. 1(1), (2). 1951, c. 4, s. 6(2). 1965, s. 4(1)(b), (c). 1951, c. 4, s. 6(3); 1965, s. 4(5). |
| 15(1)–(6) (7) (8) (9) (10) (11) | [Repeals, savings etc.] 1946, s. 89. 1965, Sch. 1, §7. 1965, s. 3(3). 1967, s. 1(3), (4). [Saving]. |
| 16(1) (2) (3) | [Short title]. 1946, s. 91(2); 1957, s. 10(4); 1957 (No. 2), s. 8(3); 1961, s. 14(5); 1964, s. 6(7); 1967, s. 3(4). [Commencement]. |
| Sch. | [Repeals]. |

THE LEGAL AID (SCOTLAND ACT 1967 (c. 43))

Note: The following abbreviations are used in this Table—

- 1949 = The Legal Aid (Scotland) Act 1949 (12 & 13 Geo. 6. c. 63)
 1960 = The Legal Aid Act 1960 (8 & 9 Eliz. 2. c. 28)
 1963 = The Criminal Justice (Scotland) Act 1963 (c. 39)
 1964 = The Legal Aid Act 1964 (c. 30)
 1966 = The Ministry of Social Security Act 1966 (c. 20)

| Section of 1967 Act | Derivation |
|-------------------------------------|---|
| 1(1)–(6), (8) (7) | 1949, s. 1; 1963, s. 48, Sch. 4. 1963, s. 48, Sch. 4. |
| 2(1), (6)–(8) (2)–(5) | 1949, s. 2; 1960, s. 1(1); 1963, s. 48, Sch. 4. 1963, s. 48, Sch. 4. |
| 3 | 1949, s. 3; 1960, s. 1(2). |
| 4 | 1949, s. 4; 1966, s. 39, sch. 6, paragraph 13, sch. 8. |
| 5 | 1949, s. 5; 1960, s. 1(2). |
| 6(1)–(4), (7)–(9) (5), (6), (10) | 1949, s. 6; 1963, s. 48, Sch. 4. 1960, s. 3(1), (2), (4). |
| 7 | 1949, s. 7. |
| 8 | 1949, s. 8. |
| 9 | 1949, s. 9. |
| 10 | 1960, s. 4. |
| 11 | 1949, s. 10. |
| 12 | 1949, s. 11. |
| 13 | 1964, ss. 1, 3(2). |
| 14 | 1964, s. 2(3)–(5). |
| 15 | 1949, ss. 1(4), 12, 17(2); 1960, s. 1(3); 1964, ss. 2(1)(b), 3(1)(a). |
| 16 | 1949, s. 13; 1964, ss. 2(1)(a) and (c), (2), 3(1)(b). |
| 17 | 1949, s. 14. |
| 18 | 1949, s. 15; 1963, s. 48; Sch. 4. |
| 19 | 1949, s. 16. |
| 20(1) (2), (3) | 1949, s. 17(1); 1960, s. 3(4); 1964, s. 1. [Construction.] |
| 21 | [Repeals and savings.] |
| 22 | [Short title and commencement.] |
| Sch. 1 | 1949, Sch. 1. |
| Sch. 2 | 1949, Sch. 3; 1960, s. 2. |
| Sch. 3 | [Repeals.] |

THE PLANT HEALTH ACT 1967 (c. 8)

Note: The following abbreviations are used in this Table.

- 1877 = The Destructive Insects Act 1877
(40 & 41 Vict. c. 68)
- 1907 = The Destructive Insects and Pests Act 1907
(7 Edw. 7. c. 4)
- 1927 = The Destructive Insects and Pests Act 1927
(17 & 18 Geo. 5. c. 58)
- 1949 = The Agriculture (Miscellaneous Provisions) Act 1949, s. 11
(12 & 13 Geo. 6. c. 37)

| Section of 1967 Act | Derivation |
|------------------------|---|
| 1(1) (2) | 1907, s. 1(1); 1927, s. 1(5). 1877, ss. 1, 2; Forestry Act 1919 (c. 58), s. 3(2), (6). |
| 2 | 1877, s. 1; 1907 s. 1(1); 1927, s. 1(5). |
| 3(1)-(3) (4) (5) | 1877, s. 2; 1907 s. 1(1). 1927, s. 1(5). 1877, s. 2; 1927 s. 1(1)(c); 1949, s. 11. 1927, s. 1(3). |
| 4(1) (2) (3) | 1927, s. 1(1). 1877, s. 3; 1927, s. 1(2). 1877, s. 9; 1927, s. 1(2). |
| 5 | 1877, ss. 3, 4; 1907, s. 1(1). |
| 6 | 1877, ss. 5, 8. |
| 7 | — |
| 8 | — |
| 9 | — |

THE POLICE (SCOTLAND) ACT 1967 (c. 77)

Note:—The following abbreviations are used in this Table—

1956 = The Police (Scotland) Act 1956 (4 & 5 Eliz. 2. c. 26)

1964 = The Police Act 1964 (c. 48)

| Section of 1967 Act | Derivation |
|------------------------|--|
| 1 | 1956, s. 1(1)(5); 1964, sch. 7, para. 1. |
| 2(1) | 1956, s. 2. |
| (2) | 1956, s. 12(1). |
| (3) | 1956, s. 14. |
| (4) | 1956, s. 15(1). |
| 3 | 1956, s. 3. |
| 4(1) | 1956, s. 6(1); 1964, sch. 7, para. 3. |
| (2) | 1956, s. 9(3). |
| (3)–(7) | 1956, s. 6(2)–(4); 1964, sch. 7, para. 3. |
| 5(1) | 1956, s. 10(1)(4); 1964, sch. 7, para. 6. |
| (2) | 1956, s. 10(6); 1964, sch. 7, para. 6. |
| (3) | 1956, s. 10(5). |
| (4) | 1956, s. 9(1)(2). |
| (5) | 1956, ss. 7(1A), 10(2); 1964, sch. 7, paras. 5, 6. |
| (6) | 1956, ss. 7(2), 10(7); 1964, sch. 7, paras. 5, 6. |
| 6 | 1956, ss. 7(1)(2), 9(1)(3); 1964, sch. 7, para. 5. |
| 7 | 1956, s. 9. |
| 8 | 1956, s. 10A; 1964, sch. 7, para. 7. |
| 9 | 1956, s. 13. |
| 10 | 1956, s. 15(2)(3). |
| 11 | 1956, s. 16; 1964, sch. 7, para. 11. |
| 12 | 1956, s. 16A; 1964, sch. 7, para. 12. |
| 13 | 1956, s. 31. |
| 14 | 1956, s. 32. |
| 15 | 1956, s. 34; 1964, sch. 7, para. 19. |
| 16 | 1956, s. 8. |
| 17 | 1956, s. 4; 1964, sch. 7, para. 2. |
| 18 | 1956, s. 5. |
| 19 | 1956, s. 17. |
| 20 | 1956, s. 18; Police (Scotland) Act 1966 (c. 52), s. 1. |
| 21 | 1956, s. 20. |
| 22 | 1956, s. 21. |

POLICE (SCOTLAND) ACT—cont.

| Section of 1967 Act | Derivation |
|------------------------|--|
| 23 | 1956, s. 22. |
| 24 | 1956, s. 23; 1964, sch. 7, para. 13. |
| 25 | 1956, s. 19. |
| 26 | 1956, ss. 11, 40(5); Police, Fire and Probation Officers Remuneration Act 1956 (c. 1), s. 1; 1964, s. 45(4)(5), sch. 7, para. 8. |
| 27 | 1956, s. 11A; 1964, s. 45(4), sch. 7, para. 9. |
| 28 | 1956, s. 11B; 1964, sch. 7, para. 9. |
| 29 | 1956, s. 30A; 1964, sch. 7, para. 17. |
| 30 | 1956, s. 11C; 1964, sch. 7, para. 9. |
| 31 | 1956, s. 6A; 1964, sch. 7, para. 4. |
| 32 | 1956, s. 30. |
| 33 | 1956, s. 33. |
| 34 | 1956, s. 33A; 1964, sch. 7, para. 18. |
| 35 | 1956, s. 33B; 1964, sch. 7, para. 18. |
| 36 | 1956, s. 29(1)–(3), (5)–(7); 1964, sch. 7, para. 15. |
| 37 | 1956, s. 29A; 1964, sch. 7, para. 16. |
| 38 | 1956, s. 29B; 1964, sch. 7, para. 16. |
| 39 | 1956, s. 23A(1)–(4); 1964, sch. 7, para. 14. |
| 40 | 1956, s. 23B; 1964, sch. 7, para. 14. |
| 41 | 1956, s. 24. |
| 42 | 1956, s. 25. |
| 43 | 1956, s. 26. |
| 44 | 1956, s. 27. |
| 45 | 1956, s. 28. |
| 46 | 1956, s. 12(2); 1964, sch. 7, para. 10. |
| 47 | 1956, s. 35. |
| 48 | 1956, s. 36; 1964, sch. 7, para. 20. |
| 49 | 1956, s. 39. |
| 50 | 1956, ss. 1(5)(6), 2, 17(9), 40(1)(4). |
| 51 | 1956, ss. 1(6), 40; 1964, s. 64(2). |
| 52 | [Consequential amendments, repeals and savings.] |
| (3) | 1964, s. 64(6). |
| (5) | 1956, s. 29(4). |

*Table of Derivations*POLICE (SCOTLAND) ACT—*cont.*

| Section of 1967 Act | Derivation |
|------------------------|---|
| 53 (3) | [Short title, extent and commencement.] 1956, s. 23A(5); 1964, sch. 7, para. 14. |
| sch. 1 | 1956, sch. 1. |
| sch. 2 | 1956, sch. 2. |
| sch. 3 | 1956, sch. 1A; 1964, sch. 7, para. 21. |
| sch. 4 | [Consequential amendment of enactments.] 1956, s. 15(4). |
| sch. 5 | [Enactments repealed.] |

THE ROAD TRAFFIC REGULATION ACT 1967
(c. 76)

Note.—The following abbreviations are used in this Table:—

- 1960 = The Road Traffic Act 1960
 (8 & 9 Eliz. 2. c. 16)
- 1960 (c. 63) = The Road Traffic and Roads Improvement Act 1960
 (8 & 9 Eliz. 2. c. 63)
- 1962 = The Road Traffic Act 1962
 (10 & 11 Eliz. 2. c. 59)
- 1963 = The London Government Act 1963
 (1963 c. 33)
- 1964 = The Road Traffic Act 1964
 (1964 c. 45)
- 1967 = The Road Traffic Act 1967
 (1967 c. 21)
- S.I. 1963 = The Motor Vehicles (Variation of Speed Limit) Regulations 1963
 (S.I. 1963/204, I p. 187)
- S.I. 1965 = The Secretary of State for Wales and Minister of Land and
 Natural Resources Order 1965
 (S.I. 1965/319, I p. 785)
- S.I. 1966 = The Motor Vehicles (Variation of Speed Limit) (Amendment)
 Regulations 1966
 (S.I. 1966/981, II p. 2358)
- M (followed by
 a number) = The proposal of that number in the Schedule to the Memorandum
 under the Consolidation of Enactments (Procedure) Act
 1949 (c. 33)

| Section of 1967 Act | Derivation |
|------------------------|---|
| 1(1) | 1960, s. 26(1); 1963, s. 15(1), Sch. 5 Pt. I §4. |
| (2) | 1960, s. 26(2); M.2. |
| (3) | 1960, s. 26(3); M.1. |
| (4) | 1962, s. 10. |
| (5) | 1960, s. 26(4); M.1. |
| (6) | 1960, s. 26(5). |
| (7) | 1960, s. 26(6). |
| (8) | 1960, s. 26(7); 1962, s. 8, Sch. 1 §28. |
| 2 | 1960, s. 27; 1962, s. 51(1), Sch. 4 Pt. I; M.2. |
| 3 | 1960, s. 28. |
| 4 | 1960, s. 29; M.2. |
| 5 | 1960 (c. 63), s. 11(8)–(12). |
| 6(1) | 1960, s. 34(1); 1960 (c. 63), s. 8(2); 1962, s. 10; 1963, ss. 10(1), (2), 15(1), Sch. 5 Pt. I §5(1); M.10. |
| (2) | 1960, s. 34(1); 1963, s. 10(1), (2). |
| (3) | 1960, s. 34(2); 1963, ss. 9(6), 10(3), 15(1), Sch. 5 Pt. I §5(2). |
| (4) | 1962, s. 26; 1963, s. 15(1), Sch. 5 Pt. III §2. |
| (5) | 1960 (c. 63), s. 8(4); 1963, s. 15(1), Sch. 5 Pt. II §4(2). |
| (6) | 1960 (c. 63), s. 8(5); 1963, s. 15(1), Sch. 5 Pt. II §4(3). |
| (7) | 1960, s. 34(3); 1963, ss. 10(3), 15(1), Sch. 5 Pt. I §5(3). |
| (8) | 1960 (c. 63), s. 8(6); 1963, s. 15(1), Sch. 5 Pt. II §4(4); Transport Act 1962 (c. 46) s. 32, Sch. 2. |
| (9) | 1960, s. 34(4); 1962, s. 8, Sch. 1 §29; 1963, ss. 10(3), 15(1), Pt. I §5(4). |

ROAD TRAFFIC REGULATION ACT—*cont.*

| Section of 1967 Act | Derivation |
|------------------------|--|
| 6(10) | 1960, s. 34(7); 1963, ss. 10(3), 15(1), Sch. 5 Pt. I §5(4). |
| (11) | 1960, s. 34(8); 1963, s. 10(3). |
| (12) | 1960, s. 34(9); 1960 (c. 63), s. 23(2); 1963, s. 10(3). |
| 7 | 1960, s. 34(1), (6); 1963, ss. 10(2), 15(1), Sch. 5 Pt. I §5(1), (4). |
| 8(1) | 1963, s. 10(4). |
| (2) | 1963, s. 10(2), (5). |
| (3) | 1963, s. 10(6). |
| (4) | 1963, s. 10(7). |
| (5) | 1963, s. 10(2)(c). |
| 9(1) | 1962, s. 28(1); 1963, s. 15(1), Sch. 5 Pt. III §3(1). |
| (2) | 1962, s. 28(2); 1963, ss. 11(1), 15(1), Sch. 5 Pt. III §3(2). |
| (3) | 1962, s. 28(3); 1963, s. 15(1), Sch. 5 Pt. III §3(3). |
| (4) | 1962, s. 28(4). |
| (5) | 1963, s. 11(4). |
| (6) | 1963, ss. 10(7), 11(3). |
| (7) | 1963, s. 11(2)(b). |
| (8) | 1962, s. 28(7). |
| (9) | 1962, s. 28(8). |
| (10) | 1962, s. 28(9); 1963, s. 15(1), Sch. 5 Pt. III §3(4). |
| (11) | 1963, s. 11(6). |
| (12) | 1962, s. 28(11); 1963, s. 15(1), Sch. 5 Pt. III §3(4). |
| 10(1) | 1962, s. 48. |
| (2) | 1962, s. 28(5); M.1. |
| (3) | 1962, s. 28(6). |
| (4) | 1963, s. 11(5). |
| (5) | 1962, s. 28(5). |
| (6) | 1962, s. 28(2); 1963, ss. 11(2)(a), 15(1), Sch. 5 Pt. III §3(2). |
| (7) | 1963, ss. 10(6), 11(3). |
| (8) | 1962, s. 28(10). |
| 11(1) | 1960, s. 35(1); 1963, ss. 11(7), 15(1), Sch. 5 Pt. I §6(1). |
| (2) | 1960, s. 35(1A); 1963, ss. 11(7), 15(1), Sch. 5 Pt. I §6(2). |
| (3) | 1960, s. 35(2); M.1. |
| (4) | 1960, s. 35(3); 1962, s. 8, Sch. 1 §30. |
| (5) | 1960, s. 35(4); 1963, s. 15(1), Sch. 5 Pt. I §6(3). |
| (6) | 1960, s. 35(5); 1963, ss. 11(7), 15(1), Sch. 5 Pt. I §6(4); M.3. |
| (7) | 1960, s. 35(6). |
| (8) | 1960, s. 35(7); 1963, ss. 11(7), 15(1), Sch. 5 Pt. I §6(5). |
| 12 | 1960, s. 36; 1962, ss. 8, 34(4), (6), 51(1), Sch. 1 §31, Sch. 4 Pt. I; M.1. |
| 13 | 1960, s. 37; 1962, s. 8, Sch. 1 §15. |
| 14 | 1960, s. 38. |
| 15 | 1960, s. 39; 1963, s. 15(1), Sch. 5 Pt. I §7. |
| 16 | 1960, s. 40; 1962, s. 8, Sch. 1 §32; M.1. |
| 17 | 1960, s. 41. |
| 18 | 1960, s. 42. |
| 19 | 1960, s. 222; M.1. |
| 20 | 1960, s. 43. |
| 21 | 1960, s. 44; 1963, ss. 14(5), 15(1), Sch. 5 Pt. I §8; Local Government (Scotland) Act 1966 (c.51), s. 28(3). |

ROAD TRAFFIC REGULATION ACT—cont.

| Section of 1967 Act | Derivation |
|------------------------|---|
| 22 | 1960, s. 45. |
| 23 | 1960, s. 46; 1962, s. 8, Sch. 1 §16. |
| 24 | 1960, s. 47; M.4. |
| 25 | 1960, s. 48; 1962, ss. 8, 51(1), Sch. 1, §17, Sch. 4 Pt. I. |
| 26 | 1960, s. 49; 1962, s. 8, Sch. 1 §18; 1963, ss. 14(1), (6), 15(1), Sch. 5 Pt. I §9; M.1. |
| 27 | 1960, s. 50; 1963, ss. 14(1), 15(1), Sch. 5 Pt. I §10; M.1. |
| 28(1) | 1960, s. 81(1); 1960 (c. 63), s. 24, Sch.; 1962, s. 51, Sch. 4 Pt. I; 1963, ss. 13(1), 15(1), Sch. 5 Pt. I §17. |
| (2) | 1960, s. 81(2); 1960 (c. 63), s. 24, Sch. |
| (3) | 1960, s. 81(3); 1960 (c. 63), s. 24, Sch. |
| (4) | 1960, s. 81(15); 1960 (c. 63), s. 24, Sch. |
| (5) | 1960, s. 81(17). |
| (6) | 1960, s. 81(16); 1960 (c. 63), ss. 11(15), 24, Sch.; 1963, ss. 13(1), 15(1), Sch. 5 Pt. I §17; M. 1, 5. |
| (7) | 1960, s. 81(16A); 1963, ss. 13(1), 15(1), Sch. 5 Pt. I §17; M. 11. |
| (8) | 1960, s. 81(18); 1960 (c. 63), s. 24, Sch. |
| 29(1) | 1960 (c. 63), s. 13(1); 1967, s. 1. |
| (2) | 1960 (c. 63), s. 13(2). |
| (3) | 1960 (c. 63); s. 13(4). |
| (4) | 1960, s. 81(14); 1960 (c. 63), s. 24, Sch. |
| (5) | 1960 (c. 63), s. 13(3). |
| (6) | 1960 (c. 63), s. 13(6). |
| (7) | 1960 (c. 63), s. 13(7). |
| (8) | 1960 (c. 63), s. 13(10). |
| (9) | 1960 (c. 63), s. 14. |
| 30(1) | 1960, s. 81(11); 1960 (c. 63), s. 13(8), (9); 1962 s. 31. |
| (2) | 1960 (c. 63), s. 13(5). |
| (3) | 1960 (c. 63), s. 13(9); 1962, s. 31. |
| 31(1) | 1960 (c. 63), ss. 11(2), 13(6); M.1. |
| (2) | 1960 (c. 63), ss. 11(3), 13(6). |
| (3) | 1960 (c. 63), ss. 11(4), 13(6). |
| (4) | 1960 (c. 63), ss. 11(6), 13(6); 1962, s. 51(1), Sch. 4 Pt. II. |
| (5) | 1960, s. 81(9). |
| (6) | 1960 (c. 63), ss. 11(5), 13(6). |
| (7) | 1960, s. 81(6). |
| (8) | 1960 (c. 63), s. 11(18). |
| 32(1) | 1960, s. 81(19); 1960 (c. 63), ss. 11(2), 13(6). |
| (2) | 1960 (c. 63), s. 11(12). |
| (3) | 1960 (c. 63), ss. 11(7), 13(6). |
| (4) | 1960 (c. 63), s. 11(12). |
| (5) | 1962, s. 30. |
| (6) | 1960, s. 81(13). |
| 33 | 1960, s. 83; M.6. |
| 34 | 1960, s. 84; S.I. 1965/145, Arts. 2, 3. |
| 35(1) | 1960, s. 85(1); 1963, s. 15(1), Sch. 5 Pt. I §18(1); M.1. |
| (2) | 1960, s. 85(2). |
| (3) | 1960, s. 85(3). |
| (4) | 1960, s. 85(4); 1963, s. 15(1), Sch. 5 Pt. I §18(2). |
| (5) | 1960, s. 85(5); 1960 (c. 63), ss. 4(1), 24, Sch.; 1963, s. 15(1), Sch. 5 Pt. I §18(3) Pt. II §2; M.1, 7. |

ROAD TRAFFIC REGULATION ACT—*cont.*

| Section of 1967 Act | Derivation |
|--|--|
| 35(6) (7) (8) (9) | 1960 (c. 63), s. 3(4), (5); 1963, s. 15(1), Sch. 5 Pt. II §1. 1960 (c. 63), s. 3(2), (5); 1963, s. 15(1), Sch. 5 Pt. II §1. 1960, s. 85(8), (9); 1960 (c. 63), s. 24, Sch. 1960, s. 85(10); 1963, s. 15(1), Sch. 5 Pt. I §18(4). |
| 36 | 1960, s. 86; 1962, s. 29, Sch. 2; 1963, s. 15(1), Sch. 5 Pt. I §19. |
| 37 | 1960, s. 87; 1962, s. 29, Sch. 2; 1963, s. 15(1), Sch. 5 Pt. I §20. |
| 38 | 1963, s. 13(2)–(7). |
| 39 | 1960 (c. 63), s. 5(1), (2), (5), (7), (8); 1962, s. 51(1), Sch. 4 Pt. II; 1963, s. 15(1), Sch. 5 Pt. II, §3, M.1. |
| 40(1) (2) (3) (4) (5) (6) (7) (8) | 1960, s. 90(1). 1960, s. 90(2). 1960, s. 90(3); 1960 (c. 63), ss. 3(4), 5(9); 1963 ss. 15(1), 90, Sch. 5 Pt. I §23(1). 1960, s. 90(4); 1960 (c. 63), s. 5(9). 1960, s. 90(5); 1960 (c. 63), ss. 3(4), 5(9). 1960, s. 90(6); 1960 (c. 63), s. 5(9); 1963, s. 90. 1960, s. 90(7). 1960, s. 90(8); 1963, s. 15(1), Sch. 5 Pt. I §23(2). |
| 41 | 1960 (c. 63), s. 7. |
| 42 | 1960, s. 88; 1960 (c. 63), ss. 6(1), 24, Sch.; 1962, s. 51(1), Sch. 4; 1963, ss. 13(5), 15(1), Sch. 5 Pt. I §21. |
| 43 | 1960 (c. 63), s. 5(2)–(4), (10); 1962, s. 8 Sch. 1 Pt. III. |
| 44 | 1960, s. 89; 1963, ss. 13(5), 15(1), Sch. 5 Pt. I §22. |
| 45 | 1960 (c. 63), s. 4(2), (3); 1963, s. 15(1), Sch. 5 Pt. II §2. |
| 46 | 1960, s. 91; 1960 (c. 63), s. 11(14). |
| 47 | 1960, s. 92. |
| 48 | 1960, s. 93. |
| 49 | 1960, s. 94. |
| 50 | 1960, s. 95. |
| 51 | 1960, s. 96; M.1. |
| 52 | 1960 (c. 63), s. 15; 1962, s. 51, Sch. 4 Pt. II; 1963, ss. 13(5), 15(1), Sch. 5 Pt. II §5. |
| 53 | 1960 (c. 63), s. 16; 1962, s. 51, Sch. 4 Pt. II; M.1. |
| 54 | 1960, s. 51; M.1. |
| 55 | 1960, s. 52; 1962, s. 51(1), Sch. 4 Pt. I. |
| 56 | 1963, s. 12(1)(a), (3), (5). |
| 57 | 1960, s. 53. |
| 58 | 1960, s. 54. |
| 59 | 1962, s. 33. |

ROAD TRAFFIC REGULATION ACT—*cont.*

| Section of 1967 Act | Derivation |
|------------------------|--|
| 60 | 1960, s. 55. |
| 61 | 1960, s. 56. |
| 62 | 1960, s. 57; 1963, s. 12(4). |
| 63 | 1960, s. 58. |
| 64 | 1960, s. 59. |
| 65 | 1960, s. 60; 1963, s. 15(1), Sch. 5 Pt. I §11. |
| 66 | 1960, s. 61. |
| 67 | 1960, s. 62; 1963, s. 12(7). |
| 68 | 1960, s. 63; 1963, ss. 12(8), 15(1), Sch. 5 Pt. I §12. |
| 69 | 1962, s. 32; M.1. |
| 70 | 1963, s. 12(1)(b), (c), (2), (4), (7), (8); M.1. |
| 71 | 1960, s. 19. |
| 72 | 1960, s. 20; Local Government Act 1966 (c. 42), s. 27(3); Local Government (Scotland) Act 1966 (c. 51), s. 28(3); S.I. 1965 Art. 10. |
| 73 | 1960, s. 21; 1962, s. 12(2); 1963, ss. 14(1), 15(1), Sch. 5 Pt. I §2. |
| 74 | 1962, ss. 11, 48; 1963, ss. 10(8), 15(1), Sch. 5 Pt. III §1. |
| 75 | 1960, s. 22; 1962, ss. 12(3), (4), 51(1), Sch. 4 Pt. I; 1963, ss. 12(6), 15(1), Sch. 5 Pt. I §3. |
| 76 | 1960, ss. 21(1), (4), (5), 22(5), 23; 1962, ss. 11(2)-(4), (7), 49(1); 1963, ss. 10(8), 12(6), 14(1), 15(1), Sch. 5 Pt. I §§2, 3 Pt. III §1. |
| 77 | 1962, ss. 13, 48; 1964, s. 1. |
| 78 | 1960, s. 24; M.1. |
| 79 | 1960, s. 25. |
| 80 | 1960 (c. 63), s. 1. |
| 81 | 1960 (c. 63), s. 2; Police Act 1964 (c. 48), s. 63, Sch. 9. |
| 82 | 1962, s. 34(1)-(3), (5), (6); 1963, s. 15(1), Sch. 5 Pt. III §4. |
| 83 | 1962, s. 35; 1963, s. 15(1), Sch. 5 Pt. III §5. |
| 84 | 1963, s. 9(2), (4), (5). |
| 85 | 1960, s. 232(1)(a), (2), (3); 1960 (c. 63), s. 24, Sch.; 1962, s. 8, Sch. 1 Pt. III; 1963, s. 13(5). |
| 86 | 1960, s. 233(1)(h), (2), (3); 1962, s. 51(1), Sch. 4 Pt. I. |
| 87 | 1960, s. 239; 1962, s. 8, Sch. 1 Pt. III. |
| 88 | 1960, s. 240; 1962, s. 40, Sch. 3. |
| 89 | 1960, s. 242; 1962, s. 51(1), Sch. 4 Pt. I. |

ROAD TRAFFIC REGULATION ACT—*cont.*

| Section of 1967 Act | Derivation |
|------------------------|--|
| 90 | 1960, s. 243. |
| 91 | 1960, s. 244. |
| 92 | 1962, s. 38. |
| 93 | 1960, s. 246; 1962, s. 40, Sch. 3. |
| 94 | 1960, s. 247; 1960 (c. 63), s. 24, Sch.; Vehicles (Excise) Act 1962 (c. 13), s. 25(1), Sch. 7; 1962, s. 51(1), Sch. 4 Pt. I. |
| 95 | 1960, s. 248; 1963, s. 15(1), Sch. 5 Pt. I §30; M.8. |
| 96 | 1960, s. 249; 1960 (c. 63), s. 11(15); 1963, s. 15(1), Sch. 5 Pt. I §31. |
| 97 | 1960, s. 250(1), (4), (5); 1962, s. 51(1), Sch. 4 Pt. I. |
| 98 | 1960, s. 251. |
| 99 | 1960, s. 253; M.1. |
| 100 | 1962, s. 18. |
| 101 | 1962, s. 19. |
| 102 | 1962, s. 43(3). |
| 103 | 1960, s. 254. |
| 104 | 1960, ss. 85(7), 257; 1960 (c. 63), ss. 8(3), 23; 1962, s. 49; 1963, s. 15(1), Sch. 5 Pt. I §32, Pt. II §4(1); M.1. |
| 105 | 1960, s. 258. |
| 106 | 1960, s. 259(1), (4)–(6); 1962, s. 51(1), Sch. 4 Pt. I. |
| 107 | 1960, s. 260; 1960 (c. 63), ss. 1(12), 2(9). |
| 108 | S.I. 1965, Art. 3(1). |
| 109 | [Consequential amendments.] |
| 110 | [Repeals, revocations, savings and transitional provisions.] |
| 111 | [Saving for s. 38 of Interpretation Act 1889.] |
| 112 | 1960, s. 269. |
| 113 | [Short title, commencement and extent.] |
| Sch. 1 | 1960, Sch. 4; 1963, s. 15(1), Sch. 5 Pt. I §33; M.1, 9. |
| Sch. 2 | 1960, Sch. 5. |
| Sch. 3 | 1960, Sch. 6. |
| Sch. 4 | 1960, Sch. 10; 1960 (c. 63), ss. 3(3), 5(6), 24, Sch.; 1963, s. 15(1), Sch. 5 Pt. I §35; M.1. |
| Sch. 5 | 1960, Sch. 1; S.I. 1963; S.I. 1966. |
| Sch. 6 | [Consequential amendments.] |

ROAD TRAFFIC REGULATION ACT—*cont.*

| Section of 1967 Act | Derivation |
|------------------------|---|
| Sch. 7 | [Repeals and Revocations.] |
| Sch. 8 | 1960, Sch. 19 §§12, 13, 14; 1960 (c. 63), s. 11(16); 1962, ss. 11(6), 29(2); Local Government Act 1966 (c. 42), ss. 27(4), 34; Local Government (Scotland) Act 1966 (c. 51), ss. 28(4), 34. |

THE SEA FISH (CONSERVATION) ACT 1967 (c. 84)

Note:—The following abbreviations are used in this Table:—

- 1933 = The Sea-Fishing Industry Act 1933
(23 & 24 Geo. 5. c. 45)
- 1938 = The Sea Fish Industry Act 1938
(1 & 2 Geo. 6. c. 30)
- 1939 = The Reorganisation of Offices (Scotland) Act 1939
(2 & 3 Geo. 6. c. 20)
- 1948 = The White Fish and Herring Industries Act 1948
(11 & 12 Geo. 6. c. 51)
- 1951 = The Sea Fish Industry Act 1951
(14 & 15 Geo. 6. c. 30)
- 1959 = The Sea Fish Industry Act 1959
(8 & 9 Eliz. 2. c. 7)
- 1962 = The Sea Fish Industry Act 1962
(10 & 11 Eliz. 2. c. 31)
- 1963 = The Water Resources Act 1963
(1963 c. 38)
- 1964 = The Fishery Limits Act 1964
(1964 c. 72)
- S.I. 1963 = The Ministries of Northern Ireland (Transfer of Functions) Order
1963
(S.R. & O. (N.I.) 1963/77)
- S.I. 1965 = The Transfer of Functions (Shipping and Construction of Ships)
Order 1965
(S.I. 1965/145, I p. 438)
- M** = The proposal of that number in the Schedule to the Memorandum
(followed by under the Consolidation of Enactments (Procedure) Act 1949
a number) (c. 33)

| Section of 1967 Act | Derivation |
|------------------------|--|
| 1(1) | 1933, s. 4(1); 1938, s. 38; 1951, s. 23(1). |
| (2) | 1951, s. 23(2). |
| (3) | 1933, s. 4(4). |
| (4) | 1933, s. 4(5); 1964, s. 3(3), Sch. 1. |
| (5) | 1959, s. 6(1). |
| (6) | 1933, s. 4(3), (5). |
| 2 | 1962, s. 15(1)–(4). |
| 3(1) | 1933, s. 3(1); 1959, s. 5(1). |
| (2) | 1933, s. 3(1A); 1964, s. 3(3), Sch. 1. |
| (3) | 1933, s. 3(2). |
| (4) | 1959, s. 5(3). |
| (5) | 1933, s. 3(4). |
| (6) | 1933, s. 3(7). |
| (7) | 1948, s. 1(1). |
| 4(1) | 1948, s. 2(1); 1959, s. 8(1)(a); 1962, s. 11(6). |
| (2) | 1962, s. 11(2). |
| (3) | 1948, s. 2(1); 1959, s. 8(1)(a). |
| (4) | 1962, s. 11(3). |
| (5) | 1948, s. 2(2); 1959, s. 8(1)(b); 1962, ss. 11(4), 37, Sch. 2 §10(1). |
| (6) | 1962, s. 11(5). |
| (7) | 1948, s. 2(3). |
| (8) | 1948, s. 2(6); 1959, s. 8(1)(d). |
| (9) | 1962, s. 11(1); 1964, s. 3(3), Sch. 1. |

SEA FISH (CONSERVATION) ACT—cont.

| Section of 1967 Act | Derivation |
|---|---|
| 5(1) (2) (3) (4) (5) (6) (7) (8) | 1959, s. 7(1), (4); 1962, ss. 10(4), 37, Sch. 2, §25(1). 1962, s. 10(1); 1964, s. 3(3), Sch. 1. 1962, s. 10(7). 1962, s. 10(2). 1962, s. 10(3). 1959, s. 7(2); 1962, s. 37, Sch. 2, §25. 1959, s. 7(4). 1959, s. 7(3); 1962, s. 10(5); 1964, s. 3(3), Sch. 1. |
| 6(1) (2) (3) (4) (5) (6) | 1933, s. 2(1); 1938, s. 39(2). 1962, s. 12(2). 1962, s. 12(3). 1933, s. 2(2); 1939, s. 1(1); S.I. 1963. 1962, s. 12(4). 1962, s. 12(1). |
| 7 | 1933, s. 2(3)–(6); 1962, s. 37, Sch. 2, §5. |
| 8 | 1933, s. 1(1), (2), (4), (6). |
| 9(1) (2) (3) (4) (5) (6) (7) | 1933, s. 4(1). 1933, ss. 3(3), 4(4). 1959, s. 7(3). 1962, s. 17(1). 1962, s. 17(2). 1962, s. 17(3). 1962, s. 33(1). |
| 10 | 1959, s. 4(1). |
| 11(1) (2) (3) (4) (5) | 1933, ss. 2(5), 3(4), 4(3), (5); 1948, s. 2(3); 1959, ss. 7(4), 9(1); 1962, ss. 12(5), 15(4). 1933, ss. 3(4), 4(5); 1948, s. 2(3); 1959, ss. 5(4), 7(4); 1962, ss. 11(7), 12(5), 37, Sch. 2, §10(2). 1962, s. 13(1), (2). 1962, s. 13(3). 1962, s. 13(4). |
| 12 | 1933, s. 7. |
| 13(1) (2) | 1933, s. 4(6); 1948, s. 1(2); 1962, s. 15(5). 1933, s. 4(6); 1962, s. 15(5). |
| 14 | 1933, s. 3(5); 1948, s. 2(4); 1959, s. 7(5). |
| 15(1) (2) (3) (4) (5) | 1948, s. 2(5); 1959, s. 7(6); 1962, s. 12(6). 1933, s. 3(6); 1948, s. 2(5); 1959, ss. 5(4), 7(6); 1962, ss. 10(6), 11(8), 12(6), 37, Sch. 2, §§10(3), 25(3). 1933, s. 4A; 1948, s. 2(5); 1959, s. 7(6); 1962, s. 12(6); 1964, s. 3(3), Sch. 1. 1948, s. 2(5); 1959, s. 7(6); 1962, ss. 10(5), 11(6), 12(6). 1933, s. 4A; 1948, s. 2(5); 1959, s. 7(6); 1962, ss. 10(5), 11(6), 12(7), 37, Sch. 2 §§10(3), 25(3); M.1. |
| 16 | 1933, s. 4(6); 1939, s. 1(1); 1962, s. 15(5). |
| 17 | 1948, s. 1(2); 1959, s. 5(4). |
| 18 | 1962, s. 14, 37, Sch. 2 §§10(3), 25(3); 1963, s. 136, Sch. 13 §17. |
| 19 | 1933, s. 1(7); 1959, s. 4(2); 1962, s. 32(2). |

SEA FISH (CONSERVATION) ACT—*cont.*

| Section of 1967 Act | Derivation |
|---|---|
| 20(1) (2) (3) (4) (5) (6) (7) | 1933, s. 8(1); 1959, ss. 8(2), 12(1); 1962, s. 34(1). Statutory Instruments Act 1946 (c. 36), s. 1(2); 1959, s. 12(2); 1962, s. 34(1); M.2. 1933, s. 8(2). 1933, s. 8(4). 1959, s. 12(4); 1962, s. 34(3); M.2. 1962, s. 34(4). 1933, s. 8(3). |
| 21 | S.I. 1965, Art. 3(5). |
| 22(1) (2) (3) (4) | 1933, s. 9(1); 1938, s. 41; 1948, s. 2(8); 1951, s. 25; 1959, s. 13(1); 1962, ss. 33, 37, Sch. 2, §§6, 26. 1933, 9(1); 1948, s. 10; 1951, s. 22(3); 1959, s. 13(1); 1962, s. 33(2); S.I. 1963. 1933, s. 9(3). 1959, s. 13(2); 1962, s. 33(5). |
| 23(1) (2) (3) (4) | 1962, s. 35(3); 1964, s. 3(3), Sch. 1. 1962, s. 35(3). 1959, s. 14(2); 1962, s. 35(4); 1964, s. 4(3); M.3. 1962, s. 35(5). |
| 24 | 1933, s. 4B; 1938, s. 38; 1951, s. 23(3); 1959, ss. 5(6), 6(2), 11; 1962, s. 36(2), (3). |
| 25 | [Repeals and savings.] |
| 26 | [Citation and commencement.] |
| Sch. | [Enactments repealed.] |

THE SEA FISHERIES (SHELLFISH) ACT 1967 (c. 83)

Note:—The following abbreviations are used in this Table—

- 1868 = The Sea Fisheries Act 1868
(31 & 32 Vict. c. 45)
- 1869 = The Oyster and Mussel Fisheries Orders Confirmation Act 1869 (No. 2)
(32 & 33 Vict. c. 31)
- 1875 = The Sea Fisheries Act 1875
(38 & 39 Vict. c. 15)
- 1877 = The Fisheries (Oyster, Crab and Lobster) Act 1877
(40 & 41 Vict. c. 42)
- 1884 = The Sea Fisheries Act 1884
(47 & 48 Vict. c. 27)
- 1885 = The Sea Fisheries (Scotland) Amendment Act 1885
(48 & 49 Vict. c. 70)
- 1887 = The Secretary for Scotland Act 1887
(50 & 51 Vict. c. 52)
- 1903 = The Board of Agriculture and Fisheries Act 1903
(3 Edw. 7. c. 31)
- 1919 = The Ministry of Agriculture and Fisheries Act 1919
(9 & 10 Geo. 5. c. 91)
- 1926 = The Secretaries of State Act 1926
(16 & 17 Geo. 5. c. 18)
- 1933 = The Sea-Fishing Industry Act 1933
(23 & 24 Geo. 5. c. 45)
- 1938 = The Sea Fish Industry Act 1938
(1 & 2 Geo. 6. c. 30)
- 1962 = The Sea Fish Industry Act 1962
(10 & 11 Eliz. 2. c. 31)

R (followed = The recommendation set out in the paragraph of that number in the by a number) Appendix to the Report of the Law Commissions (Cmnd. 3267)

| Section of 1967 Act | Derivation |
|------------------------|--|
| 1 | 1868, ss. 27–29, 40, 41, 44, 46, 48; 1884, s. 1; 1885, s. 11; 1887, s. 2(3); 1903, s. 1(2); 1919, s. 1; 1926, s. 1; 1962, s. 23(1), (5); R. 1. |
| 2 | 1868, s. 40, 1884, s. 1; R. 1, 2. |
| 3 | 1868, s. 41; 1884, s. 1; 1962, s. 25(8); R. 1. |
| 4 | 1962, s. 25(1)–(7), (9); R. 1. |
| 5 | 1868, s. 45; 1869, s. 2; 1875, s. 2; 1884, s. 1; 1885, s. 11; 1887, s. 2(3); 1903, s. 1(2); 1919, s. 1; 1926, s. 1; 1962, s. 24; R. 2, 3. |
| 6 | 1868, s. 50; 1885, s. 11; 1887, s. 2(3); 1903, s. 1(2); 1919, s. 1; 1926, s. 1. |
| 7 | 1868, ss. 51–54; 1884, s. 1; R. 2. |
| 8 | 1868, s. 42; 1885, s. 11; 1887, s. 2(3); 1903, s. 1(2); 1919, s. 1; 1926, s. 1. |
| 9 | 1962, s. 26. |
| 10 | 1868, s. 43; R. 4. |
| 11 | 1868, s. 62. |
| 12 | 1962, ss. 19, 34(1). |
| 13 | 1962, ss. 20, 34(1); R. 5. |
| 14 | 1962, s. 21. |
| 15 | 1962, s. 22. |
| 16 | 1877, ss. 4, 11; 1885, s. 11; 1887, s. 2(3); 1903, s. 1(2); 1919, s. 1; 1926, s. 1; R. 6. |
| 17 | 1877, ss. 8, 11; 1933, ss. 4(2), 8(1); R. 7. |
| 18 | 1877, s. 12. |
| 19 | 1868, ss. 57, 64; 1877, s. 11. |

SEA FISHERIES (SHELLFISH) ACT—*cont.*

| Section of 1967 Act | Derivation |
|------------------------|---|
| 20 | Statutory Instruments Act, 1946 (c. 36), s. 1(2); 1933, s. 8(2); 1962, s. 34(3). |
| 21 | 1962, s. 32. |
| 22 | 1868, ss. 5, 28; 1962, s. 33(1), (2); R. 8. |
| 23 | 1877, ss. 11, 14; R. 9. |
| 24 | [Consequential amendments, repeals and transitiona lprovisions. |
| 25 | [Citation, commencement and extent.] |
| Sch. 1 | 1868, ss. 30–36; 1885, s. 11; 1887, s. 2(3); 1903, s. 1(2); 1919, s. 1; 1926, s. 1; 1938, s. 58(1); 1962, s. 23(2); R. 10. |
| Sch. 2 | [Consequential amendments.] |
| Sch. 3 | [Enactments repealed] R. 9, 11. |

THE TEACHERS' SUPERANNUATION ACT 1967 (c. 12)

Note: The following abbreviations are used in this Table:—

- 1925 = The Teachers (Superannuation) Act 1925
(15 & 16 Geo. 5. c. 59)
- 1945 = The Teachers (Superannuation) Act 1945
(8 & 9 Geo. 6. c. 14)
- 1956 = The Teachers (Superannuation) Act 1956
(4 & 5 Eliz. 2. c. 53)
- 1965 = The Teachers' Superannuation Act 1965
(1965 c. 83)

| Section of 1967 Act | Derivation |
|------------------------|--|
| 1 | 1965 ss. 1(1), (2), 6(2), Sch. 1 paras. 1(1), (7), 2(a), 3, 4, 5. |
| 2 | 1965 Sch. 1 para. 1(2)–(6). |
| 3 | 1925 s. 9; 1945 Sch. 2; 1956 s. 2(1), (2); 1965 s. 6(1), Sch. 1 para. 6, Sch. 2 para. 1. |
| 4 | 1925 s. 10; 1965 Sch. 1 paras. 2(b), 9, 10, Sch. 2 para. 2. |
| 5 | 1925 s. 15(1); 1956 ss. 3(2), (3), 4(2); 1965 Sch. 2 paras. 3, 5, 6(2). |
| 6 | 1965 s. 1(2)(b). |
| 7 | 1965 ss. 3(1), (2), (4)(a), 6(2)(b). |
| 8 | 1965 s. 3(2), (4)(a). |
| 9 | 1965 s. 3(3). |
| 10 | 1965 Sch. 1 para. 7. |
| 11 | 1965 Sch. 1 paras. 8, 12. |
| 12 | 1965 Sch. 1 para. 13. |
| 13 | 1965 Sch. 1 paras. 14, 15. |
| 14 | 1965 s. 5. |
| 15 | 1965 s. 1, Sch. 1 para. 20. |
| 16 | 1956 s. 26(1); 1965 s. 7(1), (3). |
| 17 | [Savings, transitory provisions and repeals.] |
| 18 | [Short title, etc.] |
| Schedule 1, Part I | 1925 s. 15(1), Sch. 2; 1956 s. 4(3); 1965 Sch. 2 para. 4. |
| Part II | 1956 ss. 3(1), 4(1); 1965 Sch. 2 para. 6. |
| Schedule 2 | 1965 Sch. 1 paras. 9, 11, 16 to 19. |
| Schedule 3 | 1925 s. 15; 1965 ss. 3(4)(c), (5), 5(3), 7(2), (3)(b), Sch. 1 para. 21 Sch. 2 para. 3. [Savings and transitory provisions]. |
| Schedule 4 | [Enactments repealed.] |

TABLE VI

Effect of Legislation

Acts and Measures (in chronological order)
repealed, amended or otherwise affected
by those Acts and Statutory Instruments
which received the Royal Assent or were made during 1967.

| Session and Chap. or No. of Measure | Short title or Subject | How affected | Chapter of 1967 Act or number of Measure or Statutory Instrument |
|-------------------------------------|--|---------------------------|--|
| 3 Edw. 1: c. 6 | Amercements (Statute of Westminster the First 1275). | Rep. | 58, s. 10, sch. 3 Pt. I. |
| c. 25 | Champerty (Statute of Westminster the First 1275). | Rep. | 58, s. 13, sch. 4 Pt. I. |
| c. 28 | Maintenance (Statute of Westminster the First 1275). | Rep. | 58, s. 10, sch. 3 Pt. I. |
| 20 Edw. 1: | Statutum de Conspiratoribus. | Rep. | 58, s. 13, sch. 4 Pt. I. |
| 25 Edw. 1: | The Great Charter ... | Article 14 rep. | 58, s. 10, sch. 3 Pt. I. |
| 28 Edw. 1: c. 11 | (Champerty) | Whole Chapter rep. | 58, s. 13, sch. 4 Pt. I. |
| 33 Edw. I: | Ordinacio de Conspiratoribus. | Rep. | 58, s. 13, sch. 4 Pt. II. |
| 1 Edw. 3 Stat. 2: c. 14 | (Maintenance) | Whole Chapter rep. | 58, s. 13, sch. 4 Pt. I. |
| 2 Edw. 3: c. 3 | Statute of Northampton | Whole Chapter rep. | 58, s. 10, sch. 3 Pt. I. |
| 18 Edw. 3 Stat. 3: c. 1 | (Exemption for the prelates in criminal cases). | Whole Chapter rep. | 58, s. 10, sch. 3 Pt. I. |
| 25 Edw. 3 Stat. 5: c. 2 | Treason Act 1351 ... | Rep. in pt. | 58, s. 10, sch. 3 Pt. I. |
| 34 Edw. 3: c. 1 | Justices of the Peace Act 1361. | Rep. in pt. | 58, s. 10, sch. 3 Pt. II. |
| 1 Ric. 2: c. 4 | (Maintenance) | Whole Chapter rep. | 58, s. 13, sch. 4 Pt. I. |

| Session and Chap. or No. of Measure | Short title or Subject | How affected | Chapter of 1967 Act or number of Measure or Statutory Instrument |
|-------------------------------------|---|--|--|
| 7 Ric. 2: c. 15 | (Maintenance) | Chapter rep. | 58, s. 13, sch. 4 Pt. II. |
| 15 Ric. 2: c. 3 | Admiralty Jurisdiction Act 1391. | Whole Chapter, so far as unrepealed, rep. | 58, s. 10, sch. 3 Pt. I. |
| 16 Ric. 2: c. 5 | Statute of Praemunire 1392. | Whole Chapter rep. | 58, s. 13, sch. 4 Pts. I, III. |
| 17 Ric. 2: c. 8 | (Riots) | Whole Chapter rep. | 58, s. 10, sch. 3 Pt. I. |
| 13 Hen. 4: c. 7 | Riot Act 1411 | Whole Chapter, so far as unrepealed, rep. | 58, s. 10, sch. 3 Pt. I. |
| 2 Hen. 5 Stat. 1: c. 8 | Riot Act 1414 | Whole Chapter, so far as unrepealed, rep. | 58, s. 10, sch. 3 Pt. I. |
| 24 Hen. 8: c. 12 | Ecclesiastical Appeals Act 1532. | S. 2 rep. S. 4 (remainder) rep. | 58, s. 13, sch. 4 Pt. I. |
| 25 Hen. 8: c. 19 | Submission of the Clergy Act 1533. | S. 5 rep. | 58, s. 13, sch. 4 Pt. I. |
| c. 20 | Appointment of Bishops Act 1533 | S. 6 rep. | 58, s. 13, sch. 4 Pt. I. |
| c. 21 | Ecclesiastical Licences Act 1533. | S. 16 rep. | 58, s. 13, sch. 4 Pt. I. |
| 26 Hen. 8: c. 14 | Suffragan Bishops Act 1534. | S. 4, rep. in pt. | 58, s. 13, sch. 4 Pt. I. |
| 27 Hen. 8: c. 24 | Jurisdiction in Liberties Act 1535. | The preamble and section 1, rep. | 58, s. 10, sch. 3 Pt. I. |
| 28 Hen. 8: c. 15 | Offences at Sea Act 1536 | Rep. | 58, s. 10, sch. 3 Pt. I. |
| c. 16 | Ecclesiastical Licences Act 1536. | S. 1 rep. in pt. | 58, s. 13, sch. 4 Pt. I. |
| 32 Hen. 8: c. 9 | Maintenance and Em- bracery Act 1540. | Rep. | 58, s. 13, sch. 4 Pt. I. |
| 33 Hen. 8: c. 12 | Offences within the Court Act 1541. | Rep. | 58, s. 10, sch. 3 Pt. I. |
| c. 21 | Royal Assent by Com- mission Act 1541. | Rep. | 23, s. 2(2). |

| Session and Chap. or No. of Measure | Short title or Subject | How affected | Chapter of 1967 Act or number of Measure or Statutory Instrument |
|-------------------------------------|--|---|--|
| 35 Hen. 8: c. 2 | Treason Act 1543 ... | Rep. | 58, s. 10, sch. 3 Pt. I. |
| 1 Edw. 6: c. 1 | Sacrament Act 1547 ... | Ss. 2, 4, 5, 7 rep. ... | 58, s. 10, sch. 3 Pt. I. |
| c. 7 | Justices of the Peace Act 1547. | S. 5 rep. in pt. ... | 58, s. 10, sch. 3 Pt. I. |
| 2 & 3 Edw. 6: c. 1 | Act of Uniformity 1548 | S. 3 rep. in pt. ... S. 11 rep. | 58, s. 10, sch. 3 Pt. III. 58, s. 10, sch. 3 Pt. I. |
| 1 Mary Sess. 1: c. 1 | Treason Act 1553 ... | Rep. | 58, s. 10, sch. 3 Pt. I. |
| 1 Mary Sess. 2: c. 3 | Brawling Act 1553 ... | Rep. | 58, s. 13, sch. 4 Pt. I. |
| 1 & 2 Phil. & Mar.: c. 10 | Treason Act 1554 ... | Rep. | 58, s. 10, sch. 3 Pt. I. |
| 2 & 3 Phil. & Mar.: c. 7 | Sale of Horses Act 1555 | Rep. | 58, s. 10, sch. 3 Pt. I. |
| 1 Eliz. 1: c. 1 | Act of Supremacy ... | S. 15 rep. | 58, s. 10, sch. 3 Pt. I. |
| c. 2 | Act of Uniformity 1558 | S. 10 rep. | 58, s. 10, sch. 3 Pt. I. |
| 13 Eliz. 1: c. 2 | An Act against the bringing in and putting in execution of Bulls and other instruments from the See of Rome. | S. 8 rep. | 58, s. 10, sch. 3 Pt. I. |
| 31 Eliz. 1: c. 12 | Sale of Horses Act 1588 | Rep. | 58, s. 10, sch. 3 Pt. I. |
| 43 Eliz. 1: c. 2 | Poor Relief Act 1601 ... | Rep. | 9, s. 117(1), sch. 14. |
| 21 Jas. 1: c. 3 | Statute of Monopolies [1621]. | S. 4 rep. in pt. ... | 58, s. 13, sch. 3 Pt. I. |
| 12 Chas. 2: c. 24 | Tenues Abolition Act 1660. | S. 12 rep. in pt. ... | 58, s. 13, sch. 4 Pt. I. |

| Session and Chap. or No. of Measure | Short title or Subject | How affected | Chapter of 1967 Act or number of Measure or Statutory Instrument |
|-------------------------------------|-----------------------------------|--|--|
| 13 Chas. 2, Stat. 1: c. 1 | Sedition Act 1661 ... | Rep. (remainder) ... | 58, s. 13, sch. 4 Pt. I. |
| c. 5 | Tumultuous Petitioning Act 1661. | S. 1 rep. in pt. ... | 58, s. 10, sch. 3 Pt. I. |
| 31 Chas. 2: c. 2 | Habeas Corpus Act 1679 | Ss. 1, 2, 6, 11 rep. in pt. S. 11 am. S. 20 rep. | 58, s. 10, sch. 3 Pt. III. 58, s. 13, sch. 4 Pt. III. 58, s. 10, sch. 3 Pt. III. |
| 9 Will. 3: c. 35 | Blasphemy Act 1697 ... | Rep. | 58, s. 13, sch. 4 Pt. I. |
| 11 Will. 3: c. 7 | Piracy Act 1698 ... | Ss. 9, 10 rep. | 58, s. 10, sch. 3 Pt. III. |
| c. 12 | Governors of Plantations Act 1698 | Ext. (E.) | 58, s. 10, sch. 2 para. 15(1). |
| 6 Anne: c. 41 | Succession to the Crown Act 1707. | Preamble Ss. 1-3 rep. (E.) | 58, s. 13, sch. 4 Pt. I. |
| 7 Anne: c. 21 | Treason Act 1708 ... | S. 7 rep. (E.) | 58, s. 10, sch. 3 Pt. I. |
| 1 Geo. 1, Stat. 2: c. 5 | Riot Act | Rep. (E.) | 58, s. 10, sch. 3 Pt. III. |
| 4 Geo. 1: c. 11 | Piracy Act 1717 ... | S. 7 rep. (E.) | 58, s. 10, sch. 3 Pt. I. |
| 8 Geo. 1: c. 24 | Piracy Act 1721 ... | Ss. 1 rep. in pt. (E.), 3 rep. (E.). | 58, s. 10, sch. 3 Pt. I. |
| 16 Geo. 2: c. 31 | Prison (Escape) Act 1742 | Rep. so far as unrepealed (E.). | 58, s. 10, sch. 3 Pt. I. |
| 17 Geo. 2: c. 38 | Poor Relief Act 1743 ... | Rep. | 9, s. 117(1), sch. 14. |
| 18 Geo. 2: c. 30 | Piracy Act 1744 ... | Rep. (E.) | 58, s. 10, sch. 3 Pt. I. |
| 19 Geo. 2: c. 21 | Profane Oaths Act 1745 | Rep. | 58, s. 13, sch. 4 Pt. I. |

| Session and Chap. or No. of Measure | Short title or Subject | How affected | Chapter of 1967 Act or number of Measure or Statutory Instrument |
|-------------------------------------|---------------------------------------|---|--|
| 20 Geo. 2: c. 30 | Treason Act 1746 ... | Rep. (E.) | 58, s. 10, sch. 3 Pt. I. |
| c. 42 | Wales and Berwick Act 1746. | S. 3 rep. in pt. (saving) ... | 66, s. 4. |
| 25 Geo. 2: c. 37 | Murder Act 1751 ... | S. 9 rep. (E.) | 58, s. 10, sch. 3 Pt. I. |
| 12 Geo. 3: c. 11 | Royal Marriages Act 1772 | S. 3 rep. (E.) | 58, s. 13, sch. 4 Pt. I. |
| c. 24 | Dockyards, etc., Protection Act 1772. | Ss. 1, 2 rep. in pt. (E.) ... | 58, s. 10, sch. 3 Pt. III. |
| 24 Geo. 3 Sess. 2 c. 35 | Ordination of Aliens Act 1784. | Rep. | C.A.M. No. 3 s. 7(1)(2). |
| 25 Geo. 3: c. 77 | Fires Prevention 1785 ... | Rep. (remainder) | 58, s. 13, sch. 4 Pt. I. |
| 33 Geo. 3: c. 67 | Shipping Offences Act 1793. | Ss. 1, 3 rep. in pt. (E.), 7 rep. (E.). | 58, s. 10, sch. 3 Pt. I. |
| 37 Geo. 3: c. 70 | Incitement to Mutiny Act 1797. | S. 2 rep. (E.) | 58, s. 10, sch. 3 Pt. III. |
| c. 123 | Unlawful Oaths Act 1797 | S. 3 rep. (E.), 6 rep. in pt. (E.). | 58, s. 10, sch. 3 Pt. III. |
| 38 Geo. 3: c. 52 | Counties of Cities Act 1798. | S. 1 rep. in pt. | 58, s. 10, sch. 3 Pt. III. |
| 39 Geo. 3: c. 37 | Offences at Sea Act 1799 | Preamble rep., Ss. 1 rep. in pt. (E.), 2 rep. (E.). | 58, s. 10, sch. 3 Pt. I. |
| c. 79 | Unlawful Societies Act 1799. | Rep. (remainder) (E.) ... | 58, s. 13, sch. 4 Pts. I, III. |
| 39 & 40 Geo. 3: c. 67 | Union with Ireland Act 1800. | S. 2 (third section of recital) rep. in pt. (E.). | 58, s. 13, sch. 4 Pt. II. |
| c. 93 | Treason Act 1800 ... | Rep., so far as unrepealed (E.). | 58, s. 10, sch. 3 Pt. III. |
| 41 Geo. 3: c. 23 | Poor Rate Act 1801 ... | Rep. | 9, s. 117(1), sch. 14. |
| 42 Geo. 3: c. 85 | Criminal Jurisdiction Act 1802. | Ext. (E.) S. 1 rep. in pt. (E.) ... | 58, s. 10, sch. 2 para. 15(1). 58, s. 10, sch. 3 Pt. III. |
| 46 Geo. 3: c. 54 | Offences at Sea Act 1806 | Rep. (E.) | 58, s. 10, sch. 3 Pt. I. |

| Session and Chap. or No. of Measure | Short title or Subject | How affected | Chapter of 1967 Act or number of Measure or Statutory Instrument |
|--------------------------------------|---|--|--|
| 49 Geo. 3: c. 126 ... | Sale of Offices Act 1809 | S. 14 rep. in pt. (E.) ... | 58, s. 10, sch. 3 Pt. I. |
| 52 Geo. 3: c. 104 ... | Unlawful Oaths Act 1812 | Ss. 1 rep. in pt. (E.), 4 rep. (E.), 6, 7 rep. in pt. (E.). | 58, s. 10, sch. 3 Pt. III. |
| c. 156 ... | Prisoners of War (Escape) Act 1812. | S. 3 rep. in pt. (E.) ... | 58, s. 10, sch. 3 Pt. III. |
| 56 Geo. 3: c. 138 ... | Pillory Abolition Act 1816. | S. 2 rep. (E.) ... | 58, s. 10, sch. 3 Pt. I. |
| 57 Geo. 3: c. 19 ... | Seditious Meetings Act 1817. | Ss. 25-28 rep. (E.), 29 rep. in pt. (E.), 30, 31, 34- 38, sch. (E.) rep. | 58, s. 10, sch. 4 Pt. I. |
| c. 53 ... | Murders Abroad Act 1817 | Rep. so far as unrepealed | 58, s. 10, sch. 3 Pt. I |
| c. 93 ... | Distress (Costs) Act 1817 | Excl. ... | 9, s. 107(2). |
| c. 97 ... | Land Revenues of the Crown Act 1817. | S. 25 am. (E.) (S.) ... | 1, s. 75(4). |
| 58 Geo. 3: c. 29 ... | Fees for Pardons Act 1818. | Rep. (E.) ... | 58, s. 10, sch. 3 Pt. I. |
| 59 Geo. 3: c. 60 ... | The Ordinations for Colonies Act 1819. | Rep. ... | C.A.M. No. 3 s. 7(1)(2). |
| 60 Geo. 3 & 1 Geo. 4: c. 8 ... | Criminal Libel Act 1819 | Ss. 4, 7 rep. (E.) ... | 58, s. 10, sch. 3 Pt. I. |
| 1 Geo. 4: c. 90 ... | Offences at Sea Act 1820 | Rep. so far as unrepealed | 58, s. 10, sch. 3 Pt. I. |
| 1 & 2 Geo. 4: c. 76 ... | Cinque Ports Act 1821 ... | S. 16 rep. ... | 58, s. 10, sch. 3 Pt. I. |
| c. 88 ... | Rescue Act 1821 ... | Rep. so far as unrepealed (E.) | 58, s. 10, sch. 3 Pt. I. |
| 3 Geo. 4: c. 46 ... | Levy of Fines Act 1822 | Rep. ... | 80, s.s. 47(4), 103 (2), sch. 7 Pt. I. |
| 4 Geo. 4: c. 37 ... | Levy of Fines Act 1823 ... | Rep. ... | 80, ss. 47(4), 103 (2), sch. 7 Pt. I. |
| c. 48 ... | Judgment of Death Act 1823. | S. 1 am. (E.) ... | 58, s. 10, sch. 2 para. 1. |
| | | S. 1 rep. in pt. (E.) ... | 58, s. 10, sch. 2 para. 1, sch. 3 Pt. III. |

| Session and Chap. or No. of Measure | Short title or Subject | How affected | Chapter of 1967 Act or number of Measure or Statutory Instrument |
|---|---|---|---|
| 5 Geo. 4: c. 83 | Vagrancy Act 1824 ... | Am. S. 4 am. S. 5 am. ext. S. 10 rep. in pt. | 80, ss. 73(4), 84, 58, s. 10, sch. 2 para. 2(1). 80, ss. 20, 103(1), sch. 6 para. 1. 80, s. 56(1)(2). 80, s. 103(2), sch. 7 Pt. I. |
| 6 Geo. 4: c. 50 | Juries Act 1825 | S. 27 expld. S. 53 rep. in pt. S. 61 rep. | 80, s. 14(6). 80, s. 103(2), sch. 7 Pt. I. 58, s. 10 sch. 3 Pt. I. |
| 7 Geo. 4: c. 16 | Chelsea and Kilmainham Hospitals Act 1826. | S. 38 am. (E.) | 58, s. 8(2), sch. 1. |
| c. 38 | Admiralty Offences Act 1826. | Rep. (E.) | 58, s. 10, sch. 3 Pt. I. |
| c. 64 | Criminal Law Act 1826 | Ss. 21, 28 rep. in pt. S. 28 rep. in pt. and am. S. 30 am. | 58, s. 10, sch. 3 Pt. III. 58, s. 10, sch. 2 para. 3(1). 58, s. 10, sch. 2 para. 3(2). |
| 7 & 8 Geo. 4: c. 28 | Criminal Law Act 1827 | Rep. | 58, s. 10, sch. 3 Pt. III. |
| 9 Geo. 4: c. 29 | Night Poaching Act 1828 | S. 9 am. (E.) | 58, s. 8(2), sch. 1. |
| c. 32 | Civil Rights of Convicts Act 1828. | S. 3 rep. (E.) | 58, s. 10, sch. 3 Pt. III. |
| 11 Geo. 4 & 1 Will. 4: c. 41 | Army Pensions Act 1830 | S. 4 rep. (saving) (E.) | 58, s. 10, sch. 3 Pt. III. |
| c. 68 | Carriers Act 1830 | S. 1 am. S. 8 am. (E.) | 47, s. 3, sch. 2. 58, s. 10, sch. 2 para. 4. |
| 1 & 2 Will. 4: c. 22 | London Hackney Car- riage Act 1831. | S. 35 am. | 80, s. 92, sch. 3 Pt. I. |
| 2 & 3 Will. 4: c. 68 | Game (Scotland) Act 1832 | S. 1 am. | 80, s. 92, sch. 3 Pt. I |
| 3 & 4 Will. 4: c. 41 | Judicial Committee Act 1833. | Appl. (mod.) | 71, s. 5(5). |
| c. 74 | Fines and Recoveries Act 1833. | S. 33 rep. in pt. (E.) | 58, s. 10, sch. 3 Pt. I. |
| c. 99 | Fines Act 1833 | Ss. 34-40, 47 rep. | 80, ss. 47(4), 103 (2) sch. 7 Pt. I. |
| 5 & 6 Will. 4: c. 50 | Highway Act 1835 | Ss. 27, 33 rep. | 9, s. 117(1), sch. 14. |

| Session and Chap. or No. of Measure | Short title or Subject | How affected | Chapter of 1967 Act or number of Measure or Statutory Instrument |
|---------------------------------------|--|--|---|
| 5 & 6 Will. 4: c. 50— <i>cont.</i> | Highway Act 1835— <i>cont.</i> | Ss. 72, 78 am. Ss. 105 rep. in pt., 106 rep., 107 rep. in pt. | 80, s. 92, sch. 3 Pt. I. 9, s. 117(1), sch. 14. |
| 6 & 7 Will. 4: c. 111 ... | Previous Conviction Act 1836. | Rep. | 58, s. 10, sch. 3 Pt. III. |
| c. 114 ... | Trials for Felony Act 1836. | S. 1 rep. (E.) | 58, s. 10, sch. 3 Pt. III. |
| 7 Will. 4 & 1 Vict.: c. 45 | Parish Notices Act 1837. | Appl. | 9, s. 4(2). |
| c. 77 | Central Criminal Court Act 1837. | S. 3 rep. in pt. | 58, s. 10, sch. 2 para. 1 sch. 3 Pt. III. |
| c. 88 | Piracy Act 1837 ... | S. 2 rep. in pt. (E.) S. 4 rep. (E.) | 58, s. 10, sch. 3 Pt. III. 58, s. 10, sch. 3 Pt. III. |
| c. 91 | Punishment of Offences Act 1837. | Preamble rep. (E.) s. 1 rep. in pt. (E.) | 58, s. 10, sch. 3 Pt. III. |
| 1 & 2 Vict.: c. 75 | Fires Prevention Act 1838 | Rep. (remainder of Act) | 58, s. 13 sch. 4 Pt. II. |
| 2 & 3 Vict.: c. 47 | Metropolitan Police Act 1839. | Ss. 34 am. S. 44, 54 am. S. 58 rep. in pt. | 58, s. 10, sch. 2 para. 5(a). 80, s. 92, sch. 3 Pt. I. 80, ss. 91(2), 103 (2), sch. 7 Pt. I. |
| c. 71 | Metropolitan Police Courts Act 1839. | S. 33 rep. | 58, s. 10, sch. 3 Pt. III. |
| 3 & 4 Vict.: c. 50 | Canals (Offences) Act 1840. | S. 9 am. | 58, s. 10, sch. 2 para. 5(b). |
| 5 & 6 Vict.: c. 38 | Quarter Sessions Act 1842 | S. 1 rep. | 58, s. 10, sch. 3 Pt. II. |
| 6 & 7 Vict.: c. 30 | Pound Breach Act 1843... | S. 1, am. | 80, s. 92, sch. 3 Pt. I. |
| c. 86 | London Hackney Car- riages Act 1843. | Ss. 10, 14, 17, 33 am. | 80, s. 92, sch. 3 Pt. I. |
| 7 & 8 Vict.: c. 2 | Admiralty Offences Act 1844. | Rep. | 58, s. 10, sch. 3 Pt. III. |
| c. 32 | Bank Charter Act 1844... | Sch. A power to modify (<i>prosp.</i>). | 47, s. 3(5)(a). |
| 8 & 9 Vict.: c. 19 | Lands Clauses Consolida- tion (Scotland) Act 1845. | Appl. (mod.) Incorp. (mod.) | 1, ss. 10, 15(4). 10, s. 39, schs. 4 para. 2, 5 Pt. III para. 13. |

| Session and Chap. or No. of Measure | Short title or Subject | How affected | Chapter of 1967 Act or number of Measure or Statutory Instrument |
|---|---|--|--|
| 8 & 9 Vict.— <i>cont.</i> c. 20 | Railways Clauses Consolidation Act 1845. | S. 75 am. (E.) Ss. 77-85 Power to incorp. (mod.). | 80, s. 92, sch. 3 Pt. I. 10, s. 40, sch. 5 Pt. III para. 12. |
| c. 33 | Railways Clauses Consolidation (Scotland) Act 1845. | S. 6 appl. (mod.) S. 68 am. Ss. 70-78. Power to incorp. (mod.). | 1, s. 10(1)(4). 80, s. 92, sch. 3 Pt. I. 10, s. 40, sch. 5 para. 14. |
| c. 37 | Bankers (Ireland) Act 1845. | Am. Schs. A B power to modify (<i>prosp.</i>). | 47, s. 3, sch. 2. 47, s. 3(5)(b). |
| c. 38 | Bank Notes (Scotland) Act 1845. | Am. Schs. A, B. Power to modify (<i>prosp.</i>). | 47, s. 3, sch. 2. 47, s. 3(5)(c). |
| 9 & 10 Vict.: c. 24 | Central Criminal Court Act 1846. | S. 2 rep. | 58, s. 10, sch. 3 Pt. I. |
| c. 33 | Seditious Meetings Act 1846. | Rep. (E.) | 58, s. 13(2), sch. 4 Pts. II, III. |
| c. 93 | Fatal Accidents Act 1846 | S. 1 rep. in pt. | 58, s. 10, sch. 3 Pt. III. |
| 10 & 11 Vict.: c. 27 | Harbours, Docks and Piers Clauses Act 1847. | Ss. 28, 38, 39 am. S. 84 am. | 80, s. 92, sch. 3 Pt. I. 80, s. 92, sch. 3 Pt. II. |
| c. 34 | Towns Improvement Clauses Act 1847. | S. 65 am. | 80, s. 92, sch. 3 Pt. I. |
| c. 65 | Cemetery Clauses Act 1847. | Ss. 58, 59 am. | 80, s. 92, sch. 3 Pt. I. |
| c. 89 | Town Police Clauses Act 1847. | Ss. 21, 28 am. (E.) S. 29 rep. in pt. (E.) Ss. 35, 40, 45, 47, 53, 58 (E.) am. | 80, s. 92, sch. 3 Pt. I. 80, ss. 91(2), 103(2), sch. 7 Pt. I. 80, s. 92, sch. 3 Pt. I. |
| 11 & 12 Vict.: c. 12 | Treason Felony Act 1848 | S. 8 rep. (E.) | 58, s. 10, sch. 3 Pt. III. |
| 12 & 13 Vict.: c. 45 | Quarter Sessions Act 1849 | Appl. S. 17 rep. | 9, s. 7(1). 80, s. 103(2), sch. 7 Pt. I. |
| c. 51 | Judicial Factors Act 1849 | Ss. 2, 3 am. | S.I. No. 487, arts. 1, 2. |
| c. 96 | Admiralty Offences (Colonial) Act 1849. | S. 3 am. (E.) | 58, s. 10, sch. 2 para. 6(a). |

| Session and Chap. or No. of Measure | Short title or Subject | How affected | Chapter of 1967 Act or number of Measure or Statutory Instrument |
|-------------------------------------|--|---|--|
| 14 & 15 Vict.: | | | |
| c. 19 | Prevention of Offences Act 1851. | S. 5 rep. | 58, s. 10, sch. 3 Pt. III. |
| c. 55 | Criminal Justice Administration Act 1851. | Ss. 5, 6, 7 rep. | 58, s. 10, sch. 3 Pt. I. |
| | | S. 8 rep. | 58, s. 10, sch. 3 Pt. III. |
| | | S. 13 rep. | 58, s. 10, sch. 3 Pt. II. |
| | | Ss. 19, 23, 24, 25 rep. ... | 58, s. 10, sch. 3 Pt. I. |
| c. 100 | Criminal Procedure Act 1851. | Ss. 9, 12 rep. (E.), 30 rep. in pt. (E.). | 58, s. 10, sch. 3 Pt. III. |
| 15 & 16 Vict.: | | | |
| c. 52 | Colonial Bishops Act 1852. | Rep. and superseded ... | C.A.M. No. 3 s. 7(1)(3). |
| 16 & 17 Vict.: | | | |
| c. 30 | Criminal Procedure Act 1853. | S. 2 rep. in pt. | 80, s. 103(2), sch. 7 Pt. I. |
| c. 33 | London Hackney Carriage Act 1853. | Ss. 11, 17, 19 am. | 80, s. 92, sch. 3 Pt. I. |
| 17 & 18 Vict.: | | | |
| c. 34 | Attendance of Witnesses Act 1854. | Appl. | 82, s. 3(1), sch. para. 5(2). |
| 20 & 21 Vict.: | | | |
| c. 31 | Inclosure Act 1857 ... | S. 12 am. | 80, s. 92, sch. 3 Pt. I. |
| 22 & 23 Vict.: | | | |
| c. 21 | Queen's Remembrances Act 1859. | S. 24 mod. (S.) | 80, s. 48(2). |
| | | Ss. 30-39 rep. (E.) | 80, ss. 47(4), 103(2), sch. 7 Pt. I. |
| 23 & 24 Vict.: | | | |
| c. 27 | Refreshment Houses Act 1860. | S. 16 am. | 38, s. 4. |
| c. 32 | Ecclesiastical Courts Jurisdiction Act 1860. | S. 2 am. (E.) | 80, s. 92, sch. 3 Pt. I. |
| | | S. 6 rep. in pt. | 58, s. 13, sch. 4 Pt. II. |
| c. 122 | Admiralty Offences (Colonial) Act 1860. | S. 1 am. (E.) | 58, s. 10, sch. 2 para. 6(b). |
| 24 & 25 Vict.: | | | |
| c. 70 | Locomotives Act 1861 ... | S. 6 am. (<i>prosp.</i>) | 76, s. 61(3). |
| c. 94 | Accessories and Abettors Act 1861. | Ss. 1, 7, 9 rep. (E.), 10 rep. in pt. (E.). | 58, s. 10, sch. 3 Pt. III. |
| | | Ss. 82-84 am. | 58, s. 8(2), sch. 1. |
| c. 96 | Larceny Act 1861 ... | S. 87 rep. (E.) | 58, s. 10, sch. 3 Pt. II. |
| | | Ss. 98, 104 rep. (E.), 115, 117 rep. in pt. (E.). | 58, s. 10, sch. 3 Pt. III. |
| c. 97 | Malicious Damage Act 1861. | S. 7 am. | 58, s. 10, sch. 2 para. 7. |
| | | Ss. 8, 12 proviso rep. ... | 58, s. 10, sch. 3 Pt. III. |
| | | Ss. 14, 17 am. | 58, s. 8(2), sch. 1. |

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| 24 & 25 Vict. c. 97— <i>cont.</i> ... | Malicious Damage Act 1861— <i>cont.</i> | S. 27 rep. (E.) ... Ss. 37, 38 am. (E.) ... S. 43 rep. (E.) ... S. 44 rep. (E.) ... Ss. 54, 55 am. (E.) ... Ss. 56, 57 rep. (E.) ... Ss. 72, 73 rep. in pt. (E.) | 58, s. 10, sch. 3 Pt. III. 80, s. 92, sch. 3 Pt. 1. 58, s. 10, sch. 3 Pt. I. 58, s. 10, sch. 3 Pt. III. 58, s. 10, sch. 2 para. 8(a). 58, s. 10, sch. 3 Pt. III. 58, s. 10, sch. 3 Pt. III. |
| c. 98 ... | Forgery Act 1861 ... | Ss. 47, 48 rep. ... S. 49 rep. ... Ss. 50, 51 rep. in pt. ... | 58, s. 10, sch. 3 Pt. I. 58, s. 10, sch. 3 Pt. III. 58, s. 10, sch. 3 Pt. III. |
| c. 100 ... | Offences against the Person Act 1861. | Ss. 7, 8 rep. ... Ss. 9, 10, rep. in pt. ... S. 10 am. ... Ss. 11 to 15 rep. ... S. 18 rep. in pt. ... S. 19 rep. ... Ss. 38 rep. in pt. ... Ss. 42, 43 am. ... Ss. 46, 57 rep. in pt. ... Ss. 58, 59 expld. (E.) (S.) S. 60 am. ... S. 60 proviso rep. ... Ss. 64, 65 am. ... Ss. 66, 67 rep. ... Ss. 68, 71 rep. in pt. ... | 58, s. 10, sch. 3 Pt. I. 58, s. 10, sch. 3 Pt. III. 58, s. 10, sch. 2 para. 6(c). 58, s. 10, sch. 3 Pt. III. 58, s. 10, sch. 3 Pt. III. 58, s. 10, sch. 3 Pt. III. 58, s. 10, sch. 3 Pt. III. 80, s. 92, sch. 3 Pt. I. 58, s. 10, sch. 3 Pt. III. 87, ss. 1, 5(2). 58, s. 8(2), sch. 1. 58, s. 10, sch. 3 Pt. III. 58, s. 10, sch. 2 para. 8(b). 58, s. 10, sch. 3 Pt. III. 58, s. 10, sch. 3 Pt. III. |
| 25 & 26 Vict.: c. 82 ... | Poor Rates Recovery Act 1862. | Saved ... | 9, s. 100(2) |
| c. 114 ... | Poaching (Prevention) Act 1862. | S. 2 am. (E.) ... | 80, s. 92, sch. 3 Pt. I. |
| 26 & 27 Vict.: c. 49 ... | Duchy of Cornwall Management Act 1863. | S. 8 am. ... | { 1, s. 75(5) 88, s. 33(5). |

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| 26 & 27 Vict.: — <i>cont.</i> | | | |
| c. 103 ... | Misappropriation by Servants Act 1863. | S. 1 rep. in pt. ... S. 2 rep. ... | 58, s. 10, sch. 3 Pt. III. 58, s. 10, sch. 3 Pt. III. |
| c. 112 ... | Telegraph Act 1863 ... | S. 45 am. ... | 80, s. 92, sch. 3 Pt. I. |
| 28 & 29 Vict.: | | | |
| c. 18 ... | Criminal Procedure Act 1865. | Ss. 1, 2 rep. in pt. ... | 58, s. 10, sch. 3 Pt. III. |
| c. 37 ... | County of Sussex Act 1865. | Rep. so far as unrepealed | 58, s. 10, sch. 3 Pt. I. |
| c. 56 ... | Trepass (Scotland) Act 1865. | S. 4 am. ... | 80, s. 92, sch. 3 Pt. I. |
| c. 63 ... | Colonial Laws Validity Act 1865. | Excl. (West Indies) ... | 4, s. 4, sch. 1 para. 1. |
| c. 89 ... | Greenwich Hospital Act 1865. | S. 40 rep. ... | 74, s. 1(2). |
| c. 125 ... | Dockyard Port Regulation Act 1865. | S. 6 am. ... | 80, s. 92, sch. 3 Pt. II. |
| 30 & 31 Vict.: | | | |
| c. 134 ... | Metropolitan Streets Act 1867. | Ss. 6, 7 am. ... | 80, s. 92, sch. 3 Pt. I. |
| 31 & 32 Vict.: | | | |
| c. 37 ... | Documentary Evidence Act 1868. | Ext. (S.) ... S. 2 ext. ... Sch. am. ... | 86, s. 60(5). 78, s. 6(3). 10, s. 2, sch. 1 para. 5(2). |
| c. 45 ... | Sea Fisheries Act 1868 ... | Pt. III (ss. 27–56), rep. (E.) (S.) S. 57 rep. in pt. (E.) ... Ss. 58, 68 rep. (E.) (S.) ... | 83, s. 24(2), sch. 3. 58, s. 10, sch. 3 Pt. I. 83, s. 24(2), sch. 3. |
| c. 100 ... | Court of Session Act 1868. | S. 91 appl. ... | 76, ss. 62(2), 69 (6). |
| 32 & 33 Vict.: | | | |
| c. 31 ... | Oyster and Mussel Fisheries Orders Confirmation Act 1869 (No. 2). | Ss. 2, 3 rep. ... | 83, s. 24(2), sch. 3. |
| c. 41 ... | Poor Rate Assessment and Collection Act 1869. | Rep. ... | 9, s. 117(1), sch. 14. |
| c. 62 ... | Debtors Act 1869 ... | S. 20 rep. ... | 58, s. 10, sch. 3 Pt. II. |
| c. 115 ... | Metropolitan Public Carriage Act 1869. | Ss. 7, 8 am. ... S. 10 am. ... | 80, s. 92, sch. 3 Pt. I. 80, s. 92, sch. 3 Pt. II. |
| 33 & 34 Vict.: | | | |
| c. 10 ... | Coinage Act 1870 ... | S. 3 excl. in pt. ... S. 5 am. ... S. 9 rep. ... S. 10 rep. in pt. ... | 47, s. 2(3). 47, s. 3(1). 47, s. 3(2). 47, s. 3(2). |

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| 33 & 34 Vict.: | <i>Cont.</i> | | |
| c. 10— <i>cont.</i> | Coinage Act 1870— <i>cont.</i> | S. 11 am. | 47, s. 2(3). |
| c. 23 | Forfeiture Act 1870 ... | Ss. 11(9), 12 am. | 47, s. 3(3). |
| | | Ss. 1, 2, rep. in pt. ... | 58, s. 10, sch. 3 |
| | | S. 4 am. | Pt. III. |
| | | S. 32 rep. | 58, s. 10, sch. 2 |
| | | | para. 9. |
| c. 52 | Extradition Act 1870 ... | S. 9 restr. | 58, s. 10, sch. 3 |
| | | S. 10 mod. | Pt. III. |
| | | S. 16 ext. (<i>prosp.</i>) ... | 80, s. 74(11). |
| | | Ss. 17, 22 ext. (<i>prosp.</i>) ... | 80, s. 34. |
| | | Sch. 1 am. | 52, s. 2(1). |
| c. 77 | Juries Act 1870 | S. 9 am. | 52, s. 2(2). |
| | | S. 10 excl. | 58, s. 4(6). |
| | | S. 10 rep. in pt. ... | 80, s. 16. |
| | | | 80, s. 14(8). |
| c. 78 | Tramways Act 1870 ... | S. 47 am. | 58, s. 10, sch. 3 |
| | | S. 51 am. | Pt. III. |
| | | | 80, s. 92, sch. 3 |
| | | | Pt. II. |
| | | | 80, s. 92, sch. 3 |
| | | | Pt. I. |
| 34 & 35 Vict.: | | | |
| c. 66 | Private Chapels Act 1871 | Rep. (saving) | C.A.M. No. 2. |
| c. 96 | Pedlars Act 1871 ... | S. 3, sch. 1 (as to "chief | s. 4. |
| | | officer of police", | 77, ss. 52(2), 53, |
| | | "police district") rep. | sch. 5, Pts. I, |
| | | (S.). | II. |
| c. 112 | Prevention of Crimes Act | Ss. 6, 7, 9, 20, 22 rep. (E.) | 58, s. 10, sch. 3 |
| | 1871. | S. 15 am. | Pt. I. |
| | | S. 20 rep. (as to "chief | 58, s. 10, sch. 2 |
| | | officer of police", | para. 2(2). |
| | | "police district") (S.). | 77, ss. 52(2), 53, |
| | | | sch. 5 Pts. I, II. |
| 35 & 36 Vict.: | | | |
| c. 93 | Pawnbrokers Act 1872... | S. 48 rep. (E.) | 58, s. 10, sch. 3 |
| c. 94 | Licensing Act 1872 ... | S. 12 rep. in pt. ... | Pt. III. |
| | | | 80, ss. 91(2), 103 |
| | | | (2), sch. 7 Pt. I. |
| 36 & 37 Vict.: | | | |
| c. 88 | Slave Trade Act 1873 ... | S. 26 rep. in pt. (E.) ... | 58, s. 10, sch. 3 |
| | | | Pt. III. |
| 37 & 38 Vict.: | | | |
| c. 36 | False Personation Act | S. 3 rep. (E.) | 50, s. 10, sch. 3 |
| c. 54 | 1874. | Rep. | Pt. II. |
| c. 77 | Rating Act 1874 ... | Act, except s. 12, rep. ... | 9, s. 117(1), sch. |
| c. 94 | Colonial Clergy Act 1874 | Appl. | 14. |
| | Conveyancing (Scotland) | S. 61 appl. | C.A.M. No. 3. |
| | Act 1874. | | s. 7(1)(4). |
| | | | 1, s. 9(5). |
| | | | 86, ss. 16(4), 38 |
| | | | (4). |
| 38 & 39 Vict.: | | | |
| c. 17 | Explosives Act 1875 ... | Ss. 11, 19 am. | 80, s. 92, sch. 3 |
| | | | Pt. II. |

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| 38 & 39 Vict.: c. 17— <i>cont.</i> | Explosives Act 1875 — <i>cont.</i> | Ss. 23, 31 expld. ("public place") (S.). Ss. 31, 33 am. S. 34-37 am. S. 80 am. S. 80 expld. ("public place") (S.). Ss. 107 (as to "chief officer of police", "police district"), 109 (7) rep. (S.). | 86, s. 27(6). 80, s. 92, sch. 3 Pt. I. 80, s. 92, sch. 3 Pt. II. 80, s. 92, sch. 3 Pt. I. 86, s. 27(6). 77, ss. 52(2), 53, sch. 5 Pts. I, II. |
| c. 28 | Metropolitan Police Staff (Superannuation) Act 1875. | Rep. (<i>prosp.</i>) (saving) ... | 28, s. 15(2), (7), (8)(a). |
| c. 31 | Sea Fisheries Act 1875... | Rep. | 83, s. 24(2), sch. 3. |
| c. 55 | Public Health Act 1875... | S. 183 am. | 80, s. 92, sch. 3 Pt. II. |
| c. 83 | Local Loans Act 1875 ... | Power to appl. (mod.) ... S. 12 appl. | 33, s. 9(3). 9, s. 15(1). |
| c. 89 | Public Works Loans Act 1875. | Ss. 29, 30 am. (<i>prosp.</i>) ... | 61, s. 2(3). |
| 39 & 40 Vict.: c. 23 | Prevention of Crimes Amendment Act 1876. | Rep. (E.)... .. | 58, s. 10, sch. 3 Pt. III. |
| c. 36 | Customs Consolidation Act 1876. | S. 42 am. | 47, s. 3, sch. 2. |
| c. 56 | Commons Act 1876 ... | S. 16 am. | 80, s. 92, sch. 3 Pt. II. |
| 40 & 41 Vict.: c. 2 | Treasury Bills Act 1877... | S. 6 excl... .. | 2, s. 2(2). 6, s. 3(2). |
| c. 42 | Fisheries (Oyster, Crab and Lobster) Act 1877. | Rep. | 83, s. 24(2), sch. 3. |
| c. 68 | Destructive Insects Act 1877. | Rep. | 8, s. 7, sch. |
| 41 & 42 Vict.: c. 31 | Bill of Sale Act 1878 ... | S. 4 Power to excl. ... | 48, s. 1. |
| c. 51 | Road and Bridges (Scotland) Act 1878. | Ss. 81, 90, 96, 97, 103, 108 of Sch. C (Act 1 and 2 Wm. 4. c. 43) am. | 80, s. 92, sch. 3 Pt. I. |
| c. 76 | Telegraph Act 1878 ... | S. 6 ext. S. 7 ext. (mod.) (S.). ... | 76, s. 28(8). 86, s. 38(7). |
| 42 & 43 Vict.: c. 22 | Prosecution of Offences Act 1879. | S. 2 am. (1.4.1968) ... saved (1.4.1968) ... | 80, s. 103(1), sch. 6 para. 2. 80, s. 98(2). |
| 44 & 45 Vict.: c. 11 | Sea Fisheries (Clam and Bait Beds) Act 1881. | Ss. 4, 6, 8 am. | 83, s. 24(1), sch. 2. |

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| 44 & 45 Vict.: | | | |
| c. 12 ... <i>—cont.</i> | Customs and Inland Revenue Act 1881. | S. 33(1) am. (3) rep. in pt. (<i>prosp.</i>). S. 33(4) rep. (<i>prosp.</i>) ... | 54, ss. 10, 45, sch. 16 Pt. V. 54, ss. 10, 45, sch. 16 Pt. V. |
| c. 24 ... | Summary Jurisdiction (Process) Act 1881. | S. 4 ext. ... | 80, s. 42(6). |
| c. 49 ... | Land Law (Ireland) Act 1881. | Ss. 4, 5 excl. ... | 22, s. 39(4). |
| c. 69 ... | Fugitive Offenders Act 1881. | Rep. ... | 68, s. 21(2), sch. 2. |
| 45 & 46 Vict.: | | | |
| c. 50 ... | Municipal Corporation Act 1882. | S. 193 rep. in pt. ... S. 222 rep. ... | 58, s. 10, sch. 3 Pt. III. 80, s. 103(2), sch. 7 Pt. I. |
| 46 & 47 Vict.: | | | |
| c. 3 ... | Explosive Substance Act 1883. | S. 7(3) rep. (E.) ... | 58, s. 10, sch. 3 Pt. III. |
| c. 22 ... | Sea Fisheries Act 1883... | S. 12(1)–(8) Power to ext. | 84, s. 15(3). |
| c. 34 ... | Cheap Trains Act 1883... | S. 8 rep. (as to "police force", "police authority") (S.). | 77, ss. 52(2), 53, sch. 5 Pts. I, II. |
| 47 & 48 Vict.: | | | |
| c. 27 ... | Sea Fisheries Act 1884... | Rep. ... | 83, s. 24(2), sch. 3. |
| c. 76 ... | Post Office (Protection) Act 1884. | S. 11 am. ... | 80, s. 92, sch. 3 Pt. I. |
| 48 & 49 Vict.: | | | |
| c. 42 ... | Greenwich Hospital Act 1885. | S. 3 rep. ... | 74, s. 2. |
| c. 68 ... | Metropolitan Police Staff Superannuation Act 1885. | Rep. (<i>prosp.</i>) (saving) ... | 28, s. 15(2) (7) (8)(b). |
| c. 70 ... | Sea Fisheries (Scotland) Amendment Act 1885. | S. 3 am. ... rep. in pt. ... | 83, s. 24(1), sch. 2. 83, s. 24(2), sch. 3. |
| | | S. 4 restr. ... S. 11(a)(b) rep. ... | 84, s. 3(7). 83, s. 24(2), sch. 3. |
| 49 & 50 Vict.: | | | |
| c. 29 ... | Croftors Holdings (Scotland) Act 1886. | Excl. ... | 22, s. 29(5). |
| 50 & 51 Vict.: | | | |
| c. 16 ... | National Debt and Local Loans Act 1887. | Appl. ... | 61, s. 1(2). |
| c. 27 ... | Markets and Fairs (Weighing of Cattle) Act 1887. | S. 9 Power to ext. ... | 22, s. 4(1)(a). |
| c. 55 ... | Sheriffs Act 1887 ... | Ss. 8(1), 29(1)(a), (b) rep. | 58, s. 10, sch. 3 Pt. III. |
| c. 71 ... | Coroners Act 1887 ... | Ss. 4(3), 5(1) rep. in pt.... S. 19 expld. ... S. 19(4) rep. ... | 58, s. 10, sch. 3 Pt. III. 80, s. 49. 80, s. 103(2), sch. 7 Pt. I. |

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| 50 & 51 Vict.: c. 71— <i>cont.</i> | Coroners Act 1887— <i>cont.</i> | S. 19(5) am. Ss. 29(5)(9) rep., 42 rep. in pt. S. 44 rep. | 80, s. 103(1), sch. 6 para. 3. 58, s. 10, sch. 3 Pt. III. 58, s. 10, sch. 3 Pt. I. |
| 51 & 52 Vict.: c. 64 | Law of Libel Amendment Act 1888. | S. 3 expld. | 80, s. 5. |
| 52 & 53 Vict.: c. 18 | Indecent Advertisement Act 1889. | Ss. 3, 4 am. (E.) (S.) ... | 80, s. 92, sch. 3 Pt. I. |
| c. 23 | Herring Fishery (Scot- land) Act 1889. | S. 6 restr. | 84, s. 3(7). |
| c. 27 | Advertising Stations (Rating) Act 1889. | Rep. (E.)... .. | 9, s. 117(1), sch. 14. |
| c. 30 | Board of Agriculture Act 1889. | S. 2(1)(a) rep. S. 2(2), (3), (4) rep. in pt. | 8, s. 7, sch. 10, s. 50, sch. 7 Pt. I. |
| c. 39 | Judicial Factors (Scot- land) Act 1889. | S. 9(1) rep. in pt. Sch. 1 Pt. I rep. S. 13 am. | 8, s. 7, sch. 8, s. 7, sch. S.I. No. 487, art. 3. |
| c. 63 | Interpretation Act 1889 | S. 26 appld. (E.) (S.) S. 26 expld. S. 26 expld. (<i>prosp.</i>) S. 26 expld. (E.) (S.) S. 38 saved (E.) (S.) S. 38 saved (E.) S. 38 saved (E.) | 1, s. 96(4). 72, s. 4(1). 79, s. 16(2). 10, s. 30(3). 10, s. 50(3). 9, s. 117 (13). 12, s. 17, sch. 3 para. 4. |
| c. 69 | Public Bodies Corrupt Practices Act 1889. | S. 38 saved (E.) (S.) S. 38(2) appl. S. 38(2) appl. (1.4.1971) | 8, s. 8(1). 57, s. 9(2). 33, s. 19(3). |
| c. 72 | Infectious Diseases (Noti- fication) Act 1889. | Am. (E.) S. 2 am. S. 6 rep. | 58, s. 8(2), sch. 1. 80, s. 92(8)(a). 58, s. 10, sch. 3 Pt. II. 80, s. 92, sch. 3 Pt. I. |
| 53 & 54 Vict.: c. 27 | Colonial Courts of Admiralty Act 1890. | S. 4 excl. S. 7 rest | } 4, s. 4, sch. 1 para. 3. 68, s. 21, sch. 2. |
| c. 37 | Foreign Jurisdiction Act 1890. | Sch. 1 rep. in pt. | |
| c. 59 | Public Health Acts Amendment Act 1890. | S. 51(5), (9) am. | 80, s. 92, sch. 3 Pt. I. |
| 54 & 55 Vict.: c. 36 | Consular Salaries and Fees Act 1891. | S. 2(3) rep. in pt. (E.) ... | 58, s. 10, sch. 3 Pt. III. |
| c. 38 | Stamp Duties Manage- ment Act 1891. | Ss. 9, 10 am. | 54, s. 31(3). |
| c. 39 | Stamp Act 1891... .. | S. 13 am. (E.) S. 72 excl. (E.) (S.) S. 112 am. S. 115 rep. in pt. ("County Council"). | 58, s. 8(2), sch. 1. 1, s. 25(4). 81, s. 44(8). 54, ss. 29(5)(a), 45, sch. 16 Pt. VII. |

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| 54 & 55 Vict.: c. 39— <i>cont.</i> | Stamp Act 1891— <i>cont.</i> | Sch. 1 ("Marketable Security", "Mortgage Bond, etc.") excl. Sch. 1 ("Bearer Instrument") excl. | 54, s. 28 (1). 54, s. 30. |
| c. 70 | Markets and Fairs (Weighing of Cattle) Act 1891. | S. 2 Power to ext. ... S. 3(4) rep. S. 4 Power to ext. ... S. 4(2) rep. in pt. ... | 22, s. 4(1)(b). 58, s. 10, sch. 3 Pt. I. 22, s. 4(1)(c). 58, s. 10, sch. 3 Pt. I. |
| 55 & 56 Vict.: c. 43 | Military Lands Act 1892 | S. 17 am. | 80, s. 92, sch. 3 Pt. I. |
| c. 55 | Burgh Police (Scotland) Act 1892. | Ss. 114, 186, 304(1), 381, 386, Sch. 5 paras. 2(b) (g)(h), 3(c), 4, 8-13, 15, 19 am. | 80, s. 92, sch. 3 Pt. I. |
| 56 & 57 Vict.: c. 5 | Regimental Debts Act 1893. | S. 23 am. | 58, s. 10, sch. 2 para. 10. |
| c. 71 | Sale of Goods Act 1893 | S. 11(1)(c) rep. in pt. (E.) S. 22(2) rep. S. 35 am. (E.) (S.) ... | 7, s. 4(1). 58, s. 10, sch. 3 Pt. III. 7, s. 4(2). |
| 57 & 58 Vict.: c. 45 | Uniforms Act 1894 ... | Ss. 2, 3 am. | 80, s. 92, sch. 3 Pt. I. |
| c. 58 | Local Government (Scotland) Act 1894. | S. 42 rep. | 86, s. 46(4). |
| c. 60 | Merchant Shipping Act 1894. | Appl. (<i>prosp.</i>) S. 66 am. (E.) S. 76 appl. S. 92(1) am. S. 92(1A) added S. 92(2) subst. S. 280 ext. (<i>prosp.</i>) S. 281(2)(3) am. S. 282, ext. (<i>prosp.</i>) S. 283 am. S. 436(3) excl. (<i>prosp.</i>) S. 459 ext. (<i>prosp.</i>) S. 460(2) ext. (<i>prosp.</i>) S. 462 ext. (<i>prosp.</i>) S. 684 appl. S. 684 appl. (<i>prosp.</i>) Ss. 687, 700 rep. in pt. (E.). Ss. 735, 736 expld. | 27, ss. 11(2), 17(1), 24(b). 58, s. 10, sch. 2 para. 11. 84, s. 15(6). 26, s. 1(2). 26, s. 1(3). 26, s. 1(4). 27, s. 27(3). 27, s. 25. 27, s. 27(3). 27, s. 25, sch. 1. 27, s. 27(4). 27, ss. 3(4), 13(5) (a), 17(4)(a). 27, s. 27(2). 27, ss. 13(5)(b), 17(4)(b). 84, s. 14. 64, s. 1(4). 58, s. 10, sch. 3 Pt. III. 4, s. 4, sch. 1, para. 3. |
| c. 73 | Local Government Act 1894. | S. 8 ext. | 76, ss. 46-50. |

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| 58 & 59 Vict.: c. 16 | Finance Act 1895 ... | S. 12 excl. (E.) (S.) ... S. 12 excl. | 1, s. 25(5). 78, s. 19(6). |
| c. 42 | Sea Fisheries Regulation (Scotland) Act 1895. | S. 8 am. S. 8(1)(b)(c) am. | 84, s. 3(7). 83, s. 24(1), sch. 2. |
| 59 & 60 Vict.: c. 25 | Friendly Societies Act 1896. | Ss. 11-17 rep. | 83, s. 24(2), sch. 3. |
| c. 27 | London Cab Act 1896 ... | S. 89 am. (E.) (S.) S. 103 appl. S. 104(1)(2) appl. | 80, s. 92, sch. 3 Pt. I. 81, s. 108(1)(3). 81, s. 108(2)(3). |
| c. 27 | London Cab Act 1896 ... | S. 1 am. | 80, s. 92, sch. 3 Pt. I. |
| 60 & 61 Vict.: c. 24 | Finance Act 1897 ... | S. 8 rep. | 54, s. 45, sch. 16 Pt. VII. |
| c. 38 | Public Health (Scotland) Act 1897. | S. 22 am. S. 24 am. S. 40, 56 am. S. 63 am. | 80, s. 92, sch. 3 Pt. I. 80, s. 92, sch. 3 Pt. III. 80, s. 92, sch. 3 Pt. I. 80, s. 92, sch. 3 Pt. I. |
| c. 53 | Congested Districts (Scotland) Act 1897. | Restr. | 86, s. 60. |
| 62 & 63 Vict.: c. 9 | Finance Act 1899 ... | S. 8 excl. S. 8(1) rep. in pt. and am. | 54, s. 29(1). 54, ss. 29(4), 45(8), sch. 16 Pt. VII. |
| c. 9 | Finance Act 1899 ... | S. 8(2) am. S. 8(3) rep. and superseded. | 54, s. 28(1), (6). 54, ss. 28(2), 45(8), sch. 16 Pt. VII. |
| c. 9 | Finance Act 1899 ... | S. 8(4)(5) rep. in pt. and am. | 54, ss. 28(2), 29(4), 45(8), sch. 16 Pt. VII. |
| c. 23 | Anchors and Chain Cables Act 1899. | Rep. (saving) (<i>prosp.</i>) ... | 64, s. 2(2)(3). |
| 63 & 64 Vict.: c. 51 | Moneylenders Act 1900 | S. 6(d) ext. | 81, s. 123. |
| c. 55 | Executors (Scotland) Act 1900. | S. 9 rep. (<i>prosp.</i>) ... | 54, ss. 10, 45, sch. 16 Pt. V. |
| 2 Edw. 7: c. 8 | Cremation Act 1902 ... | S. 8(3) rep. (E.) | 58, s. 10, sch. 3 Pt. III. |
| 3 Edw. 7: c. 31 | Board of Agriculture and Fisheries Act 1903. | S. 1(3) rep. in pt. Sch. Pt. 4 rep. | 10, s. 50, sch. 7 Pt. I. 83, s. 24(2), sch. 3. |

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| 6 Edw. 7: | | | |
| c. 25 | Open Spaces Act 1906 ... | S. 10 ext. | 76, ss. 46-50. |
| c. 32 | Dogs Act 1906 | S. 3(10) rep. (S.) | 77, ss. 52(2), 53, sch. 5 Pts. I, II. |
| | | S. 6 am. (E.) (S.) | 80, s. 92, sch. 3 Pt. I. |
| | | S. 8(a) rep. | 77, ss. 52(2), 53, sch. 5 Pt. I. |
| | | S. 8(b) am. | 77, ss. 52(1), 53, sch. 4. |
| c. 34 | Prevention of Corruption Act 1906. | S. 1 am. (E.) (S.) | 80, s. 92, sch. 3 Pt. I. |
| | | S. 2(5) rep. | 58, s. 10, sch. 3 Pt. II. |
| c. 48 | Merchant Shipping Act 1906. | S. 21 am. | 27, s. 25, sch. 1. |
| c. 58 | Workmen's Compensation Act 1906. | Cont. in pt. | 34, s. 1. |
| 7 Edw. 7: | | | |
| c. 4 | Destructive Insects and Pests Act 1907. | Rep. | 8, s. 7, sch. |
| c. 13 | Finance Act 1907 ... | S. 10(1) am. | 54, s. 28(5). |
| | | S. 10(1)(2) rep. in pt. | 54, s. 45(8), sch. 16 Pt. VII. |
| c. 23 | Criminal Appeal Act 1907 | S. 3 expld. | 80, s. 97(6). |
| | | mod. | 80, s. 97(7). |
| | | S. 3(c) am. | 80, s. 103(1), sch. 6 para. 4. |
| | | S. 4(2) rep. in pt. (1.4.1968). | 80, ss. 98(6), 103(2); sch. 4 para. 1; sch. 7 Pt. I. |
| | | S. 4(2) am. (1.4.1968) ... | 80, s. 98(6), sch. 4 para. 1. |
| | | S. 4(3) rep. (1.4.1968) ... | 80, s. 103(2), sch. 7 Pt. I. |
| | | S. 5 expld. | 80, s. 97(9). |
| | | S. 5(1) subst. (1.4.1968) | 80, s. 98(6), sch. 4 para. 2. |
| | | S. 6 paras. (a), (b) am. (1.4.1968). | 80, s. 98(6), sch. 4 para. 3. |
| | | S. 7(1) ext. | 80, s. 97(5)(a). |
| | | S. 7(1) am. (1.4.1968) ... | 80, s. 98(6), sch. 4 para. 4. |
| | | S. 8 rep. (1.4.1968) ... | 80, ss. 98(1)(a), 103(2); sch. 7 Pt. I. |
| | | S. 9 rep. in pt. (1.4.1968) | 80, s. 103(2), sch. 7 Pt. I. |
| | | S. 9 ext. | 80, s. 97(5)(a). |
| | | S. 9 am. (1.4.1968) ... | 80, s. 98(6), sch. 4 para. 5. |
| | | S. 9 para. (d) (e) rep. (1.4.1968). | 80, ss. 98(1)(b), 103(2), sch. 7 Pt. I. |
| | | S. 10 rep. (1.10.1968) ... | 80, s. 103(2), sch. 7 Pt. I. |
| | | S. 11 ext. | 80, s. 97(5)(a). |
| | | S. 11(1) rep. in pt. (1.4.1968). | 80, ss. 98(6), 103(2) sch. 4 para. 6, sch. 7 Pt. I. |

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| 7 Edw. 7: c. 23—cont. ... | Criminal Appeal Act 1907 —cont. | S. 12 rep. (1.4.1968) ... Ss. 14(2), 15(1) ext. ... S. 15(1) rep. in pt. (1.4.1968). S. 15(3), (4) replaced (1.4.1968). S. 15(5) rep. (1.10.1968).... S. 17 rep. in pt. (1.10.1968). S. 17 ext. ... S. 18 rep. (1.4.1968) ... S. 20(2) rep. in pt. ... S. 21 subst. (1.4.1968) ... | 80, ss. 98(2), 103(2), sch. 7 Pt. I. 80, s. 97(5)(a). 80, s. 103(2), sch. 7 Pt. I. 80, s. 98(1)(c), sch. 4 para. 7. 80, s. 103(2), sch. 7 Pt. I. 80, s. 103(2), sch. 7 Pt. I. 80, s. 97(5)(a). 80, ss. 98(3), 103(2), sch. 7 Pt. I. 58, s. 10 sch. 3 Pt. III. 80, s. 98(6), sch. 4 para. 8. |
| c. 24 ... | Limited Partnerships Act 1907. | S. 4(2) ... | 81, s. 121(1) (2). |
| c. 53 ... | Public Health Acts Amendment Act 1907. | S. 94 am. (E.) ... | 80, s. 92, sch. 3 Pt. I. |
| 8 Edw. 7: c. 36 ... | Small Holdings and Allotments Act 1908. | S. 24(4) am. ... | S.I. No. 156, art. 3(3) sch. 2. |
| c. 44 ... | Commons Act 1908 ... | S. 1(2) am. ... | 80, s. 92, sch. 3 Pt. I. |
| 9 Edw. 7: c. 30 ... | Cinematograph Act 1909 | S. 2(6) rep. (as to "chief officer of police", "police area") (S.) S. 3 am. (E.) (S.) ... S. 8(2) rep. (S.) ... | 77, ss. 52(2), 53 sch. 5 Pts. I, II. 80, s. 92, sch. 3 Pt. I. 77, ss. 52(2), 53, sch. 5 Pt. I. |
| c. 40 ... | Police Act 1909 ... | S. 4 rep. (<i>prosp.</i>) ... | 28, s. 15(2)(7)(8) (c). |
| 10 Edw. 7 & 1 Geo. 5: c. 8 ... | Finance (1909–10) Act 1910 | Pt. I (ss. 1–42) rep. (E.) (exc. s. 33(2) rep. (S.) (exc. ss. 33(2)—(5), 34, 42) Ss. 33(2)—(5), 34 rep. 42 in pt. rep. (S.) (<i>prosp.</i>) S. 60(3) appl. ... S. 74(5) excl. (E.) (S.) ... | 54, s. 45(8), sch. 16 Pt. VIII 54, s. 45(8), sch. 16 Pt. VIII para. 2 54, s. 45(8), sch. 16 Pt. VIII para. 2 54, s. 34, sch. 15 para. 2(5) 1, s. 25(6). |
| 1 & 2 Geo. 5: c. 2 ... | Revenue Act 1911 ... | S. 7 rep. (E.) ... rep. (S.) (<i>prosp.</i>) ... | 54, s. 45(8), sch. 16 Pt. VIII 54, s. 45(8), sch. 16 Pt. VIII para. 2. |
| c. 6 ... | Perjury Act 1911 ... | Am. ... Ss. 2–6 am. ... Ss. 3, 4 am. ... | 80, s. 89(2). 58, s. 8(2), sch. 1. 80, s. 92, sch. 3 Pt. I. |

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| 1 & 2 Geo. 5 c. 6— <i>cont.</i> | Perjury Act 1911— <i>cont.</i> | S. 8 rep. in pt. ... S. 10 rep. ... Ss. 14(a), 15(2) rep. in pt. | 58, s. 10, sch. 3 Pt. III. 58, s. 10, sch. 3 Pt. II. 58, s. 10, sch. 3 Pt. III. |
| c. 28 ... | Official Secrets Act 1911 | Am. ... S. 5 rep. (E.) ... S. 6 rep. in pt. (E.) ... S. 10(2) rep. in pt. ... S. 10(3) rep. in pt. ... S. 11 ("Office under H.M.") am. | 58, s. 8(2), sch. 1. 58, s. 10, sch. 3 Pt. III. 58, s. 10, sch. 3 Pt. III. 58, s. 10, sch. 3 Pt. I. 58, s. 10, sch. 3 Pt. II. 13, s. 11(1). |
| c. 38 ... | Money-Lenders Act 1911 | S. 1 rep. ... | 81, s. 124 |
| c. 49 ... | Small Landholders (Scotland) Act 1911. | S. 3(9) mod. ... S. 4(2)–(4) rep. in pt. ... | 28, s. 3. 10, s. 50, sch. 7 Pt. I. |
| | | Sch. 1 rep. so far as relating to the Destructive Insects and Pests Acts 1877 and 1907. | 8, s. 7, sch. |
| 2 & 3 Geo. 5: c. 8 ... | Finance Act 1912 ... | S. 11 rep. ... | 54, s. 45(8), sch. 16 Pt. VIII |
| 3 & 4 Geo. 5: c. 3 ... | Provisional collection of Taxes Act 1913. | Mod. (E.) (S.) ... S. 1 appl. (mod.) (E.) (S.) S. 1(1) rep. in pt. (E.) (S.) | 54, s. 42(4)(5) 54, s. 41(3)(4) 54, ss. 41(1), 45(8), sch. 16 Pt. IX. |
| | | S. 1 proviso (a) rep. (E.) (S.) | 54, ss. 41(1) (2), 45(8), sch. 16 Pt. IX. |
| | | Ss. 1(1) proviso (b), (d), (2), 2(1) rep. in pt. (E.) (S.) | 54, ss. 41(1), 45(8), sch. 16 Pt. IX. |
| c. 17 ... | Fabrics (Misdescription) Act 1913. | S. 1 am. (E.) (S.) ... | 80, s. 92, sch. 3 Pt. I. |
| c. 27 ... | Forgery Act 1913 ... | S. 2(2)(a) am. ... Ss. 2(2)(a), 4 am. ("triable summarily") Ss. 4(1)(2), 6(1) rep. in pt. | 58, s. 8(2), sch. 1. 80, s. 27. 58, s. 10, sch. 3 Pt. III. |
| | | S. 7(a) am. ... S. 9(a) am. ... | 58, s. 8(2), sch. 1. xx, s. 5(4). |
| | | Ss. 11, 12(2)(a), (b) rep.... | 58, s. 10, sch. 3 Pt. III. |
| | | S. 13 rep. ... | 58, s. 10, sch. 3 Pt. II. |
| | | S. 17(1) rep. in pt. ... | 58, s. 10, sch. 3 Pt. III. |
| | | S. 19 am. ("triable summarily"). | 80, s. 27. |
| c. 32 ... | Ancient Monuments Consolidation and Amendment Act 1913. | S. 14 am. ... | 80, s. 92, sch. 3 Pt. I. |

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| 4 & 5 Geo. 5: c. 34 | Police Reservists (Allowances) Act 1914. | S. 1(4) rep. (S.) S. 1(5) rep. (as to "police force", "police fund," "police authority") (S.) S. 2 rep. in pt. (S.) | 77, ss. 52(2), 53, sch. 5 Pt. II. 77, ss. 52(2), 53, sch. 5 Pts. I, II. 77, ss. 52(2), 53 sch. 5 Pts. I, II. |
| c. 58 | Criminal Justice Administration Act 1914. | S. 14(1)(b) am. S. 27 rep. S. 39(1) rep. | 80, s. 92, sch. 3 Pt. I. 80 ss. 72(5), 103 (2); sch. 7. 58, s. 10, sch. 3 Pt. III. |
| c. 59 | Bankruptcy Act 1914 ... | S. 26(2) rep. in pt. S. 154(3) am. S. 164(1) rep. in pt. | 58, s. 10, sch. 3 Pt. III. 58, s. 10, sch. 2 para. 12(2)(a). 58, s. 10, sch. 3 Pt. III. |
| 5 & 6 Geo. 5: c. 39 | Fugitive Offenders (Protected States) Act 1915. | Rep. | 68, s. 21 sch. 2. |
| c. 90 | Indictments Act 1915 ... | Ss. 4, 8(3), sch. 1 (rule 3) rep. in pt. | 58, s. 10, sch. 3 Pt. III. |
| 6 & 7 Geo. 5: c. 24 | Finance Act 1916 ... | S. 66 am. | S.I. No. 487, art. 4. |
| c. 38 | Small Holding Colonies Act 1916. | Restr. (S.) | 86, s. 60. |
| c. 50 | Larceny Act 1916 ... | S. 4 rep. Ss. 12, 18, 20-22, 24 am. Ss. 24-28, 29(2)(b) am.... S. 33 expld. S. 33(1) rep. in pt. S. 33(1)(b) rep. S. 33(4) rep. in pt. S. 35 rep. Ss. 37(1), 37(2)(a) am. ... S. 37(5)(a)(b) rep. S. 38(1) rep. Ss. 39(2), (3), 40(3) am. Ss. 41(3), 44(1) rep. | 58, s. 10, sch. 3 Pt. III. 58, s. 8(2), sch. 1. 58, s. 10, sch. 2 para. 12(1). 58, s. 4(7). 58, s. 10, sch. 3 Pt. III. 58, s. 10, sch. 3 Pt. III. 58, s. 10, sch. 3 Pt. III. 58, s. 10, sch. 3 Pt. III. 58, s. 10, sch. 2 para. 12(3). 58, s. 10, sch. 3 Pt. III. 58, s. 10, sch. 3 Pt. II. 58, s. 10, sch. 2 para. 12(4). 58, s. 10, sch. 3 Pt. III. |
| c. 60 | Sailors and Soldiers (Gifts for Land Settlement) Act 1916. | Restr. (S.) | 86, s. 60. |
| 8 & 9 Geo. 5: c. 26 | Small Holding Colonies (Amendment) Act 1918. | Restr. (S.) | 86, s. 60. |

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| 9 & 10 Geo. 5: c. 57 | Acquisition of Land (Assessment of Compensation) Act 1919. Forestry Act 1919 ... | Appl. (mod.) (N.I.) ... | 33, s. 28(5)(6). | |
| c. 58 | | Rep. (with saving for s. 3(2)). S. 3(2) rep. so far as transferring power of making orders under the Destructive Insects and Pests Acts 1877 to 1927. | 10, s. 50, sch. 7 Pt. I. 8, s. 7, sch. | |
| c. 75 | Ferries (Acquisition by Local Authorities) Act 1919. | S. 4 am. | 80, s. 92, sch. 3 Pt. I. | |
| c. 82 | Irish Land (Provision for Sailors and Soldiers) Act 1919. | S. 4(5) ext. | 67, s. 1(1). | |
| c. 92 | Aliens Restriction (Amendment) Act 1919. | S. 1 cont. until 31.12.1968 | 89, s. 1(1), sch. | |
| c. 97 | Land Settlement (Scotland) Act 1919. ... | Restr. S. 22(2) am. | 86, s. 60. 80, s. 92, sch. 3 Pt. I. | |
| 10 & 11 Geo. 5.: c. 17 | Increase of Rent and Mortgage Interest (Restrictions) Act 1920. Census Act 1920 ... | S. 5(2) excl. S. 15(3) excl. (E.) ... | 22, s. 38(2). 88, ss. 17, 18, sch. 2 para. 3(2). | |
| c. 41 | | S. 8(1) am. | 80, s. 92, sch. 3 Pt. I. | |
| c. 56 | Places of Worship (Enfranchisement) Act 1920. | S. 1(1) am. S.1 (1) proviso, para. (aa) (1A) added. S. 2 am. S. 4 rep. | 88, s. 40(1) 88, s. 40(2)(3). 88, s. 40(4) 88, ss. 40(5)(8), 41(2) sch. 7 Pt. II. | |
| | | S. 5 am. ("place of worship", "trustees"). rep. in pt. ("freehold reversion"). rep. ("county court") | 88, s. 40(1) 88, ss. 40(6)(8), 41(2), sch. 7 Pt. II. 88, ss. 40(4)(8), 41(2) sch. 7 Pt. II. | |
| | | Sch. rep. | 88, ss. 40(4)(8), 41(2), sch. 7 Pt. II. | |
| c. 67 | | Government of Ireland Act 1920. | Ext. | { 34, s. 12. 80, s. 105(1). 4, s. 20(2). 34, s. 12. 40, s. 13(3). 54, s. 4(6)(c). 71, s. 8(2). 80, s. 105(2). 84, s. 23(3). |
| | | | S. 6 mod. | 47, s. 3, sch. 2. |
| c. 70 | Gold and Silver (Export Control etc.) Act 1920. | S. 2 am. | 47, s. 3, sch. 2. | |
| c. 75 | Official Secrets Act 1920 | Am. (exc. s. 1) | 58, s. 8(2), sch. 1. | |

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| 11 & 12 Geo. 5: c. 58 | Trusts (Scotland) Act 1921. | S. 4 ext. am. | 10, s. 5(4), sch. 2 para. 4(2). 86, s. 13(5). |
| 12 & 13 Geo. 5: c. 11 c. 13 c. 31 | Juries Act 1922 Empire Settlement Act 1922. Police Pensions Act 1921 | S. 2(1) excl. S. 1(4) proviso rep. S. 10(1) proviso (b) mod. S. 30, sch. 3 rep. (as to "chief officer of police", "police fund", "police force", "police area", "police authority") (S.). | 80, s. 14(7). 31, s. 2(2). 28, s. 11(8). 77, ss. 52(2), 53, sch. 5 Pts. I, II. |
| c. 51 | Allotments Act 1922 ... | S. 19 am. S. 20 am. | 80, s. 92, sch. 3 Pt. I. S.I. No. 156. |
| 13 Geo. 5: (Sess. 2) c. 2 | Irish Free State (Consequential Provisions) Act 1922. | S. 3(1) am. | 67, s. 1(1). |
| 13 & 14 Geo. 5: c. 8 | Industrial Assurance Act 1923. | Power to excl. (N.I.) S. 1(1) rep. in pt. S. 1(A) added and expld. S. 4(4) rep. S. 7(1) am. S. 7(1)(a)(b) subst. S. 7(1)(d)(e) rep. in pt. S. 7(1)(f) rep. S. 7(4) rep. S. 18(1) rep. in pt. S. 18(1)(b) rep. S. 18(1)(d) proviso rep. S. 18(1)(g) rep. in pt. S. 18(2) rep. S. 18(3) rep. in pt. S. 24(3) rep. in pt. Ss. 24(5), 30 rep. S. 39(1) am. ("industrial assurance companies") S. 39(1) proviso subst. S. 39(2) rep. S. 39(4) rep. in pt. S. 40 rep. in pt. Sch. 1 rep. (so far as relating to s. 21). Sch. 2 rep. | 81, s. 96. 81, s. 130, sch. 8 Pt. I. 81, ss. 97, 99, sch. 6 Pt. II. 81, s. 129, sch. 7. 81, s. 99, sch. 6 Pt. II. 81, s. 99, sch. 6 Pt. II. 81, s. 129, sch. 7. 81, s. 99, sch. 6 Pt. II. 81, s. 129, sch. 7. 81, s. 129, sch. 7. 81, s. 100(a). 81, s. 129, sch. 7. 81, s. 100(b). 81, s. 129, sch. 7. 81, s. 129, sch. 7. 81, s. 129, sch. 7. 81, s. 129, sch. 7. 81, s. 129, sch. 7. 81, s. 129, sch. 7. 81, s. 86(1)(a)(b), (3). 81, s. 87. 81, s. 130, sch. 8 Pt. I. 81, s. 130, sch. 8 Pt. I. 81, s. 129, sch. 7. 81, s. 129, sch. 7. 81, s. 100(c). |

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| 13 & 14 Geo. 5 — <i>cont.</i> | | | |
| c. 16 | Salmon and Freshwater Fisheries Act 1923. | S. 67(1)(d) ext. ... | 84, s. 18(1)(a). |
| c. 21 | Forestry (Transfer of Woods) Act 1923. | Ss. 67(3)(4), 79 expld. Rep. (with saving for s.2). | 10, s. 50, sch. 7. |
| 14 & 15 Geo. 5: | | | |
| c. 27 | Conveyancing (Scotland) Act 1924. | S. 2(1)(b) (" heritable security ") appl. (mod.). | 86, s. 70(6). |
| 15 & 16 Geo 5: | | | |
| c. 18 | Settled Land Act 1925 ... | Ext. | 10, s. 5(4), sch. 2 |
| | | S. 8 ext. | para. 1(3). |
| | | Pt. II (ss. 38—72) saved | 88, s. 8(4)(a). |
| | | S. 38 ext. | 88, s. 6(4). |
| | | S. 53(2) ext. | 88, s. 6(2)(a). |
| | | S. 66(2) appl. | 88, s. 6(2)(b). |
| | | | 10, s. 29(3). |
| | | S. 71 am. | 1, s. 92. |
| | | S. 72 expld. | 88, ss. 6(5), 17, 18, sch. 2 para. 9(1). |
| | | S. 73 am. | 10, s. 5(4), sch. 2 para. 1(2). |
| | | S. 73(1)(xiii) mod. | 1, s. 92. |
| | | Sch. 3 Power to ext. | 88, s. 6(5), 17, 18, sch. 2 para. 9(1). |
| c. 19 | Trustee Act 1925 ... | S. 41(1) rep. in pt. ... | 10, s. 5(4), sch. 2 para. 1(2). |
| | | S. 65 rep. | 1, s. 92. |
| | | | 88, s. 6(5), 17, 18, sch. 2 para. 9(1). |
| | | S. 73(1)(xiii) mod. | 22, s. 68. |
| | | Sch. 3 Power to ext. | 22, s. 36(5). |
| c. 20 | Law of Property Act 1925 | S. 2(1) ext. | 58, s. 10, sch. 3 Pt. III. |
| | | S. 28 ext. | 58, s. 10, sch. 3 Pt. I. |
| | | S. 28 ext. | 88, s. 8(4)(a). |
| | | Ss. 34—36 appl. ... | 1, s. 92. |
| | | S. 46 restr. | 10, s. 5(4), sch. 2 para. 1(4). |
| | | S. 49 appl. | 88, s. 6(1). |
| | | Ss. 62, 63 appl. (mod.) ... | 88, s. 22(4). |
| | | S. 64 appl. (mod.) ... | 88, s. 22(4). |
| | | S. 76(1) restr. | 88, s. 10(1). |
| | | S. 84 excl. | 88, s. 10(6). |
| | | saved | 88, s. 10(1). |
| | | S. 101 appl. | 1, s. 19(6). |
| | | S. 146(4) saved | 10, s. 5(2)(b). |
| | | S. 190(1)(2) Power to apply. | 88, ss. 29, 30 sch. 4 para. 1(5). |
| | | S. 191 appl. | 88, s. 19(8). |
| | | S. 193(4) am. | 88, ss. 22(1), 34, sch. 3 para. 3(2). |
| c. 21 | Land Registration Act 1925. | Ss. 48, 53 appl. | 88, s. 11(1), (3) (a). |
| | | S. 59(2) ext. | 88, ss. 8(4)(b), 11 |
| | | appl. | 80, s. 92, sch. 3 Pt. I. |
| | | S. 70 excl. | 88, s. 5(5). |
| | | | 1, s. 19(3). |
| | | | 88, ss. 29, 30, sch. 4 para. 1(3). |
| | | | 88, s. 5(5). |

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| 15 & 16 Geo. 5 —cont. c. 22 | Land Charges Act 1925 | S. 10 ext. restr. S. 10(1) class C excl. D ext. | 1, s. 19(2). 88, s. 5(5). 88, ss. 29, 30, sch. 4 para. 1(2)(a). 75, s. 2(6). 75, s. 2(6), sch. para. 1. 75, s. 2(6), sch. para. 2. 88, ss. 29, 30, sch. 4 para. 1(2)(b). 75, s. 2(6), sch. para. 3. |
| c. 24 | Universities and College Estates Act 1925. | Ext. Ss. 5, 26 ext. S. 26 am. S. 30 am. S. 31 am. | 1, s. 11(5). 88, s. 19(10). 22, s. 45(7), sch. 3 para. 2. 10, s. 5(4), sch. 2 para. 2. 88, s. 24(1)(b). 1, s. 92. 88, ss. 17, 18, sch. 2 para. 9(2). 1, s. 92. 88, ss. 17, 18, sch. 2 para. 9(2). 80, s. 92, sch. 3 Pt. I. |
| c. 45 | Guardianship of Infants Act 1925. | S. 8(1) am. | 80, s. 92, sch. 3 Pt. I. |
| c. 49 | Supreme Court of Judicature (Consolidation) Act 1925. | Power to appl. (mod.) (prosp.). S. 15 mod. S. 29 rep. (1.4.1968) S. 49 appl. S. 63(1) excl. S. 99 am. (1.4.1968) S. 99(4) am. (1.4.1968) S. 118 mod. | 56, s. 7(3). 28, s. 3. 80, ss. 98(5), 103(2), sch. 7 Pt. I. 82, s. 3(1), sch. para. 5(2). 22, s. 21(5). 80, s. 98(3). 80, s. 98(4). 28, s. 3. 12, s. 17(2), sch. 4 |
| c. 59 | Teachers (Superannuation) Act 1925. | Title, ss. 9, 10(1)(2), 15, 22, 23(1)(4), sch. 2 rep. | 76, s. 78, sch. 5 para. 24. |
| c. 68 | Roads Improvement Act 1925. | S. 6 saved (speed limits) | 34, s. 1. 34, s. 8(5)(6). |
| c. 84 | Workmen's Compensation Act 1925. | Cont. in pt. Ss. 21(2), 22, 26, 27, 49 Power to apply (mod.). | 60, s. 2(2). 80, s. 2(7). 80, s. 7. 58, s. 10, sch. 3 Pt. II. 81, s. 88(3). 80, s. 29(2). 58, s. 8(2), sch. 1. 80, s. 92(8)(c). 80, s. 92, sch. 3 Pt. I. 58, s. 10, sch. 3 Pt. III. |
| c. 86 | Criminal Justice Act 1925 | S. 11 appl. S. 13(3) ext. (mod.) S. 13(3)(c) ext. S. 18 rep. S. 33 ext. S. 33(6) appl. S. 36 am. Ss. 37, 38(1)(2) am. Sch. 1 rep. | 80, s. 2(2). 80, s. 2(7). 80, s. 7. 58, s. 10, sch. 3 Pt. II. 81, s. 88(3). 80, s. 29(2). 58, s. 8(2), sch. 1. 80, s. 92(8)(c). 80, s. 92, sch. 3 Pt. I. 58, s. 10, sch. 3 Pt. III. |

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| 15 & 16 Geo. 5 c. 90 | Rating and Valuation Act 1925. | Rep. exc. ss. 2(7), 9(1), 10, 48, 49, 52, 54, 62(3), schs. 6, 7 (with saving for s. 64(2) by s. 117(7)) S. 2(7) am. rep. in pt. | 9, s. 117(1), sch. 14. 9, s. 116(9). 9, s. 117(1), sch. 14. |
| 16 & 17 Geo. 5: c. 7 | Bankruptcy Amendment Act 1926. | S. 1(1)(a) rep. in pt. | 58, s. 10, sch. 3 Pt. III. |
| c. 9 | Economy (Miscellaneous Provisions) Act 1926. | S. 13(2) rep., 13(4) rep. in pt. | 81, s. 129, sch. 7. |
| c. 21 | Markets and Fairs (Weighing of Cattle) Act 1926. | S. 1(4) Power to ext. | 22, s. 4(1)(d). |
| c. 31 | Home Counties (Music and Dancing) Licensing Act 1926. | S. 3(7), (11) am. | 80, s. 92, sch. 3 Pt. I. |
| c. 36 | Parks Regulations (Amendment) Act 1926. | S. 4(2) ext. S. 2 am. S. 2(1) am. | 19, s. 6(2). 76, s. 51. 80, s. 92, sch. 3 Pt. I. |
| c. 48 | Births and Deaths Registration Act 1926. | Ss. 1, 4, 11 am. | 80, s. 92, sch. 3 Pt. I. |
| 17 & 18 Geo. 5: c. 6 | Forestry Act 1927 | Rep. | 10, s. 50, sch. 7 Pt. I. |
| c. 12 | Auctions (Bidding Agreements) Act 1927. | S. 1 am. | 80, s. 92, sch. 3 Pt. I. |
| c. 32 | Destructive Insects and Pests Act 1927. | Rep. | 8, s. 7, sch. |
| c. 36 | Landlord and Tenant Act 1927. | Pt. I (ss. 1-17) excl. S. 1 excl. S. 19 excl. | 88, ss. 17, 18, sch. 2 para. 6(1). 88, s. 35(6). 1, s. 19(6). 88, s. 30(5). |
| c. 41 | Superannuation and other Trust Funds (Validation) Act 1927. | S. 7 am. | 80, s. 92, sch. 3 Pt. I. |
| 18 & 19 Geo. 5: c. 8 | Rating and Valuation Act 1928. | Rep. (with saving for sch. 2). | 9, ss. 57(5), 117 (1) sch. 14. |
| c. 13 | Currency and Bank Notes Act 1928. | S. 3(2) am. | 47, s. 3, sch. 2. |
| c. 15 | Bankers (Northern Ireland) Act 1928. | S. 3 am. | 47, s. 3, sch. 2. |
| c. 19 | Agricultural Produce (Grading and Marking) Act 1928. | Ss. 2(3)-(4), 3, 4(2) am. | 80, s. 92, sch. 3 Pt. I. |
| c. 29 | Slaughter of Animals (Scotland) Act 1928. | S. 4 am. | 80, s. 92, sch. 3 Pt. I. |
| c. 32 | Petroleum (Consolidation) Act 1928. | Ss. 1(2), (3), 2(4), 5(2), 6(2), 7(6), 8, 9(3), 10(2) am. | 80, s. 92, sch. 3 Pt. I. |
| c. 43 | Agricultural Credits Act 1928. | S. 14 excl. | 48, s. 2(2). |
| c. 44 | Rating and Valuation (Apportionment) Act 1928. | Rep. (E.)... .. | 9, s. 117(1), sch. 14. |

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| 19 & 20 Geo. 5: c. 17 | Local Government Act 1929. | Ss. 67, 71, 72, 84 rep. ... | 9, s. 117(1), sch. 14. |
| c. 28 | Industrial Assurance and Friendly Societies Act 1929. | S. 1(1) proviso am. ... S. 3(1)(4) rep. (industrial assurance companies). | 81, s. 86(1)(c). 81, ss. 86(1)(d) (e)(4), 130, sch. 8 Pt. II. |
| c. 34 | Infant Life (Preservation) Act 1929. | S. 3(5) rep. Saved S. 1 am. S. 2(1) rep. S. 2(4) rep. | 81, s. 129, sch. 7. 87, s. 5(1). 58, s. 8(2), sch. 1. 58, s. 10, sch. 3 Pt. II. 58, s. 10, sch. 3 Pt. III. |
| 20 & 21 Geo. 5: c. 28 | Finance Act 1930. ... | S. 42 appl. restr. S. 42(2) subst. Rep. (1.10.1968) ... | 17, s. 40. 54, s. 27(3). 54, s. 27(2). 80, s. 103(2), sch. 7 Pt. I. |
| c. 32 | Poor Prisoners' Defence Act 1930. | Am. (1.4.1968) S. 3(2) am. (1.4.1968) ... | 80, s. 98(7). 80, s. 98(6), sch. 4 para. 9. |
| c. 45 | Criminal Appeal (Northern Ireland) Act 1930. | S. 4(1) subst. (1.4.1968) S. 5(1)(a), (b) am. (1.4.1968) S. 7(1) rep. in pt. (E.) (1.4.1968). S. 7(1) am. (1.4.1968) ... S. 12(1) subst. (1.4.1968) S. 12(2) am. (1.4.1968) ... S. 13(4) am. (1.4.1968) ... S. 20 am. (1.4.1968) ... | 80, s. 98(6), sch. 4 para. 10. 80, s. 98(6), sch. 4 para. 11. 80, ss. 98(6), 103(2), sch. 4 para. 12 sch. 7 Pt. I. 80, s. 98(6), sch. 4 para. 12. 80, s. 98(6), sch. 4 para. 13(a). 80, s. 98(6), sch. 4 para. 13(b). 80, s. 98(6), sch. 4 para. 14. 80, s. 98(6), sch. 4 para. 15. |
| 21 & 22 Geo. 5: c. 12 | Metropolitan Police (Staff Superannuation and Police Fund) Act 1931. | Ss. 1-3 rep. (<i>prosp.</i>) (saving). | 28, s. 15(2) (7) (8) (d). |
| c. 16 | Ancient Monuments Act 1931. | S. 7(2) am. | 80, s. 92, sch. 3 Pt. I. |
| c. 28 | Finance Act 1931 ... | S. 28(1) (3) am. S. 28(3) rep. in pt. S. 28(6) added Sch. 2 am. rep. in pt. superseded | 1, s. 87(1), Sch. 14. 1, s. 101, sch. 17. 1, s. 87(1), sch. 14. 1, s. 87(1), sch. 14. 1, s. 101, sch. 17. 1, s. 87(2), sch. 15. |
| c. 40 | Agricultural Produce (Grading and Marking) Amendment Act 1931. | S. 4(1) am. | 80, s. 92, sch. 3 Pt. I. |

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| 22 & 23 Geo. 5: c. 9 | Merchant Shipping (Safety and Load Line Conventions) Act 1932. | Ss. 23, 40-61, 62(2), 63-68 rep. (<i>prosp.</i>). S. 69 am. (<i>prosp.</i>) ... Ss. 70-72 rep. (<i>prosp.</i>) ... | 27, s. 33(1), sch. 2. 27, s. 27(1). 27, s. 33(1), sch. 2. |
| c. 23 | Grey Seals Protection Act 1932. | Sch. 2 rep. (<i>prosp.</i>) ... S. 2(1) am. | 27, s. 33(1), sch. 2. 27, s. 33(1), sch. 2. 80, s. 92, sch. 3 Pt. I. |
| 23 & 24 Geo. 5: c. 12 | Children and Young Persons Act 1933. | S. 1(4) rep. Ss. 5, 10(1), 23, 24(1) am. S. 51 rep. S. 53 am. (1.4.1968) ... mod. S. 53(4) rep. (1.4.1968)... Ss. 55(4) rep. in pt. ... Ss. 72(5), 82(5), 88(2)(c) am. S. 96(5) functions transf. to Secy. of State. | 58, s. 10, sch. 3 Pt. III. 80, s. 92, sch. 3 Pt. I. 58, s. 10, sch. 3 Pt. III. 80, s. 62(11). 80, s. 62(1). 80, s. 103(2), sch. 7 Pt. I. 80, s. 103(2), sch. 6 para. 5. 80, s. 92, sch. 3 Pt. I. S.I. No. 486. |
| c. 36 | Administration of Justice (Miscellaneous Provisions) Act 1933. | S. 2(2) proviso (i) ext. ... Sch. 1 rep. | 54, s. 5(1)(e). 77, ss. 52(1), 53, sch. 4. 80, s. 2(8). 58, s. 10, sch. 3 Pt. III. |
| c. 38 | Summary Jurisdiction (Appeals) Act 1933. | S. 2 rep. (1.10.1968) ... S. 6 rep. | 80, s. 103(2), sch. 7 Pt. I. 80, s. 103(2), sch. 7 Pt. I. |
| c. 45 | Sea Fishing Industry Act 1933. | Rep. | 83, s. 24(2), sch. 3. 84, s. 25(1), sch. 5, s. 1(1). |
| c. 51 | Local Government Act 1933. | S. 23(2A) am. S. 67(3) am. S. 147(5) am. | 5, s. 1(2). S.I. No. 156 art. 3(3), sch. 3. |
| | | S. 176 mod. (London) ... Ss. 186, 189, 192(1), 193(7) rep. S. 251 am. S. 289 am. S. 290 appl. S. 290(2)-(5) appl. | xx, s. 14(1) (3). 9, s. 117(1), sch. 14. 80, s. 92, sch. 3 Pt. II. 80, s. 92, sch. 3 Pt. I. 76, s. 84(3). 22, s. 45(5), sch. 5 Pt. I, para. 7 (3). xx, s. 12(6). S.I. No. 486. |
| | | Transfer of functions ... | S.I. No. 486. |

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| 24 & 25 Geo. 5: c. 23 c. 32 | Workmen's Compensation (Coal Mines) Act 1934. Finance Act 1934 ... | Cont. S. 4 cont. S. 29 restr. and expld. ... | 34, s. 1. 34, s. 15(7)(c). 54, s. 28(3). |
| 26 Geo. 5 & 1 Edw. 8: c. 16 c. 49 | Coinage Offences Act 1936. Public Health Act 1936 | Am. Am. (exc. ss. 1(1)(a), 2, 9(1)(2), 10). S. 12(1), (2)(a) rep. (E.) S. 76 in pt. appl. ... Ss. 76(3), 83(2), 94(2), 95(1) am. Pt. IV (ss. 111-142) mod. (Greater London). Ss. 144(2), 148, 149, 152 (4), 154(2), 159(3), 160 (4), 170(3), 246, 269(7) am. S. 287 mod. (Greater London). S. 288 am. S. 341 mod. (Greater London). Appl. Appl. (" 2nd apptd. day") | 47, s. 3, sch. 2. 58, s. 8(2), sch. 1. 58, s. 10, sch. 3 Pt. III. 69, s. 23(3)(a). 80, s. 92, sch. 3 Pt. I. xx, s. 20(2). 80, s. 92, sch. 3 Pt. I. xx, s. 21(6). 80, s. 92, sch. 3 Pt. I. xx, s. 21(6). 10, s. 40, sch. 5 Pt. I, para. 6. 78, s. 29. |
| C.A.M. No. 5 | Ecclesiastical Commissioners (Powers) Measure 1936. | S. 8 ext. | 88, s. 31(4)(b). |
| 1 Edw. 8 & 1 Geo. 6: c. 6 c. 12 | Public Order Act 1936 ... Firearms Act 1937 ... | S. 9(1) rep. (as to " chief officer of police ") (S.). Am. (1.5.1968) S. 2(1), (4) ext. (1.5.1968) S. 2(4) am. (1.5.1968) ... Ss. 2(8)-(10), 3(1), 4, 5, 6 ext. (1.5.1968). S. 8(1) proviso (a) am. (1.5.1968). S. 11(1) ext. (1.5.1968) ... S. 11(1)(c) added (1.5.1968). S. 11(3)(4) ext. (1.5.1968) S. 12(3) rep. in pt. (1.5.1968). S. 12(3)(c) rep. (1.5.1968). Ss. 14, 15 ext. (1.5.1968) S. 16(1)(a) am. (1.5.1968). S. 19(1) am. (1.5.1968) ... S. 19(2) subst. (1.5.1968). | 77, ss. 52(2), 53, sch. 5 Pt. I. 80, s. 85(12). 80, s. 85(7). 80, s. 87(1). 80, s. 85(7). 80, s. 87(2). 80, s. 85(7). 80, s. 85(7)(b). 80, s. 85(7). 80, ss. 87(3), 103, sch. 7 Pt. I. 80, ss. 87(3), 103, sch. 7 Pt. I. 80, s. 85(7). 80, s. 87(4). 80, s. 87(5)(b). 80, s. 87(5)(a). |

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| 1 Edw. 8 & 1 Geo. 6: c. 12— <i>cont.</i> | Firearms Act 1936— <i>cont.</i> | <p>S. 19(3) am. (1.5.1968) ... S. 19 (4A) a d d e d (1.5.1968). S. 24 am. (1.5.1968) ... S. 24(4) am. (1.5.1968) ... Pt. III (ss. 25–34) am. (1.5.1968). S. 25 ext. (mod.) (1.5.1968). S. 30 am. S. 32(1) rep. (as to “chief officer of police”, and in pt. “area ”)(S.) am. (1.5.1968). Sch. 2 ext. (mod.) (1.5.1968). Sch. 3 am. Sch. 3 rep. in pt. (E.) (4th entry relating to Crimes Act 1871)</p> | <p>80, s. 87(5)(b). 80, s. 87(5). 80, s. 87(6). 80, s. 87(6). 80, s. 88(2) 80, s. 85(7). 80, s. 87(7). 77, ss. 52(2), 53, sch. 5 Pts. I, II 80, s. 87(8). 80, s. 85(7). 77, ss. 52(1), 53, sch. 4 58, s. 10, sch. 3 Pt. I</p> |
| c. 18 | Empire Settlement Act 1937. | S. 1(1) am. | 31, s. 1. |
| c. 23 | Merchant Shipping Act 1937. | Rep. (<i>prosp.</i>) | 27, s. 33(1), sch. 2. |
| c. 28 | Harbours, Piers and Ferries (Scotland) Act 1937. | S. 11(2) am. | 80, s. 92, sch. 3 Pt. II. |
| c. 37 | Children and Young Persons (Scotland) Act 1937. | <p>Ss. 16, 21(1), 33, 34(1) am. S. 57 mod. (1.4.1968) ... am. (1.4.1968) ... Ss. 76(5), 86(5), 91(7), 92(2)(b), am. S. 110(1) rep. (as to “police authority”). S. 4(1) ext.</p> | <p>80, s. 92, sch. 3 Pt. I. 80, s. 62(4). 80, s. 62(11). 80, s. 92, sch. 3 Pt. I. 77, ss. 52(2), 53, sch. 5 Pt. II. 76, ss. 46–50.</p> |
| c. 46 | Physical Training and Recreation Act 1937. | Power to ext. (mod.) ... | 76, s. 81(9). |
| c. 68 | Local Government Superannuation Act 1937. | S. 21(3) excl. Sch. 1 Pt. I ext. Excl. | xx, s. 11. 9, s. 92(1). 76, s. 81(12)(b). |
| c. 69 | Local Government Superannuation (Scotland) Act 1937. | <p>Power to ext. or am. (“1st apptd. day”). S. 1(6)(d) expld. ... S. 3 excl. (“1st apptd. day”). S. 4 excl. (“1st apptd. day”). Sch. 1 Pt. I am. (“1st apptd. day”).</p> | <p>78, s. 23(3). 77, s. 19(7). 78, s. 23(2)(b). 78, s. 23(2)(a). 78, s. 23(1).</p> |
| 1 & 2 Geo. 6: c. 13 | Superannuation (Various Services) Act 1938. | <p>Sch. rep. (saving) so far as relating to the Forestry (Transfer of Woods) Act 1923 and rep. so far as relating to the Forestry Act 1945. Sch. Pt. I rep. in pt. (<i>prosp.</i>).</p> | <p>10, s. 50, sch. 7. 28, s. 15(8)(e).</p> |

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| 1 & 2 Geo. 6: — <i>cont.</i> | | | |
| c. 22 | Trade Marks Act 1938... | S. 60 am. | 80, s. 92, sch. 3 Pt. I. |
| c. 30 | Sea Fish Industry Act 1938. | Pt. II (ss. 38–42) (and see sch. 3 of 1967 c. 83), rep. Ss. 58 rep., 59 rep. in pt. 61(2) rep. S. 62(1) rep. | 84, s. 25(1), sch. 83, s. 24(2), sch. 3. 84, s. 25(1), sch. 58, s. 10, sch. 3 Pt. III. |
| c. 36 | Infanticide Act 1938 ... | S. 1(3) rep. in pt., 1(4) rep. | 54, ss. 27(3), 45(8), sch. 16 Pt. VII. |
| c. 46 | Finance Act 1938 ... | S. 50 rep. | 58, s. 10, sch. 3 Pt. II. |
| c. 63 | Administration of Justice (Miscellaneous Provisions) Act 1938. | S. 2(1), (2)(f), rep. ... S. 2(5) rep. in pt. ... S. 2(5) proviso rep. ... S. 2(6) rep. S. 12 rep. Sch. 1 rep. | 58, s. 10, sch. 3 Pt. II. 58, s. 10, sch. 3 Pt. II. 58, s. 10, sch. 3 Pt. II. 58, s. 10, sch. 3 Pt. I. 58, s. 10, sch. 3 Pt. II. |
| c. 65 | Rating and Valuation (Air-Raid Works) Act 1938. | Rep. | 9, s. 117(1), sch. 14. |
| c. 73 | Nursing Homes Registration (Scotland) Act 1938. | S. 8 am. | 80, ss. 92, 106(2), sch. 3 Pt. I. |
| 2 & 3 Geo. 6: | | | |
| c. 20 | Reorganisation of Offices (Scotland) Act 1939. | S. 1(8)(9) expld. ... | 10, s. 39(5). |
| c. 21 | Limitation Act 1939 ... | S. 2 expld. (Amal. agric. units). | 22, sch. 3, para. 7(6). |
| c. 31 | Civil Defence Act 1939 | S. 8(1) am. S. 69 rep. | 76, s. 109, sch. 6. 9, s. 117(1), sch. 14. |
| c. 38 | Ministry of Supply Act 1939. | Ss. 1, rep., 15 rep. (saving) | S.I. No. 155, art. 3(3), sch. |
| c. 44 | House to House Collections Act 1939. | S. 11(1) rep. (as to "chief officer of police", "police authority") (S.). | 77, ss. 52(2), 53, sch. 5 Pts. I, II. |
| c. 103 | Police and Firemen (War Service) Act 1939. | S. 10(3) rep. (as to "chief officer of a police force") (S.). S. 14 rep. ("Constable" and "appropriate authority" both in pt. (S.). | 77, ss. 52(2), 53, sch. 5 Pt. I. 77, ss. 52(2), 53, sch. 5 Pts. I, II. |
| c. 117... .. | National Loans Act 1939 | Appl. (E)(S) Appl. Sch. 2 paras. 3, 5 am. ... | 1, s. 3(3). 17, ss. 20(4), 26(5). 33, s. 8(4). 40, s. 10(3). 17, s. 26(8). |

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| 3 & 4 Geo. 6: | | | |
| c. 14 | Agriculture (Miscellaneous War Provisions) Act 1940. | S. 15 ext. | 22, s. 69(1)(b). |
| c. 21 | Treachery Act 1940 ... | Rep. (E.)... .. | 58, s. 10, sch. 3 Pt. I. |
| 4 & 5 Geo. 6: | | | |
| c. 50 | Agriculture (Miscellaneous Provisions) Act 1941. | Restr. (S.) | 86, s. 60. |
| 5 & 6 Geo. 6: ... | | | |
| c. 21 | Finance Act 1942 ... | S. 47 am. Sch. 11 Pt. I am. | 17, s. 26(9). 17, s. 26(7). |
| c. 40 | Welsh Courts Act 1942 | S. 1 rep. | 66, s. 1(2). |
| 6 & 7 Geo. 6: | | | |
| c. 16 | Agriculture (Miscellaneous Provisions) Act 1943. | Restr. (S.) | 86, s. 60. |
| c. 18 | Evidence and Powers of Attorney Act 1943. | S. 3(4) rep. (E.) | 58, s. 10, sch. 3 Pt. III. |
| c. 32 | Hydro-Electric Development (Scotland) Act 1943. | S. 2 ext. S. 2(3) saved | 86, s. 65(5)(h). 86, s. 64. |
| c. 39 | Pensions Appeal Tribunals Act 1943. | Sch. para. 7 rep. in pt. | 66, s. 1(2). |
| 7 & 8 Geo. 6: | | | |
| c. 26 | Rural Water Supplies and Sewerage Act 1944. | S. 1 expld. ("2nd apptd. day") S. 1(6)(b)(c) rep. in pt. ("2nd apptd. day") | 78, ss. 2(2), 4(3), sch. 2 para. 14 78, s. 35, sch. 6 Pt. II. |
| c. 28 | Agriculture (Miscellaneous Provisions) Act 1944. | S. 5 ext. S. 8(b)(ii) am. | 22, s. 69(1)(b). 22, s. 63(2). |
| c. 31 | Education Act 1944 ... | S. 13(2) ext. Ss. 34(1), 40(1), 48(2), 57(2) am. S. 67(4) ext. S. 69(2) am. | 3, s. 1(2). 80, s. 92, sch. 3 Pt. I. 3, s. 1(2). 80, s. 92, sch. 3 Pt. I. |
| | | S. 102 am. S. 103 am. appl. | 3, s. 1(1). 3, s. 1(1). 3, s. 1(4). |
| | | S. 103(1) rep. in pt. S. 103(3) appl. (mod.) rep. in pt. | 3, s. 1(5)(a). 3, s. 1(3). 3, s. 1(5)(a). |
| | | S. 104 rep. S. 105 ext. | 3, s. 1(5)(b). 3, s. 1(4). |
| 8 & 9 Geo. 6: | | | |
| c. 14 | Teachers (Superannuation) Act 1945. | Title ss. 11(6), 14(1)(4), sch. 2 so far as amending ss. 9, 10 of the Teachers Superannuation Act 1925 (c. 59) rep. | 12, s. 17(2), sch. 4. |

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| 8 & 9 Geo. 6: <i>—cont.</i> c. 33 c. 35 c. 44 | Town and Country Planning (Scotland) Act 1945. Forestry Act 1945 ... Treason Act 1945 ... | Ext. S. 21 appl. (mod.) ... S. 24 appl. (mod.) ... S. 27 appl. (mod.) ... S. 50 appl. Sch. 4 appl. (mod.) ... Rep. (with saving for s. 4(5)). Ss. 1, 2, sch. rep. (E.) ... | 86, s. 8. 1, s. 15(1)(2). 1, s. 15(1)(3)(5). 1, s. 91, sch. 16 Pt. II. 86, s. 76(1) 1, s. 15(1)(5). 10, s. 50, sch. 7. 58, s. 10, sch. 3 Pt. III. |
| 9 & 10 Geo. 6: c. 17 c. 18 c. 30 c. 36 c. 42 | Police (Overseas Service) Act 1945. Statutory Orders (Special Procedure) Act 1945. Trunk Roads Act 1946 Statutory Instruments Act 1946. Water (Scotland) Act 1946. | S. 2 mod. (S.) S. 3(1) rep. in pt. and am. Appl. S. 1 ext. S. 7(1) appl. Am. (" 2nd apptd. day ") S. 2 am. (" 2nd apptd. day "). Pt. II (ss. 5-13) ext. ... Ss. 5-7 rep. (" 2nd apptd. day "). S. 8 am. (" 2nd apptd. day "). S. 8(5) rep. (" 2nd apptd. day "). S. 9 rep. in pt. (16.5.1968) S. 11(1A) rep. in pt. and am. (16.5.1968). S. 13 am. (" 2nd apptd. day "). S. 13(1)(b) rep. in pt. (" 2nd apptd. day "). Pt. III (ss. 14-57) ext. ... Ss. 14-17 rep. (" 2nd apptd. day "). S. 18 subst. (" 2nd apptd. day "). S. 19(3) rep. (" 2nd apptd. day "). S. 21(2) am. (" 2nd apptd. day "). S. 21A added (" 2nd apptd. day "). | 77, s. 24(1) 77, ss. 52(1), 53, sch. 4 10, s. 40, sch. 5 Pt. I para. 4. 76, s. 14(1). 22, s. 11(5). 78, ss. 2(2), 4(2), sch. 2 paras. 1-4. 78, ss. 2(2), 4(3), sch. 2 para. 5. 86, ss. 63, 64. 78, s. 35, sch. 6 Pt. II. 78, ss. 2(2), 4(3), sch. 2 para. 6. 78, s. 35, sch. 6 Pt. II. 78, s. 35, sch. 5 para. 1 sch. 6 Pt. I. 78, s. 35, sch. 5 para. 2. 78, ss. 2(2), 4(3), sch. 2 para. 7 (a). 78, ss. 2(2), 4(3), 35, sch. 2 para. 7(b), sch. 6 Pt. II. 86, ss. 63, 64. 78, s. 35, sch. 6 Pt. II. 78, s. 35, sch. 5 para. 26. 78, s. 35, sch. 6 Pt. II. 78, s. 35, sch. 5 para. 27. 78, s. 35, sch. 5 para. 28. |

Effect of Legislation

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| 9 & 10 Geo. 6: c. 42—cont. ... | Water (Scotland) Act 1946 (cont.) | <p>S. 24(1)(b) am. (" 2nd apptd. day ").</p> <p>S. 24(1)(e) added (" 1st apptd. day ").</p> <p>S. 24(2) rep. in pt. (" 2nd apptd. day ").</p> <p>S. 26(1) am. (16.5.1968)</p> <p>S. 26(1)(a) am. (16.5.1968)</p> <p>S. 27 rep. (16.5.1968) ...</p> <p>S. 28(1) rep. in pt. (16.5.1968).</p> <p>S. 29(1) am. (" 2nd apptd. day ").</p> <p>S. 30 am. (" 2nd apptd. day ").</p> <p>S. 32(1) am. (16.5.1968)</p> <p>S. 32(1) proviso and (1A) rep. (16.5.1968).</p> <p>S. 34 rep. (16.5.1968) ...</p> <p>S. 35 am., proviso rep. (16.5.1968).</p> <p>S. 36 rep. in pt. and am. (16.4.1968).</p> <p>S. 38(1)(2) am. (16.5.1968)</p> <p>S. 42 rep. (" 2nd apptd. day ").</p> <p>S. 44(1) am. (" 2nd apptd. day ")...</p> <p>S. 44(2) rep. in pt. (" 2nd apptd. day ").</p> <p>S. 46 am. (" 2nd apptd. day ").</p> <p>S. 47 rep. (" 2nd apptd. day ").</p> <p>S. 48 rep. (16.5.1968) ...</p> <p>S. 50(1) am. (1A) added (16.5.1968).</p> <p>S. 60 ext. (" 2nd apptd. day ").</p> | <p>78, ss. 2(2), 4(3), sch. 2 para. 8(a).</p> <p>78, s. 35, sch. 5 para. 25.</p> <p>78, ss. 2(2), 4(3), 35, sch. 2 para. 8(b), sch. 6 Pt. II.</p> <p>78, s. 35, sch. 5 para. 3.</p> <p>78, s. 35, sch. 5 para. 3.</p> <p>78, s. 35, sch. 5 para. 4, sch. 6 Pt. I.</p> <p>78, s. 35, sch. 5 para. 5, sch. 6 Pt. I.</p> <p>78, ss. 2(2), 4(3), sch. 2 para. 9.</p> <p>78, ss. 2(2), 4(3), sch. 2 para. 10.</p> <p>78, s. 35, sch. 5 para. 6, sch. 6 Pt. I.</p> <p>78, s. 35, sch. 5, para. 6, sch. 6 Pt. I.</p> <p>78, s. 35, sch. 5 para. 7, sch. 6 Pt. I.</p> <p>78, s. 35, sch. 5 para. 8, sch. 6 Pt. I.</p> <p>78, s. 35, sch. 5 para. 9, sch. 6 Pt. I.</p> <p>78, s. 35, sch. 5 para. 10.</p> <p>78, s. 35, sch. 6 Pt. II.</p> <p>78, ss. 2(2), 4(3), sch. 2 para. 11.</p> <p>78, ss. 2(2), 4(3) 35, sch. 2 para. 11, sch. 6 Pt. II.</p> <p>78, ss. 2(2), 4(3), sch. 2 para. 12.</p> <p>78, s. 35, sch. 6 Pt. II.</p> <p>78, s. 35, sch. 5 para. 11, sch. 6 Pt. I.</p> <p>78, s. 35, sch. 5 para. 12.</p> <p>78, s. 30.</p> |

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| 9 & 10 Geo. 6: c. 42—cont. ... | Water (Scotland) Act 1946 (cont.) | <p>Ss. 61(6), 62 appl. ... S.72(8) rep. (" 2nd apptd. day "). S. 73(1) am. (16.5.1968) S. 73(2)–(9) rep. (16.5.1968). S. 74(2) am. (16.5.1968) Ss. 79–81 rep. (" 2nd apptd. day "). S. 84(1) am. (" 2nd apptd. day "). S. 84(1) rep. (" district "; " joint water board "; " limits of supply "; " local authority "; " local water authority ") (" 2nd apptd. day "). S. 85 rep. (16.5.1968) ... S. 88 rep. (" 2nd apptd. day "). Sch. 1 paras. 2, 11, 19 saved (" 2nd apptd. day "). Sch. 1 para. 2(ii) rep. in pt. (" 2nd apptd. day ") Sch. 1 para. 7 subst. (16.5.1968). Sch. 1 para. 9 rep. in pt. (" 2nd apptd. day "). Sch. 1 para. 11(ii) am. (" 2nd apptd. day ") Sch. 1 para. 16 subst. (16.5.1968). Sch. 1 para. 18 rep. in pt. (" 2nd apptd. day "). Sch. 1 para. 22 subst. (16.5.1968). Sch. 3 para. 9(2) am. (16.5.1968). Sch. 4, s. 26(1A) added (16.5.1968).</p> | <p>86, s. 63(10). 78, s. 35, sch. 6 Pt. II. 78, s. 35, sch. 5 para. 13. 78, s. 35, sch. 6 Pt. I. 78, s. 35, sch. 5 para. 14. 78, s. 35, sch. 6 Pt. II. 78, s. 35, sch. 5 para. 29. 78, s. 35, sch. 6 Pt. II. 78, s. 35, sch. 5 para. 15. 78, s. 35, sch. 6 Pt. II. 78, s. 2(2), sch. 2 para. 13. 78, s. 35, sch. 6 Pt. II. 78, s. 35, sch. 5 para. 16(a). 78, s. 35, sch. 6 Pt. II. 78, s. 35, sch. 5 para. 30. 78, s. 35, sch. 5 para. 16(b). 78, s. 35, sch. 6 Pt. II. 78, s. 35, sch. 5 para. 16(c). 78, s. 35, sch. 5 para. 17. 78, s. 35, sch. 5 para. 18. 22, ss. 44(7)(i), 51 (7). 69, s. 24(1). 76, s. 30. 88, ss. 29, 30, sch. 4 paras. 4, 5(2). 1, s. 7. 22, s. 45, sch. 5 Pt. I para. 7. S.I. No. 486.</p> |
| c. 49 ... | Acquisition of Land (Authorisation Procedure) Act 1946. | <p>Appl. ...</p> <p>Appl. (mod.) ... Sch. 1 paras. 15, 16, 19 appl. (mod.). Sch. 1 para. 18 functions transf'd. to Min. of Housing and Local Govt. Sch. 2 Pt. III appl. ...</p> | <p>1, s. 10.</p> |

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| 9 & 10 Geo. 6: —cont. | | | |
| c. 50 ... | Education Act 1946 ... | S. 1 am. and rep. in pt.... | 3, s. 2. |
| c. 62 ... | National Insurance (Industrial Injuries) Act 1946. | S. 89 (exc. subs. (1)(c)), sch. 9 rep. (saving). | 34, s. 15 (1)–(3), (7), sch. |
| c. 64 ... | Finance Act 1946 ... | S. 54(5) rep. in pt. ... | 54, s. 45(8), sch. 16 Pt. VII. |
| c. 68 ... | New Towns Act 1946 ... | S. 25(11) rep. in pt. and am. (“2nd apptd. day”). | 78, ss. 2(2), 4(3), sch. 2 para. 15(a). |
| | | S. 25(23) am. (“2nd apptd. day”). | 78, ss. 2(2), 4(3), sch. 2 para. 15(b). |
| | | S. 26(1) am. (“2nd apptd. day”). | 78, ss. 2(2), 4(3), sch. 2 para. 15(c). |
| c. 73 ... | Hill Farming Act 1946 ... | S. 6(c) excl. ... | 22, s. 26 (11)(a). |
| | | S. 12 Power to ext. ... | 22, s. 42(1). |
| | | S. 12(13) mod. ... | 22, s. 42(2). |
| | | S. 13 ext. ... | 22, s. 69(1)(c). |
| | | S. 13(1)(a) am. ... | 22, s. 43(1)(a), (2). |
| | | S. 13(1)(b) am. ... | 22, s. 43(1)(b), (2). |
| c. 74 ... | Coinage Act 1946 ... | S. 13(2) rep. in pt. ... | 22, s. 75, sch. 7. |
| | | S. 2 excl. in pt. ... | 47, s. 2(3). |
| | | S. 4 am. ... | 47, s. 3(3). |
| c. 75 ... | Public Works Loans (No. 2) Act 1946. | S. 2(1) appl. and am. | 61, s. 1(3). |
| c. 81 ... | National Health Service Act 1946. | Pt. III (ss. 19–30) am. ... | 39, ss. 1, 2(1). |
| | | S. 20(1) am. ... | 39, ss. 1, 2(1). |
| | | S. 67 (1) ext. ... | 28, s. 6(1)–(3). |
| | | expld. ... | 28, s. 8(1). |
| | | power to ext. ... | 28, s. 7: |
| 10 & 11 Geo. 6: | | | |
| c. 14 ... | Exchange Control Act 1947. | Sch. 1 superseded ... | S.I. No. 1767. |
| c. 21 ... | Forestry Act 1947 ... | Rep. (with saving for ss. 1–4). | 10, s. 50, sch. 7. |
| c. 27 ... | National Health Service (Scotland) Act 1947. | S. 66(1) ext. ... | 28, s. 6(5). |
| | | power to ext. ... | 28, s. 7(5). |
| | | expld. ... | 28, s. 8(6). |
| c. 41 ... | Fire Services Act 1947 ... | S. 3(5) functions transf. to Secy. of State. | S.I. No. 486. |
| | | S. 26(2)(d), (e) mod. ... | 28, s. 12(1), (2)(a). |
| | | S. 31(1) am. ... | 80, s. 92, sch. 3 pt. I. |
| | | S. 38(1) rep. (as to “chief officer of police”, “police force”, “police area”, “police authority”) (S.). | 77, ss. 52(2), 53, sch. 5 Pts. I, II. |
| c. 42 ... | Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947. | Appl. ... | 22, ss. 49(7)(i) 51(7). 69, s. 24(1). 76, s. 30. 77, s. 10(1). 86, ss. 69(1), 76 (2). |

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| 10 & 11 Geo. 6: c. 42— <i>cont.</i> c. 43 | Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947— <i>cont.</i> Local Government (Scotland) Act 1947. | Sch. 1 paras. 15, 16, 19 ... appl. (mod.). Sch. 2 Pt. I, appl. (mod.) Sch. 2 Pt. I para. 3 excl. S. 73 appl. ("2nd apptd. day"). Ss. 97, 98, 100–103 appl. ("2nd apptd. day"). S. 118 mod. ... Pt. VIII (ss. 156–173) appl. Ss. 156–158, 163–165 appl. S. 178(2), (3) appl. (mod.) ("2nd apptd. day"). S. 189 appl. (mod.) ("2nd apptd. day"). S. 190 appl. (mod.) ("2nd apptd. day"). Pt. X (ss. 196–208) Power to appl. Pt. X (ss. 196–208) appl. ("2nd apptd. day"). Pt. XI (ss. 209–257) appl. (mod.) ("2nd apptd. day"). S. 226 excl. ... Pt. XII (ss. 258–296) appl. (mod.) in pt. ("2nd apptd. day"). Ss. 301–303 appl. ... S. 302 am. ... S. 318 incorp. (mod.) ... Ss. 336, 337 appl. ("2nd apptd. day"). S. 340 appl. ... S. 342 appl. ("2nd apptd. day"). Ss. 345, 346, 348–350, 352 appl. ("2nd apptd. day"). S. 355(3)–(9) appl. ... S. 355(4)–(9) appl. ... S. 356 appl. ... S. 366(1) appl. ("2nd apptd. day"). Sch. 6 am. ... | 22, s. 45, sch. 5 Pt. 1 para. 7. 1, s. 10(4). 22, s. 49(7)(ii). 78, ss. 8(7), 9(4) sch. 4 para. 16. 78, ss. 8(7), 9(4), sch. 4 para. 24. 77, s. 51(2). 77, s. 10(2). 86, s. 69(3). 78, s. 10(5)(a). 78, s. 10(5)(b). 78, s. 10(5)(c). 77, s. 19(2)(e). 78, s. 10(4). 78, s. 11(5). 86, ss. 49(7), 50. 78, s. 17. 86, s. 57. 80, s. 92, sch. Pt. II. 77, s. 22(3). 78, ss. 8(7), 9(4), sch. 4 para. 28. 86, s. 69(3). 78, ss. 8(7), 9(4), sch. 4 para. 18. 78, ss. 8(7), 9(4), sch. 4 para. 28. 77, ss. 20(5), 29 (3). 22, s. 45(5), sch. 5, Pt. I, para. 7(3). 86, s. 69(3). 78, ss. 8(7), 9(4), sch. 4 para. 28. 76, s. 109, sch. 6. 77, ss. 52(1), 53, sch. 4. 77, s. 22(3). 22, s. 49. 10, s. 39(4). 22, ss. 25(4), 57 (3). |
| c. 48 | Agriculture Act 1947 ... | Sch. 11 incorp. (mod.) ... Ss. 82, 90 ext. ... S. 90 saved ... S. 107(1)–(3) appl. ... | 77, s. 22(3). 22, s. 49. 10, s. 39(4). 22, ss. 25(4), 57 (3). |

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| 10 & 11 Geo. 6: —cont. c. 53 | Town and Country Planning (Scotland) Act 1947. | ext. S. 13 Power to incorp. (mod.) S 13 ext. S. 22 ext. Ss. 25, 26 ext. S. 26(4) excl. in pt. S. 26(5) proviso rep. S. 26(6) am. S. 27(1)(a) am. S. 27(3) excl. S. 27(4) proviso rep. S. 27(5) rep. in pt. am. S. 28(1) ext. S. 28(6) am. ext. S. 28(8) am. S. 38 ext. S. 38(1), (2) am. S. 83 mod. S. 83(6) appl. S. 99(4)–(7) appl (mod.) Ss. 100–102 app. (mod.) in pt. S. 101 appl. S. 107 ext. S. 113(1) appl. | 86, s. 8. 69, s. 1(5)(b). 10, s. 15, sch. 3. 86, s. 9(6). 69, s. 14(4), (5) (c). 86, s. 67(1)(d). 69, s. 16(2). 69, s. 16(4). 69, s. 15(1). 69, s. 9. 69, s. 10(2). 69, s. 10(4). 69, s. 2(2). 69, s. 2(3). 69, s. 11. 69, s. 2(1). 69, ss. 3, 6. 69, s. 2(3). 69, s. 8. 69, s. 7. 1, s. 13(3). 86, s. 73(5). 69, s. 28(4)(b). 69, s. 28(4)(b). 86, s. 76(2). 69, ss. 10(3), 16 (3). 1, s. 99(8). |
| 11 & 12 Geo. 6: c. 9 c. 24 | Finance (No. 2) Act 1947 Police Pensions Act 1948 | S. 8 am. Ext. S. 1(4) am. S. 3(1) excl. S. 5(4) mod. S. 8(1) mod. rep. in pt. and am. | 54, s. 40. 77, ss. 35, 38(4). 28, s. 11(7). 28, s. 11(7). 28, s. 12(1)(2)(b). 28, s. 12(1)(2)(b). 77, ss. 52(1), 53, sch. 4. |
| c. 26 | Local Government Act 1948. | Ss. 33, 34, 39–48, 49(1), 50–53, 55(1), 56, 57 (1), 58, 59(2), 60, 61, 63, 64, 66, 67, 69–71 rep. (with saving for s. 71 by s. 117(10)). Ss. 85(1), 86, 87(1) rep. (E.). s. 88(2) rep. Ss. 91, 94(2)–(4), 100(1) rep. (E.). S. 100(2) rep. Ss. 102, 109, 110 rep. (E.) Ss. 118(3), 119(1) ext. (“2nd apptd. day”). Ss. 120(3), 121(4) rep. 121(5), 121(7) rep. in pt. S. 132 mod. (Llangollen Eisteddfod). | 9, s. 117(1), sch. 14. 78, ss. 8(7), 9(4) sch. 4 para. 25. 9, s. 117(1), sch. 14. 49, s. 1. |

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| 11 & 12 Geo. 6: c. 26— <i>cont.</i> | Local Government Act 1948— <i>cont.</i> | Ss. 141(1), 143(1)(a), 144(4) rep. in pt. S. 144(9). sch. 1 paras. 1, 3, rep. (E.). | 9, s. 117(1), sch. 14. |
| c. 29 | National Assistance Act 1948. | Ss. 40(3), 55 am. ... | 80, s. 92, sch. 3 Pt. I. |
| c. 33 | Superannuation (Miscellaneous Provisions) Act 1948. | S. 2(2)(b) rep. (<i>prosp.</i>) ... S. 2(2)(e), (ee) subst. ... S. 2(3)(ii) rep. (<i>prosp.</i>) ... S. 2(3)(v), (vi) subst. ... S. 2(4)(a) am. ... S. 2(4)(b) subst. ... S. 2(4)(c) rep. in pt. (<i>prosp.</i>). | 28, s. 15(8)(f). 28, s. 11(1)(2). 28, s. 15(8)(f). 28, s. 11(3). 28, s. 11(6). 28, s. 11(4). 28, s. 15(8)(f). |
| c. 38 | Companies Act 1948 ... | S. 2(4)(d) rep. ... S. 17(1) subst. in pt. ... S. 16(1) excl. ... S. 18(3)(4) am. ... S. 29 rep. in pt. ... S. 53(6) rep. ... S. 55(1) am. ... S. 63(2) am. ... S. 64 am. ... S. 87(2) am. ... S. 87(3) am. ... S. 113(2) am. ... S. 124(1) proviso rep. in pt. S. 127 restr. ... S. 129 rep. ... S. 143(1) am. ... S. 143(1) proviso rep. ... Ss. 147–163 appl. ... S. 147(3) am. ... S. 149(6) ext. ... S. 149(7) am. ... S. 154(3) appl. in pt. ... S. 157(1) am. ... S. 157(2)(3) rep. in pt. ... S. 158 am. ... S. 161(1) excl. ... S. 161(1)(b) restr. ... S. 161(1) proviso rep. ... S. 161(2)–(4) appl. ... S. 161(2)(b), (3) excl. (temp.). S. 161(2) proviso rep. ... S. 162 rep. and superseded. S. 163 ext. ... S. 163 proviso ext. ... Ss. 164, 165 ext. (powers of BOT Inspectors). | 28, s. 11(4). 28, s. 11(5). 81, s. 45. 81, s. 46(5). 81, s. 130, sch. 8 Pt. III. 81, s. 129, sch. 7. 81, s. 13(5). 81, s. 51(1). 81, s. 44(6). 81, s. 52(1)(a). 81, s. 52(1)(b). 81, s. 52(2). 81, s. 129, sch. 7. 81, s. 47(1). 81, ss. 2, 130, sch. 8 Pt. III. 81, s. 51(2). 81, s. 130, sch. 8 Pt. III. 17, s. 24(4). 81, s. 56(2). 81, s. 56, sch. 4. 81, s. 56(2). 81, s. 4(7). 81, s. 23. 81, s. 130, sch. 8 Pt. III. 81, s. 24. 81, s. 13(1). 81, s. 13(4). 81, ss. 2, 130, sch. 8 Pt. III. 81, s. 13(1)(2). 81, s. 13(3). 81, ss. 2, 130, sch. 8 Pt. III. 81, ss. 14(8), 130, sch. 8 Pt. III. 81, s. 56, sch. 4. 81, s. 22. 81, s. 41. |

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| 11 & 12 Geo. 6: c. 38— <i>cont.</i> | Companies Act 1948 — <i>cont.</i> | <p>S. 165 ext. (mod.) ...</p> <p>S. 165(b) am. ...</p> <p>S. 166 appl. (mod.) ...</p> <p>S. 167 appl. (mod.) ...</p> <p>S. 167(1) am. ...</p> <p>S. 167(3) am. ...</p> <p>S. 168 appl. (mod.) ...</p> <p>S. 169 rep. ...</p> <p>S. 170 ext. (mod.) ...</p> <p>am. ...</p> <p>S. 170(1)(a) rep. in pt. ...</p> <p>Ss. 171, 175 appl. (mod.)</p> <p>S. 175 am. ...</p> <p>S. 190(1) proviso, para. (a) rep.</p> <p>S. 195 rep. and superseded.</p> <p>S. 196 am. ...</p> <p>S. 198 rep. in pt. and superseded.</p> <p>S. 198(1)(3) am. ...</p> <p>S. 210(1) am. ...</p> <p>S. 212 appl. (mod.) ...</p> <p>S. 224(1) proviso para. (d) am.</p> <p>S. 316 am. ...</p> <p>S. 319(1) am. ...</p> <p>S. 328(2) rep. in pt. ...</p> <p>S. 329 rep. in pt.</p> <p>Pt. VII (ss. 377–381) appl.</p> <p>S. 379 am. ...</p> <p>S. 394 appl. ...</p> <p>S. 410 ext. ...</p> <p>S. 410(1) proviso rep. ...</p> <p>S. 424 ext. ...</p> <p>S. 425 am. ...</p> <p>S. 425(1) proviso rep. ...</p> <p>S. 429 restr. ...</p> <p>S. 434 restr. ...</p> <p>S. 435 am. ...</p> <p>S. 436 ext. ...</p> <p>S. 438 rep. in pt. ...</p> <p>S. 440 ext. ...</p> <p>S. 442 rep. and superseded.</p> <p>Ss. 444, 449, 451 ext. ...</p> <p>S. 452 rep. ...</p> <p>S. 454 ext. ...</p> | <p>81, s. 42.</p> <p>81, s. 38.</p> <p>81, s. 42.</p> <p>81, ss. 32(3), 42.</p> <p>81, s. 39(a).</p> <p>81, s. 39(b).</p> <p>81, s. 42.</p> <p>81, ss. 36(a), 130, sch. 8 Pt. III.</p> <p>81, s. 42.</p> <p>81, ss. 37(3), 40.</p> <p>81, ss. 36(b), 130, sch. 8 Pt. III.</p> <p>81, s. 42.</p> <p>81, s. 32(6).</p> <p>81, ss. 2, 130, sch. 8 Pt. III.</p> <p>81, ss. 27(14), 130, sch. 8 Pt. III.</p> <p>81, s. 11.</p> <p>81, ss. 27(14), 130, sch. 8 Pt. III.</p> <p>81, s. 6(5).</p> <p>81, s. 35(2).</p> <p>81, s. 44(7).</p> <p>81, s. 35(1).</p> <p>1, sch. 12 Pt. IV para. 18(2).</p> <p>1, sch. 12 Pt. IV para. 17(2).</p> <p>58, s. 10, sch. 2 para. 12(2)(b).</p> <p>81, s. 129, sch. 7.</p> <p>81, s. 53(1).</p> <p>81, s. 53(2).</p> <p>81, s. 53(1).</p> <p>81, s. 56, sch. 4.</p> <p>81, ss. 2, 130, sch. 8 Pt. III.</p> <p>81, s. 56, sch. 4.</p> <p>81, s. 48(1), sch. 3.</p> <p>81, s. 130, sch. 8 Pt. III.</p> <p>81, s. 119.</p> <p>81, s. 120.</p> <p>81, s. 54.</p> <p>81, s. 56, sch. 4.</p> <p>81, s. 129, sch. 7.</p> <p>81, s. 56, sch. 4.</p> <p>81, ss. 49(6), 130, sch. 8 Pt. III.</p> <p>81, s. 56, sch. 4.</p> <p>81, s. 130, sch. 8 Pt. III.</p> <p>81, s. 56, sch. 4.</p> |

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| 11 & 12 Geo. 6: c. 38— <i>cont.</i> | Companies Act 1948 — <i>cont.</i> | S. 454(1) ext. ... S. 454(2)(a) rep. in pt. ... S. 454(3) ext. ... S. 455(1) rep. ("exempt private company"). S. 459(g)(f) rep. ... S. 461 ext. ... Sch. 1 Table A Pt. I reg. 22 rep. in pt. Pt. II reg. 6 rep. Sch. 1 Table A reg. 130 am. Table C art. 65 am. Sch. 3 para. 6 rep. in pt. Sch. 4 para. 30 rep. in pt. Sch. 5 para. 6 rep. in pt. Sch. 6 Pt. II rep. in pt.... Sch. 7 rep. ... Sch. 8 am. and mod. ... Sch. 9 rep. and super- seded. Sch. 12 rep. and super- seded. Sch. 14 am. ... Sch. 14 rep in pt. ... Sch. 15 am. ... Sch. 15 rep. in pt. ... Sch. 18 rep. ... | 81, s. 12(1). 81, s. 130, sch. 8 Pt. III. 81, s. 12(3). 81, s. 130, sch. 8 Pt. III. 81, s. 129, sch. 7. 81, s. 56 sch. 4. 81, s. 130, sch. 8 Pt. III. 81, s. 14(8)(c). 81, s. 14(8)(c). 81, s. 130, sch. 8 Pt. III. 81, s. 130, sch. 8 Pt. III. 81, s. 130, sch. 8 Pt. III. 81, s. 130, sch. 8 Pt. III. 81, s. 130, sch. 8 Pt. III. 81, ss. 9, 10, 16 (2), 17, 20, schs. 1, 2. 81, ss. 14(8), 130, sch. 8 Pt. III. 81, ss. 48(1), 130, sch. 3, sch. 8 Pt. III. 81, ss. 48(1), 54. 81, s. 130, sch. 8 Pt. III. 81, s. 14(8)(b). 81, s. 130, sch. 8 Pt. III. 81, s. 129, sch. 7. 81, s. 129, sch. 7. |
| c. 39 ... | Industrial Assurance and Friendly Societies Act 1948. | Ss. 2(1)(3) rep. in pt., 5(3), 6(1) proviso para. (a), 10(4), 11(4), 12(1) (4) rep., 12(3) rep. in pt. S. 2(2) ext. ... S. 16 am. ... S. 16(2) rep. in pt. ... | 81, s. 86(2). 81, s. 86(1)(a). 81, s. 130, sch. 8 Pt. IV. |
| c. 43 ... | Children Act 1948 ... | Ss. 17(2), 19(1)-(4), 21, 22, 25(5), sch. 6 rep. S. 10(4), am. ... S. 56 functions transfd. to Secy. of State. | 81, s. 129, sch. 7. 80, s. 92, sch. 3 Pt. I. S.I. No. 486. |
| c. 45 ... | Agriculture (Scotland) Act 1948. | Restr. ... Ss. 55, 61 ext. ... S. 83(1)-(3) appl. ... | 86, s. 60. 22, s. 29. 22, ss. 25(4), 57 (3). |
| c. 46 ... | Employment and Training Act 1948. | S. 2(7) am. ... | 80, s. 92, sch. 3 Pt. I. |

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| 11 & 12 Geo. 6: | | | |
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| c. 47 ... | Agricultural Wages Act 1948. | S. 3(1)(a) am. .. | 22, s. 67(1)(3). |
| | | S. 3(7) am. ... | 22, s. 67(2). |
| | | S. 17 appl. ... | 22, s. 67(5). |
| | | Sch. 4 para. 5 am. ... | 22, s. 67(2). |
| c. 51 ... | White Fish and Herring Industries Act 1948. | Ss. 1, 2, 10(a) rep. ... | 84, s. 25(1), sch. |
| | | S. 10(b) am. ... | 84, s. 25(7). |
| c. 56 ... | British Nationality Act 1948. | S. 3(1) excl. (<i>prosp.</i>) ... | 65, s. 10(8). |
| | | S. 6 ext. ... | 4, s. 12, sch. 3 para. 4(3)(a). |
| | | S. 6(2) excl. ... | 71, s. 2, sch. para. 2. |
| | | S. 7, ext. ... | 4, s. 12, sch. 3 para. 4(3)(a). |
| | | S. 8(1) restr. ... | 4, s. 12, sch. 3 para. 2. |
| | | S. 10(1) ext. ... | 4, s. 12, sch. 3 para. 4(3)(a). |
| | | S.10(2) restr. (meaning of "colony"). | 4, s. 12, sch. 3 para. 1. |
| | | S. 20 ext. ... | 4, s. 12, sch. 3 para. 4(3)(a). |
| | | S. 22 restr. (meaning of "colony"). | 4, s. 12, sch. 3 para. 1. |
| | | Pt. III (ss. 23-34) appl. (<i>prosp.</i>). | 71, s. 2, sch. para. 3(7). |
| | | S. 26 appl. ... | 4, s. 12, sch. 3 para. 6. |
| | | S.29(3) restr. (meaning of "colony"). | 4, s. 12, sch. 3 para. 4(3)(a). |
| | | ext. ... | 4, s. 12, sch. 3 para. 4(3)(a). |
| | | S. 29(4) excl. ... | 4, s. 12, sch. 3 para. 7. |
| | | S. 32(1) am. (<i>retrosp.</i>) ... | 71, s. 2(2). |
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| | | Sch. 2 para. 4(a) restr. (meaning of "colony"). | 4, s. 12, sch. 3 para. 1. |
| c. 58 ... | Criminal Justice Act 1948 | S. 4 ext. ... | 80, s. 54(7)(a), (8). |
| | | S. 4(9) excl. ... | 80, s. 54(7). |
| | | S. 5 am. ... | 80, s. 53. |
| | | S. 5(2), (3) rep. ... | 80, ss. 54(3), 103 (2), sch. 7 Pt. I. |
| | | S. 6 am. ... | 80, ss. 31, 84. |
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| | | S. 6(3)(b) ext. ... | 80, s. 54(4). |
| | | S. 6(4)(b) excl. ... | 80, s. 54(5). |
| | | S. 7 mod. (fugitive offenders) (<i>prosp.</i>). | 68, s. 15(2)(b). |
| | | S. 7(1) am. ... | 80, s. 52. |
| | | S. 8 ext. ... | 80, s. 31(4). |
| | | am. ... | 80, ss. 31, 84. |
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| | | S. 9 am. ... | 80, s. 31. |
| | | S. 9(3) rep. (E.) ... | 80, s. 54(7). |
| | | S. 9(3) rep. (S.) ... | 80, s. 103(2), sch. 7 Pt. I. |
| | | S. 9(4) rep. in pt. (E. & W.) | 80, s. 103(2), sch. 7 Pt. II. |
| | | S. 9(4) rep. in pt. (S.) ... | 80, s. 103(2), sch. 7 Pt. I. |
| | | S. 12(1) excl. ... | 80, s. 103(2), sch. 7 Pt. II. |
| | | S. 12(2) excl. ... | 80, s. 51(2). |
| | | S. 13 rep. ... | 80, s. 51(1). |
| | | S. 14(1) ext. ... | 58, s. 10, sch. 10 Pt. III. |
| | | S. 14(2) rep. in pt. ... | 80, s. 47(1). |
| | | S. 15 rep. ... | 80, s. 103(2), sch. 7 Pt. I. |
| | | S. 20(5)(d) rep. (saving). | 80, s. 103(2), sch. 7 Pt. I. |
| | | S. 21, 23 rep. ... | 80, ss. 102, 103(2), sch. 5 para. 17, sch. 7 Pt. I. |
| | | S. 29(2) am. (1.4.1968) ... | 80, s. 103(2), sch. 7 Pt. I. |
| | | S. 29(3)(a) rep. in pt. ... | 80, s. 103(2), sch. 6 para. 6. |
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| | | S. 29(5) rep. ... | 80, s. 103, sch. 7 Pt. I, s. 102, sch. 5 para. 17. |
| | | S. 30 rep. ... | 80, s. 103(2), sch. 7 Pt. I. |
| | | Ss. 31(1) rep. in pt., 31(2) (3) rep., 35(1), (3) rep. in pt. | 58, s. 10, sch. 3 Pt. I. |
| | | S. 37(1)(a) rep. ... | 58, s. 10, sch. 3 Pt. III. |
| | | S. 37(1)(b) rep. in pt. ... | 80, ss. 22, 103(2), sch. 7 Pt. I. |
| | | S. 37(1)(c) rep. ... | 80, ss. 22, 103(2), sch. 7 Pt. I. |
| | | S. 37(3), (4)(6) ext. (mod). | 80, s. 22(3) |
| | | S. 38(3), (4) rep. ... | 80, s. 103(2), sch. 7 Pt. I. |
| | | S. 39 am. ... | 80, s. 33. |
| | | S. 77(3)(e) subst. ... | 80, s. 96(1). |
| | | S. 80(5) am. ... | 80, s. 54(2). |
| | | Sch. 1 para. 1 am. ... | 80, s. 54(1). |
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| para. 2(1)(a) am. ... | 80, s. 95(4). | | |
| para. 2(3) saved ... | 80, s. 95(3). | | |
| para. 4(2) rep. ... | 80, ss. 55, 103(2), sch. 7 Pt. I. | | |
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| 11 & 12 Geo. 6: c. 58—cont. | Criminal Justice Act 1948 —cont. | Sch. 9 entry relating to the Forfeiture Act 1870 rep. Rep. | 58, s. 10, sch. 3 Pt. III. |
| c. 60 | Development of Inventions Act 1948. | Rep. | 32, s. 15(3). |
| c. 63 | Agricultural Holdings Act 1948. | S. 24(1) excl. S. 77 appl. | 22, s. 29(4). 22, sch. 3, para. 7(4). |
| c. 65 | Representation of the People Act 1948. | S. 57(2), (6) ext. (G.L.C.) Sch. 6 para. 2(2). | 5, s. 2(1)(b). 5, s. 1(4). |
| c. 67 | Gas Act 1948 | Ss. 6(6), 24(3) am. (E.) S. 40 rep. | 9, s. 33, sch. 6 para. 12. 81, s. 129, sch. 7. |
| 12, 13 & 14 Geo. 6: | | | |
| c. 5 | Civil Defence Act 1948... | S. 4(6)(b) am. | 77, ss. 52(1), 53, sch. 4. |
| c. 14 | Export Guarantees Act 1949. | S. 9(1) rep. (as to "police force") (S.). S. 1(4) am. S. 2(2) am. | 77, ss. 52(2), 53, sch. 5 Pt. I. 11, s. 1(1). 11, s. 1(2). |
| c. 28 | Representation of the People Act 1949. | S. 146(1) proviso (a) rep. | 58, s. 10, sch. 3 Pt. II. |
| c. 30 | Agricultural Wages (Scotland) Act 1949. | S. 3(1)(a) am. S. 3(7) am. S. 17 appl. | 27, s. 67(1)(3)(6). 22, s. 67(2)(6). 22, s. 67(5)(6). |
| c. 31 | Water (Scotland) Act 1949 | Sch. 3 para. 5 am. S. 1(1) am. (16.5.1968) S. 2(1A), (2)(b) added (16.5.1968). S. 4(1)(2)(4) am. ("2nd apptd. day"). S. 4(2) rep. in pt. (16.5.1968). S. 7 rep. (16.5.1968) S. 8(1) subst. (16.5.1968) S. 9 rep. (16.5.1968) Ss. 10-13 rep. ("2nd apptd. day"). S. 19(7) added ("2nd apptd. day"). S. 20(1) rep. in pt. ("2nd apptd. day"). S. 22 rep. ("2nd apptd. day"). S. 23(1)(2) am. ("2nd apptd. day"). Ss. 32, 33, 35(1), 36(1)(10)(11)(d)(12) rep. ("2nd apptd. day"). S. 36(2) rep. in pt., 36(6) rep. (16.5.1968). | 22, s. 67(2)(6)(c). 78, s. 35, sch. 5 para. 19. 78, s. 35, sch. 5 para. 20. 78, s. 35, sch. 5 para. 31. 78, s. 35, sch. 5 para. 21, sch. 6 Pt. I. 78, s. 35, sch. 5 para. 22, sch. 6 Pt. I. 78, s. 35, sch. 5 para. 23. 78, s. 35, sch. 5 para. 24, sch. 6 Pt. I. 78, s. 35, sch. 6 Pt. II. 78, s. 35, sch. 5 para. 32. 78, s. 35, sch. 6 Pt. II. 78, s. 35, sch. 6 Pt. II. 78, s. 35, sch. 5 para. 33. 78, s. 35, sch. 6 Pt. II. 78, s. 35, sch. 6 Pt. I. |

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| 12, 13 & 14 Geo. 6: c. 31— <i>cont.</i> | Water (Scotland) Act 1949— <i>cont.</i> | S. 38 rep. ("2nd apptd. day"). | 78, s. 35, sch. 5 para. 34, sch. 6 Pt. II. |
| c. 32 ... | Special Roads Act 1949 | S. 2 Power to ext. (S.) ... | 76, s. 13. |
| c. 37 ... | Agriculture (Miscellaneous Provisions) Act 1949. | S. 11 rep. ... | 8, s. 7, sch. |
| c. 42 ... | Lands Tribunal Act 1949 | S. 1(3)(e) rep. in pt. ... | 9, s. 117(1), sch. 14. |
| c. 43 ... | Merchant Shipping (Safety Convention) Act 1949. | S. 3(6) am. (E.) ... | 88, s. 21(4). |
| | | S. 12(3)(a) am. ... | 27, s. 25, sch. 1. |
| | | Ss. 18, 20 rep. (<i>prosp.</i>) ... | 27, s. 33(1), sch. 2. |
| | | S. 29(1) rep. in pt. (<i>prosp.</i>) | 27, s. 33(1), sch. 2. |
| c. 44 ... | Superannuation Act 1949 | S. 52(1) rep. in pt. ... | 10, s. 50, sch. 7 Pt. I. |
| | | S. 52(2) appl. ... | 10, s. 2, sch. 1 Pt. II para. 10(3). |
| c. 47 ... | Finance Act 1949 ... | S. 15(2), (7) mod. ... | 38, s. 4(2). |
| c. 51 ... | Legal Aid and Advice Act 1949. | S. 1(1) am. (1.10.1968) ... | 80, s. 103, sch. 6 para. 7. |
| | | S. 6(5)(6) Power to mod. (undefended matrimonial causes) (<i>prosp.</i>). | 56, s. 9. |
| | | S. 8(3)–(5), 9(2)–(9), 11 am. (1.10.1968). | 80, ss. 81(4)(b), 82(5)(b). |
| | | S. 9 am. ... | 80, ss. 81(4)(a), 82(5). |
| | | Pt. II rep. (1.10.1968) ... | 80, s. 103, sch. 7 Pt. I. |
| | | Sch. 3 Power to mod. (undefended matrimonial causes) (<i>prosp.</i>). | 56, s. 9. |
| c. 54 ... | Wireless Telegraphy Act 1949. | S. 6 expl. ... | 72, s. 9(1)(2). |
| | | am. ... | 72, s. 10(3). |
| | | ext. ... | 72, s. 12(2)(3). |
| | | S. 6(1)(b)(c), (3) am. ... | 72, s. 9(2). |
| | | S. 6(2) am. ... | 72, s. 9(3)(a)(b), (4). |
| | | S. 10(3) rep. in pt. ... | 72, s. 10(2). |
| | | S. 14(1) am. ... | 72, s. 9(3). |
| | | S. 14(1)(a)(i) rep. ... | 72, s. 11(1). |
| | | S. 14(1)(aa) added ... | 72, s. 11(1). |
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| | | S. 14(3) am. ... | 72, s. 11(3)–(5). |
| | | restr. ... | 72, s. 11(3)(a). |
| | | ext. ... | 72, s. 11(3)(b). |
| c. 63 ... | Legal Aid and Solicitors (Scotland) Act 1949. | Pt. I (ss. 1–17) (Legal Aid (Scotland) Act) Schs. 1–3, 8 Pt. 1 rep. | 43, ss. 21, 22, sch. 3. |
| c. 67 ... | Civil Aviation Act 1949 | Excl. ... | 33, s. 29, sch. 2 para. 3. |
| | | S. 8(2)(1) appl. ... | 33, s. 28(3). |
| | | Ss. 43–46, 49(1) rep. ... | 81, s. 128. |
| | | S. 58 am. ... | 33, s. 28(4). |
| | | S. 62(1) rep. (<i>prosp.</i>) ... | 52, s. 1(3). |
| | | Sch. 6 rep. ... | 81, s. 128. |

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| 12, 13 & 14 Geo. 6:—cont. c. 68 | Representation of the People Act 1949. | Am. (" corrupt practices"). S. 87(3)(a) rep. (S.) ... Ss. 129 rep. in pt., 146(1) proviso (a) rep. 151 rep. in pt., 157 rep. | 58, s. 8(2), sch. 1. 77, ss. 52(2), 53, sch. 5 Pt. I. 58, s. 10, sch. 3 Pts II, III. |
| c. 72 | Iron and Steel Act 1949 | Expld. (references to "date of transfer", "general date of transfer", "Corporation," "Minister"). Expld. Am. S. 1 revived in pt. and appl. (National Steel Corporation). am. S.4 revived and appl. (National Steel Corporation) am. ext. S. 6 revived in pt. and appl. (Iron and Steel Consumers' Council) am. S. 7(1) revived and appl. (National Steel Corporation). am. S. 8 revived and appl. (National Steel Corporation). S. 9 revived and appl. (National Steel Corporation). am. Ss. 12, 13 revived am. S. 14 revived am. excl. S.17(1) revived excl. am. S. 17(2)(4) revived excl. S. 18 revived am. S. 19 revived excl. am. Ss. 20–22 revived am. | 17, s. 47(3) 17, s. 47(5). 17, s. 49(2). 17, s. 1(6). 17, s. 49(1), sch. 3. 17, s. 7(1). 17, s. 49(1), sch.3. 17, ss. 7(2), 17(4), 25, 46. 17, s. 8. 17, s. 49(1), sch. 3. 17, s. 7(1). 17, s. 49(1), sch. 3. 17, s. 7(1). 17, s. 7(1). 17, s. 49(1), sch. 3. 17, s. 13(1). 17, s. 49(1), sch. 3. 17, s. 13(1). 17, s. 13(2). 17, s. 13(1). 17, s. 13(3). 17, s. 13(1). 17, s. 13(3). 17, s. 13(1). 17, s. 13(1). 17, s. 49(1), sch. 3. 17, s. 13(1). 17, s. 49(1), sch. 3. 17, s. 13(1). 17, s. 13(3). 17, s. 49(1), sch. 3. 17, s. 13(1). 17, s. 49(1), sch. 3. 17, s. 13(1). 17, s. 13(1). 17, s. 49(1), sch. 3. 17, s. 13(1). 17, s. 49(1), sch. 3. |

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| 12, 13 & 14 Geo. 6: c. 72 —cont. | Iron and Steel Act 1949 —cont. | S. 23, as ext., revived ... am. Ss. 24, 25 revived ... am. S. 26 revived S. 27 revived am. Ss. 39, 40 (exc. subs. (6)), 41 revived as amd. S. 43 (exc. subs. (1)) ... revived am. S. 44 revived and appl. am. S. 45 revived S. 46(1)–(3) revived ... Ss. 47, 49 revived S. 50 revived S. 56 revived S. 59, as ext., revived ... am. S. 60(2)–(4), (6) revived... S. 60(7) revived Sch. 1 exc. para. 1 revived and appl. (National Steel Corporation). am. Sch. 4 revived am. Schs. 5, 6 revived am. Sch. 9—cont. | 17, s. 13(1)(2). 17, s. 49(1), sch. 3. 17, s. 13(1). 17, s. 49(1), sch. 3. 17, s. 13(1). 17, s. 13(1). 17, s. 49(1), sch. 3. 17, s. 31. 17, s. 32(2). 17, s. 49(1), sch. 3. 17, s. 32(2). 17, s. 49(1), sch. 3. 17, s. 32(2). 17, s. 32(2). 17, s. 34. 17, ss. 39(1), 47(2). 17, s. 44. 17, s. 47(1). 17, s. 49(1), sch. 3. 17, s. 47(3). 17, s. 32(2). 17, s. 1(6). 17, s. 49(1), sch. 3. 17, s. 10. 17, s. 49(1), sch. 3. 17, s. 13(1). 17, s. 49(1), sch. 3. 17, ss. 39(1), 47(2). |
| c. 75 | Agricultural Holdings (Scotland) Act 1949. | S. 25(1) excl. Ss. 75, 77, 78, 87(2) appl. | 22, s. 29(4). 22, sch. 3 para. 7(5). |
| c. 76 | Marriage Act 1949 ... | S. 76(2) am. | 80, s. 92, sch. 3 Pt. I. |
| c. 77 | Civil Aviation Act 1949 | Sch. 6, para. 8(4) rep. (S.) | 77, ss. 52(2), 53 sch. 5 Pt. I. |
| c. 87 | Patents Act 1949 ... | S. 91(1) am. | 80, s. 92, sch. 3 Pt. I. |
| c. 88 | Registered Designs Act 1949. | S. 35 am. | 80, s. 92, sch. 3 Pt. I. |
| c. 91 | Air Corporations Act 1949. | Rep. | 33, s. 36(1), sch. 3. |
| c. 93 | National Health Service (Amendment) Act 1949. | S. 18(2) rep. S. 19 rep. (saving) ... | 28, s. 6(4). 28, s. 7(6)(a). |

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| 12, 13 & 14 Geo. 6:—cont. c. 94 | Criminal Justice (Scotland) Act 1949. | S. 1 mod. (fugitive offenders) (<i>prosp.</i>) S. 3 ext. | 68, s. 15(2)(b). 80, s. 54(7), (8) |
| | | S. 3(9) excl. S. 5(2)(a) am. S. 7(3) rep. (E. & W.) S. 7(3) rep. (S.)... .. S. 40 ext. Sch. 11 rep. in pt. (E. & W.) Sch. 11 rep. in pt. (S.) | (a). 80, s. 54(8). 80, s. 54(6). 80, s. 103, sch. 7 Pt. I. 80, s. 103, sch. 7 Pt. II. 81, s. 88(4). 80, s. 103, sch. 7 Pt. I. 80, s. 103, sch. 7 Pt. II. |
| c. 97 | National Parks and Access to the Countryside Act 1949. | Transfer of functions ... S. 57 am. | S.I. No. 486. 80, s. 92, sch. 3 Pt. I. |
| c. 101 | Justices of the Peace Act 1949. | S. 95(1) subst. S. 15 restr. Pt. IV (ss. 25-28) expld. S. 27 expld. | S.I. No. 156, art. 2(2), sch. 2. 80, s. 24(5). 80, s. 45(4). 10, s. 46(6). 76, s. 94(1). 80, s. 47(10). 83, s. 19(3). 80, s. 79(8). 80, s. 79(8). |
| 14 Geo. 6: | | S. 32 mod. S. 41 ext. | 28, s. 3. 19, s. 6(1). |
| c. 21 | Miscellaneous Financial Provisions Act 1950. | S. 2(1) proviso am. | 54, s. 44. |
| c. 27 | Arbitration Act 1950 ... | Power to appl. (E.) ... Appl. (E.) | 9, s. 22(2). 9, s. 78(2). |
| c. 32 | Army Reserve Act 1950 | Ss. 14(4), 15(1), (2), 17(2) am. | 80, s. 92, sch. 3 Pt. I. |
| c. 33 | Air Force Reserve Act 1950. | Ss. 14(4), 15(1)(2), 17(2) am. | 80, s. 92, sch. 3 Pt. I. |
| c. 34 | Housing (Scotland) Act 1950. | S. 74 rep. | 20, s. 11(1), sch. 3. |
| | | S. 87(1) proviso rep. | 20, s. 11(1), sch. 3. |
| | | S. 87(2)(4)(5) rep. | 20, s. 11(1), sch. 3. |
| | | S. 89 am. | 20, s. 12. |
| | | S. 89(2) proviso rep. | 20, s. 11(1), sch. 3. |
| | | S. 89(3)(4) rep. | 20, s. 11(1), sch. 3. |
| | | S. 94(1) excl. | 20, s. 22, sch. 5 Pt. II para. 3. |
| | | S. 104(5) rep. | 20, s. 11(1), sch. 3. |
| | | S. 121(3) proviso rep. | 20, s. 11(1), sch. 3. |
| | | S. 127(5) am. | 20, s. 22, sch. 5 Pt. II para. 4. |

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| 14 Geo. 6: c. 34— <i>cont.</i> | Housing (Scotland) Act 1950—<i>cont.</i> | S. 129 rep. S. 130(1) rep. in pt. S. 128(2) appl. S. 184(1) am. Sch. 6 Pt. I para. 14 rep. Sch. 6 Pt. I para. 16 added. Sch. 6 Pt. II para. 16 added. | 20, s. 11(1), sch. 3. 20, s. 11(1), sch. 3. 20, s. 22, sch. 5 Pt. II para. 5. 20, s. 22, sch. 5 Pt. II para. 6. 20, s. 22, sch. 5 Pt. II para. 7(2). 20, s. 22, sch. 5 Pt. II para. 7(1). |
| c. 36 | Diseases of Animals Act 1950. | S. 46 rep. S. 79(1) am. S. 84(3) mod. S. 86(2) rep. (as to "police force", "police area") (S.). | 22, ss. 66(2), 75, sch. 7. 80, s. 92, sch. 3 Pt. I. 22, s. 66(3). 77, ss. 52(2), 53, sch. 5, Pts. I, II. |
| 14 & 15 Geo. 6: c. 11 | Administration of Justice (Pensions) Act 1950. | Ss. 2-8 appl. | 13, s. 2(3), sch. 1 para. 2. 28, s. 9(6). |
| c. 22 | Workmen's Compensation (Supplementation) Act 1951. | Rep. (saving) | 34, s. 15(1)-(3), (9), sch. |
| c. 26 | Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951. | Ss. 10(1)(d), (3), (6), 11, 12, 20 ext. | 84, s. 18(2). |
| c. 30 | Sea Fish Industry Act 1951. | Ss. 22, 23 rep. | 84, s. 25(1), sch. |
| c. 39 | Common Informers Act 1951. | Sch. rep. in pt. | 58, s. 10, sch. 3 Pt. III, sch. 4 Pt. II. |
| c. 46 | Courts-Martial (Appeals) Act 1951. | S. 3(2) proviso added (1.4.1968). S. 10 rep. (1.10.1968) S. 11 rep. in pt. (1.4.1968) Ss. 13A(5), 17 am. (1.4.1968). S. 17(f) subst. (1.4.1968) S. 21 para. (aa) added (1.4.1968). S. 21(c) rep. (1.10.1968) | 80, s. 103(2), sch. 7 Pt. I. 80, s. 103(2), sch. 7. 80, s. 98(6), sch. 4 para. 17. 80, s. 98(7). 80, s. 98(6), sch. 4 para. 18. 80, s. 98(6), sch. 4 para. 19. 80, s. 103(2), sch. 7. |
| c. 53 | Midwives Act 1951 ... | S. 33 mod. Ss. 9, 15(4) am. | 28, s. 3. 80, s. 92, sch. 3 Pt. I. |
| c. 54 | Midwives (Scotland) Act 1951. | Ss. 9, 15(4), am. | 80, s. 92, sch. 3 Pt. I. |
| c. 55 | Nurses (Scotland) Act 1951. | S. 6(1) am. | 16, s. 2. |

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| 14 & 15 Geo. 6: —cont. | | | |
| c. 60 | Mineral Workings Act 1951. | S. 15, as am., revived (E.) | 17, s. 35. |
| c. 61 | Forestry Act 1951 ... | Rep. | 10, s. 50, sch. 7 Pt. I. |
| c. 65 | Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951. | S. 16(2)(f) rep. ... | 88, s. 41(2), sch. 7 Pt. I. |
| | | S. 23(1) rep. (as to "police force" and in pt. "relevant police authority" (S.)). | 77, ss. 52(2), 53, sch. 5 Pts. I, II. |
| | | S. 24(g) rep. (S.) ... | 77, ss. 52(2), 53, sch. 5 Pts. I, II. |
| | | S. 57(5) rep. and superseded (Industrial Assurance Companies). | 81, ss. 86(1)(a), 130, sch. 8 Pt. V. |
| | | Sch. 2 Pt. I para. 4 col. 2 rep. in pt. (S.). | 77, ss. 52(2), 53, sch. 5 Pt. II. |
| c. 66 | Rivers (Prevention of Pollution) (Scotland) Act 1951. | S. 35(1) rep. ("local water water authority" (" 2nd apptd. day"). | 78, s. 35, sch. 6 Pt. II. |
| 15 & 16 Geo. 6 & 1 Eliz. 2: | | | |
| c. 4 | Pneumoconiosis and Byssinosis Benefit Act 1951. | Rep. (saving) | 34, s. 15(1)–(3), (9), sch. |
| c. 10 | Income Tax Act 1952 ... | S. 12(1) rep. in pt. ... | 54, s. 45(8), sch. 16 Pt. X. |
| | | S. 47 ext. | 54, s. 24, sch. II Pt. II para. 10(4). |
| | | S. 123(1), sch. D Case III ext. | 29, s. 24(2)(c). |
| | | Ss. 127, 135 expld. ... | 54, s. 35(1)(b). |
| | | S. 196(1) am. | 17, s. 26(8). |
| | | S. 216(1) am. | 54, s. 16(2)(3). |
| | | S. 216(2) expld. | 54, s. 16(4). |
| | | S. 218 rep. (saving) ... | 54, ss. 16(5), 45 (8), sch. 16 Pt. X. |
| | | Ss. 229(1), 249(4)(a)(b) mod. | 54, s. 15(3). |
| | | S. 270(6) expld. | 54, s. 21(4)(a). |
| | | S. 279(2) appl. (mod.) ... | 54, s. 21(4)(d). |
| | | Ss. 286, 298 expl. | 54, s. 21(4)(b)(c). |
| | | S. 341 restr. | 54, s. 22(1). |
| | | S. 384 ext. | 10, s. 2, sch. 1 Pt. II para. 9 (2). |
| | | S. 427(2) am. | 54, s. 24, sch. 11 Pt. I para. 2 (2). |
| | | S. 436 am. and rep. in pt. | 54, s. 23, 45(8), sch. 16 Pt. X. |
| | | S. 436(3)(b) am.... | 54, s. 23(5). |
| | | S. 471 excl. | 54, s. 17(9). |
| | | S. 492 mod. | 54, s. 42(4)(5). |
| | | S. 495(1) am. | 54, s. 40(1). |

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| 15 & 16 Geo. 6 & 1 Eliz. 2: c. 10— <i>cont.</i> | Income Tax Act 1952 — <i>cont.</i> | S. 495(3)(b) expld. ... am. ... S. 495(4) rep. in pt. ... Sch. 17 Pts. I para. 1, II para. 1(b) am. Sch. 21 para. 7(1) am. ... S. 1(6) am. ... | 54, s. 24, sch. 11, Pt. II para. 14(2). 54, s. 45(8), sch. 16 Pt. X. 54, s. 45(8), sch. 16 Pt. X. 54, s. 36(1). 54, s. 18. S.I. No. 1902. |
| c. 18 ... | Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952. | S. 1(6) am. ... | S.I. No. 1902. |
| c. 31 ... | Cremation Act 1952 ... | S. 2(3) rep. (E.) ... | 58, s. 10, sch. 3 Pt. III. 70, s. 8. |
| c. 39 ... | Motor Vehicles (International Circulation) Act 1952. | Ss. 1, 2 expld. ... | 70, s. 8. |
| c. 44 ... | Customs and Excise Act 1952. | Ss. 44, 45 saved (E.) (S.) appl. ... Ss. 45(1), 56(2) mod. (drugs). S. 93(2)(5) am. ... S. 102(2)(b) am. ... S. 106(1)(d) am. (<i>retrosp.</i>) S. 108 rep. ... S. 117(3) am. ... S. 125(2) am. ... S. 125(3) am. ... S. 126(2) am. ... S. 137 ext. ... S. 146(3) am. ... Ss. 147(1) rep. in pt., 147(2) rep. Ss. 148(1)–(3), 149–155 rep., 157(1) rep. in pt., 157(2) rep. S. 160(2) am. ... S. 161(1) am. ... S. 161(2) rep. in pt. ... S. 162(4) subst. ... S. 167(1) rep. in pt. ... S. 168 ext. ... | 8, s. 2(2). 72, s. 7(5). 82, s. 7(1). 54, s. 4(1)(4). 54, s. 6(4), sch. 9 para. 1. 54, s. 4(5)(b). 54, ss. 6(4)(a), 45(8), sch. 16 Pt. II. 54, s. 5(1), sch. 6 para. 1. 54, s. 4(1). 54, s. 1(5), sch. 5 para. 4(3). 54, s. 4(1). 54, s. 1(5), sch. 5 para. 2. 54, s. 6(4), sch. 9 para. 2. 54, ss. 6(4)(a), 45(8), sch. 16 Pt. II. 54, ss. 5(1)(a), 45(8), sch. 16 Pt. I. 54, s. 5(1), sch. 6 para. 2. 54, s. 5(1), sch. 6 para. 3. 54, s. 45(8), sch. 16 Pt. I. 54, s. 5(1), sch. para. 4. 54, ss. 5(1)(a), 45(8), sch. 16 Pt. I. 54, s. 4(2). |

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| 15 & 16 Geo. 6 & 1 Eliz. 2: c. 44— <i>cont.</i> | Customs and Excise Act 1952— <i>cont.</i> | S. 169(1) rep. | 54, ss. 5(1)(a), 45(8), sch. 16 Pt. I. |
| | | S. 169(2) ext. | 54, s. 4(2). |
| | | Ss. 169(2)(3), 170(1) rep. in pt. | 54, s. 45(8), sch. 16 Pt. I. |
| | | S. 174 rep. | 54, ss. 6(4)(a), 45(8), sch. 16 Pt. II. |
| | | S. 175(2) am. | 54, s. 4(1). |
| | | S. 195(1) am. | 54, s. 1(5), sch. 5 para. 1. |
| | | Ss. 225 rep., 226(1), 227(1)(a)(c) rep. in pt., 237(2)(d) rep. | 54, ss. 4(5)(a), 45(8), sch. 16 Pt. III. |
| | | S. 241(1) rep. | 54, ss. 6(4)(a), 45(8), sch. 16 Pt. II. |
| | | S. 241(1A)(2) am. | 54, s. 6(4), sch. 9 para. 3. |
| | | S. 241(3)(4) rep.... .. | 54, ss. 6(4)(a), 45(8), sch. 16 Pt. II. |
| | | S. 242(1) am. | 54, s. 6(4), sch. 9 para. 4. |
| | | S. 242(1)(a)(b) rep. | 54, ss. 6(4)(a), 45(8), sch. 16 Pt. II. |
| | | S. 242(2) am. | 54, s. 6(4), sch. 9 para. 5. |
| | | S. 243 am. | 54, s. 6(4), sch. 9 para. 6. |
| | | S. 248(3) added | 54, s. 5(1), sch. 6 para. 5. |
| | | S. 253(3) proviso am. | 54, s. 6(4), sch. 9 para. 7. |
| | | S. 263(3) rep. in pt. | 54, ss. 1(5), 45(8), sch. 5 para. 3, sch. 16 Pt. III. |
| | | S. 265 mod. | 54, s. 42(4)(5). |
| | | S. 265(1) rep. in pt. (E.) (S.) | 54, ss. 41(6), 45(8), sch. 16 Pt. IX. |
| | | S. 281 appl. | 54, s. 7(8)(b). |
| | | S. 283(2)(a) mod. (drugs) | 82, s. 7(2). |
| | | S. 285 excl. | 80, s. 47(6). |
| | | S. 285(1) Scale subst. | 80, s. 93(4). |
| | | S. 287 appl. | 54, s. 7(8)(b) |
| | | S. 304 mod. (drugs) | 82, s. 7(1). |
| | | S. 307(1) rep. in pt. | 54, ss. 4(5)(a), 45(8), Sch. 16 Pts. I, III. |
| | | am. | 54, s. 5(1), sch. 6 paras. 6-9. |
| Schs. 1-3, 5 rep. | 54, s. 45(8), sch. 16 Pt. III. | | |
| Sch. 10 Pt. II paras. 14, 18 rep. (<i>prosp.</i>). | 54, ss. 10, 45(8), sch. 16 Pt. V. | | |
| c. 45 | Pensions (Increase) Act 1952. | Sch. 1 Pt. I para. 4 mod. | 28, s. 12(1)(2)(c). |

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| 15 & 16 Geo. 6 & 1 Eliz. 2: — <i>cont.</i> c. 48 | Costs in Criminal Cases Act 1952. | Ext. (mod.) Appl. mod. (exc. s. 6) S. 1 ext. S. 2(1) (2) replaced S. 3(1) am. (1.4.1968) S. 3(2) am. (1.4.1968) S. 3(3) subst. (1.10.1968) S. 4(1) am. (1.4.1968) S. 4(2) am. (1.4.1968) S. 5 ext. S. 7 appl. S. 7(4) appl. (mod.) S. 8(1) am. (1.4.1968) S. 15(2) rep. S. 16(1) rep. (1.10.1968) S. 16(3) rep. (1.4.1968) S. 17(6) rep. (1.4.1968) | 80, s. 31. 80, s. 31(2). 80, ss. 32(2), (4), 81(5). 80, s. 32(1). 80, s. 98(6), sch. 4 para. 20(1). 80, ss. 32(5), 98(6), sch. 4 para. 20(2). 80, s. 98(6), sch. 4 para. 20(3). 80, s. 98(6), sch. 4 para. 21(a). 80, s. 98(6), sch. 4 para. 21(b). 80, ss. 32(2), (4), 81(5). 52, s. 7(5). 58, s. 10, sch. 2 para. 15(2). 80, s. 98(6), sch. 4 para. 22. 58, s. 10, sch. 3 Pt. III. 80, s. 103(2), sch. 7 Pt. I. 80, ss. 98(6), 103(2), sch. 4 para. 23, sch. 7 Pt. I. 80, s. 103(2), sch. 7 Pt. I. |
| c. 52 | Prison Act 1952... .. | S. 5(2)(c) rep. in pt. S. 15 rep. (1.4.1968) S. 18 rep. S. 25(2)-(6) rep. (1.4.1968). S. 26 rep. (1.4.1968) S. 27 rep. (1.4.1968) S. 30 replaced Ss. 40, 41 am. S. 43 (1.4.1968) S. 43(3)(b) rep. in pt. S. 43(4)(a) am. (1.4.1968) S. 43(4)(b) rep. in pt. (1.4.1968). S. 47(4)(a) rep. (1.4.1968) | 80, s. 103(2), sch. 7 Pt. I. 80, ss. 66(2), 103(2), sch. 7 Pt. I. 80, ss. 65, 103(2), sch. 7 Pt. I. 80, s. 103(2), sch. 7 Pt. I. 80, s. 103(2), sch. 7 Pt. I. 80, s. 103(2), sch. 7 Pt. I. 80, s. 66(3). 80, s. 92(1), sch. 3 Pt. I. 80, s. 66(1). 80, s. 103(2), sch. 7 Pt. I. 80, s. 103(1), sch. 6 para. 8. 80, s. 103(2), sch. 7 Pt. I. 80, s. 103(2), sch. 7 Pt. I. |

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| 15 & 16 Geo. 6 & 1 Eliz. 2: c. 52—cont. | Prison Act 1952—cont. | S. 47(4)(b), (c) rep. (1.4.1968). | 80, s. 66(5), 103(2), sch. 7 Pt. I. |
| | | S. 47(4)(d) rep. in pt. (1.4.1968). | 80, s. 103(2), sch. 7 Pt. I. |
| | | S. 47(4)(d) am. (1.4.1968) | 80, s. 66(5). |
| | | S. 49 am. | 80, ss. 69(2), 72(1)(a). |
| | | S. 49 rep. in pt. (1.4.1968) | 80, s. 103(2), sch. 7 Pt. I. |
| | | S. 52(2) rep. in pt. | 80, ss. 66(4), 103(2), sch. 7 Pt. I. |
| c. 54 | Town Development Act 1952. | S. 2(2)(a) excl. | 29, s. 8(2), sch. 4 Pt. II. |
| | | S. 2(3) mod. | 29, sch. 4, Pt. II. |
| | | S. 3(2)(3) rep. in pt. | 29, sch. 4 Pt. I. |
| | | Ss. 3(2)(c), 8(1)(f), 14(1) am. | 29, sch. 3 para. 1. |
| c. 55 | Magistrates' Courts Act 1952. | Appl. | 10, s. 47(4). |
| | | S. 1 am. | 80, s. 24(1). |
| | | S. 4(2) rep. | 80, ss. 6(2), 103(2), sch. 7 Pt. I. |
| | | S. 7(1) excl. | 80, s. 1(2). |
| | | S. 9(2) restr. | 58, s. 10, sch. 2 para. 15(2). |
| | | S. 14(2) restr. | 80, s. 26. |
| | | S. 14(3) am. | 80, ss. 30, 103(1), sch. 6 para. 9. |
| | | S. 15(2) am. | 80, ss. 24(2), 103(2), sch. 7 Pt. I. |
| | | S. 15(2) proviso (a) rep. | 80, ss. 24(2), 103(2), sch. 7 Pt. I. |
| | | Ss. 18, 19 am. | 80, s. 18(1)(2). |
| | | Ss. 18–20 expld.... .. | 80, s. 3(3). |
| | | S. 19(4) rep. in pt. | 58, s. 10, sch. 3 Pt. III. |
| | | S. 19(6) am. | 80, s. 43(1). |
| | | S. 23 excl. | 80, s. 2(9). |
| | | S. 25 am. | 60, s. 9(1). |
| | | excl. | 60, s. 5(2). |
| | | S. 25(5)(b) rep. in pt. | 58, s. 10, sch. 3 Pt. III. |
| | | S. 26 expld. | 80, s. 18(6). |
| | | S. 26(1) am. | 80, ss. 30, 103(1), sch. 6 para. 10. |
| | | S. 27(3) am. | 80, s. 43(2). |
| | | S. 28 am. | 80, ss. 20, 73(4), 84, 103(1), sch. 6 para. 11. |
| | | ext. | 80, s. 56(1)(2). |
| | | S. 29 am. | 80, ss. 20, 56(4), 73(4), 84, 103(1), sch. 6 para. 12. |
| | | ext. | 80, s. 56(1)(2). |
| | | rep. in pt. | 58, s. 10, sch. 3 Pt. III. |

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| 15 & 16 Geo. 6 & 1 Eliz. 2: c. 55—cont. | Magistrates' Courts Act 1952—cont. | <p>S. 34 am.</p> <p>S. 40 am.</p> <p>Pt. III (ss. 63–76) am.</p> <p>S. 64 restr.</p> <p>S. 64(2) restr.</p> <p>S. 65(2) expld.</p> <p>Ss. 69, 70(1) rep. (savings)</p> <p>S. 70(2) am.</p> <p>S. 70(2)–(5) ext.</p> <p>S. 72A saved</p> <p>S. 72A(2) am.</p> <p>S. 72A(3) am.</p> <p>S. 72B(3) added</p> <p>S. 74 ext. (1.10.1968)</p> <p>S. 91 restr.</p> <p>S. 96 ext.</p> <p>S. 96(3)(4) restr.</p> <p>S. 96(4) am.</p> <p>S. 98(2), (3)</p> <p>S. 104 mod.</p> <p>S. 104 excl.</p> <p>S. 110(1)</p> <p>S. 111(1).</p> <p>S. 113(2) rep.</p> <p>S. 114(1)(c)(e), (2) rep.</p> <p>S. 115 excl.</p> <p>S. 122(3) expld.</p> <p>S. 126(7) rep.</p> <p>Sch. 1 am.</p> <p>Sch. 1 para. 11 rep. in pt.</p> <p>Sch. 1 paras. 1–18 am. {</p> <p>Sch. 2 ext.</p> <p>Sch. 3 excl.</p> <p>Sch. 3 para. 1 Table Subst.</p> <p>Sch. 3 para. 3 am.</p> <p>Sch. 3 para. 3 ext.</p> <p>Sch. 4 rep. in pt.</p> | <p>58, s. 10, sch. 2 para. 9.</p> <p>80, s. 33.</p> <p>80, s. 50.</p> <p>80, s. 44(2).</p> <p>80, s. 44(6).</p> <p>80, s. 44(3).</p> <p>80, ss. 44(1), 102, 103(2), sch. 5 para. 13, sch. 7 Pt. I.</p> <p>80, s. 103(1), sch. 6 para. 13.</p> <p>80, s. 44(6).</p> <p>80, s. 48(1).</p> <p>80, s. 103(1), sch. 6 para. 14.</p> <p>80, s. 103(1), sch. 6 para. 15.</p> <p>80, s. 103(1), sch. 6 para. 16.</p> <p>80, s. 79(3).</p> <p>80, s. 74(11).</p> <p>80, s. 47(8).</p> <p>80, s. 47(8).</p> <p>80, s. 103(1), sch. 6 para. 17.</p> <p>80, s. 103(1), sch. 6 para. 18.</p> <p>29, s. 31(5).</p> <p>80, s. 90(2).</p> <p>81, s. 49(3).</p> <p>80, s. 103(1), sch. 6 para. 19.</p> <p>80, s. 103(1), sch. 6 para. 20.</p> <p>80, s. 103(2), sch. 7 Pt. I.</p> <p>80, s. 103(2), sch. 7 Pt. I.</p> <p>72, s. 11(4).</p> <p>9, s. 107(1).</p> <p>58, s. 10, sch. 3 Pt. III.</p> <p>58, ss. 4(5), 5(4).</p> <p>58, s. 10, sch. 3 Pt. III.</p> <p>60, ss. 4(2), 9(2).</p> <p>80, s. 27.</p> <p>81, s. 88(3).</p> <p>80, s. 47(6).</p> <p>80, s. 93(1).</p> <p>80, s. 93(2).</p> <p>1, s. 82(5).</p> <p>80, s. 103(2), sch. 7 Pt. I.</p> <p>67, s. 1(2).</p> |
| c. 58 | Irish Sailors and Soldiers Land Trust Act 1952. | S. 1(1)(b) am. | 67, s. 1(2). |

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| 15 & 16 Geo. 6 & 1 Eliz. 2: —cont. | | | |
| c. 61 | Prisons (Scotland) Act 1952. | S. 20(2)–(6), 21 rep. ... S. 30 am. S. 37 am. | 80, s. 103(2), sch. 7 Pt. II. 80, s. 92, sch. 3 Pt. I. 80, ss. 69(2), 72 (1)(a). |
| c. 62 | Agriculture (Calf Subsidy) Act 1952. | Appl. Ext. S. 1 mod. S. 1(1)(a) rep. in pt. S. 1(1)(c) rep. S. 1(4)(c) rep. in pt. (prosp.). S. 1(5)(b) am. Ss. 2, 3 rep. and superseded (prosp.). S. 4(1)(2) rep. in pt. S. 4(3) rep. in pt. | 22, s. 3(3)(b). 22, s. 69(1)(d). 22, s. 10(6). 22, ss. 10(2), 75, sch. 7. 22, ss. 10(1)(b), 75, sch. 7. 22, ss. 11(6), 75, sch. 7. 22, ss. 10(4), 75, sch. 7. 22, ss. 11(6), 75, sch. 7. 22, 75, sch. 7. 20, s. 11(1), sch. 3. |
| c. 63 | Housing (Scotland) Act 1952. | S. 4(1)(2) rep. in pt. S. 4(3) rep. in pt. | 22, 75, sch. 7. 20, s. 11(1), sch. 3. |
| c. 64 | Intestates Estates Act 1952 | Sch. 2 para. 1(2) excl. | 88, s. 7(8). |
| c. 66 | Defamation Act 1952 ... | S. 9(2) expld. | 80, s. 5. |
| c. 68 | Cinematograph Act 1952 | S. 7 ext. (E.) | 19, s. 2(3). |
| 1 & 2 Eliz. 2: | | | |
| c. 14 | Prevention of Crime Act 1953. | S. 1(1) am. | 80, s. 92, sch. 3 Pt. I. |
| c. 15 | Iron and Steel 1953 ... | Ss. 1, 2–12 rep. S. 6 superseded S. 13 Power to am. Ss. 14, 15, 17 rep. S. 18(1) rep. in pt. S. 19 rep. S. 24 mod. S. 25(1) am. S. 25(2) expld. S. 25(2)(a) am. S. 29(1) am. rep. in pt. S. 29(2)–(4) rep. S. 29(5) am. rep. in pt. S. 29(6)(7) am. Ss. 30, 32 proviso, 35 rep. Sch. 1 rep. exc. paras. 14 and 15. Sch. 1 para. 15 rep. Sch. 2 rep. Sch. 3 Power to am. Sch. Pt. I rep. in pt. | 17, s. 51(3), sch. 5 17, s. 15(1). 17, s. 28. 17, s. 51(3), sch. 5. 17, ss. 29(1), 51(3), sch. 5. 17, s. 51(3), sch. 5. 17, s. 29(2), (4). 17, s. 29(1). 17, s. 29(3). 17, s. 29(3), (4). 17, s. 15(8). 17, s. 51(3), sch. 5. 17, s. 51(3), sch. 5. 17, s. 15(8). 17, s. 51(3), sch. 5. 17, s. 15(8). 17, s. 51(3), sch. 5. 17, s. 51(3), sch. 5. 17, s. 39(1). 17, s. 51(3), sch. 5. 17, s. 48. 84, s. 25(1), sch. |
| c. 17 | White Fish and Herring Industries Act 1953. | Sch. Pt. I rep. in pt. | 84, s. 25(1), sch. |
| c. 20 | Births and Deaths Registration Act 1953. | S. 36 am. | 80, s. 92, sch. 3 Pt. I. |
| c. 23 | Accommodation Agencies Act 1953. | Cont. until 31.12.1968 | 89, s. 1(1), sch. |

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| 1 & 2 Eliz. 2: — <i>cont.</i> | | | |
| c. 25 ... | Local Government Super-annuation Act 1953. | Power to ext. (mod.) (E.) Excl. (S.) ... | 76, s. 81(9). 76, s. 81(12)(b). |
| c. 26 ... | Local Government (Miscellaneous Provisions) Act 1953. | S. 6 appl and (as appld.) expld. | 76, s. 47(4)(5). |
| c. 28 ... | Dogs (Protection of Livestock) Act 1953. | S. 1 am. ... | 80, s. 92, sch. 3 Pt. I. |
| c. 33 ... | Education (Miscellaneous Provisions) Act 1953. | S. 1 rep. ... S.2 mod.... S. 8. rep in pt. ... S. 8(2) rep. ... | 3, s. 1(5)(c). 3, s. 3. 3, s. 1(5)(c). |
| c. 34 ... | Finance Act 1953 ... | S. 20 rep. ... | 54, s. 45(8), sch. 16 Pt. VI. |
| c. 36 ... | Post Office Act 1953 ... | S. 11 am. ... Ss. 52-58 am. (E.) ... Ss. 60-62, 64, 66 am. ... | 80, s. 92, sch. 3 Pt. I. 58, ss. 8(2), 10, schs. 1, 2 80, s. 92, sch. 3 Pt. I. |
| c. 42 ... | Valuation for Rating Act 1953. | Rep. ... | 9, s. 117(1), sch. 14. |
| c. 49 ... | Historic Buildings and Ancient Monuments Act 1953. | Pt. I (ss. 1-9) ext. ... S. 4 am. ... S. 5(3) ext. (mod.) ... | 69, s. 1(5)(a). 69, s. 4(1). 69, s. 8(2). |
| c. 50 ... | Auxiliary Forces Act 1953 | Ss. 27(2), 31 am. ... Sch. 1 subst. ... | 80, s. 92, sch. 3 Pts. I, IV. S.I. No. 1857. |
| 2 & 3 Eliz. 2: | | | |
| c. 7 ... | Air Corporations Act 1953. | Rep. ... | 33, s. 36(1), sch. 3 |
| c. 16 ... | Industrial Diseases (Benefit) Act 1954. | Rep. ... | 34, s. 15(1)-(3), sch. |
| c. 20 ... | Development of Inventions Act 1954. | Rep. ... | 32, s. 15(3). |
| c. 30 ... | Protection of Birds Act 1954. | S. 2(2) power to ext. ... S. 2(4)(a) rep. in pt. ... S. 3 ext. ... S. 3(1)(d) am. ... S. 4 am. ... ext. ... S. 4(1)(c) restr. ... S. 5(1)(a)(b) am. ... S. 5(4) am. ... S. 6(1)(c) subst. ... S. 6(1) proviso (iii) rep. ... S. 7(1)(c) rep. in pt. ... S. 9(2) mod. ... S. 9(4)(c)(d) rep. ... S. 10 expld. ... ext. ... am. ... S. 10(1)(d)(e) am. ... S. 12(1) am. ... S. 12(2)(a) ext. ... S. 13(2)-(5) excl. ... Sch. 1 Pt. 1 am. (S.) ... Sch. 2 am. (S.) ... | 46, s. 7. 46, s. 2. 46, s. 4. 46, s. 4(2). 46, s. 4(5). 46, s. 7(3). 46, s. 5(2). 46, s. 6(1). 46, s. 6(3). 46, s. 3. 46, s. 1. 46, s. 1. 46, s. 9. 46, s. 1. 46, s. 4(6). 46, s. 7(3). 46, s. 8. 46, s. 6(3). 46, s. 11. 46, s. 5(1). 46, s. 12(2). S.I. No. 1181. S.I. No. 4738. |

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| 2 & 3 Eliz. 2: | | | |
| c. 44 ... | Finance Act 1954 ... | S. 16(8) revived (so far as relates to sch. 2, paras. 6, 7). S. 17 appl. ... Sch. 2 paras. 6, 7 revived Sch. 4 para. 3 rep. ... | 54, s. 21(3). 54, s. 22(8). 54, s. 21(3). 54, s. 45(8), sch. 16 Pt. VI. |
| c. 48 ... | Summary Jurisdiction (Scotland) Act 1954. | Excl. (<i>prosp.</i>) ... S. 20(3) saved ... S. 23 excl. ... S. 23 mod. ... S. 23(2) appl. ... S. 44 saved ... S. 44(2), (3) am. (5) added | 43, s. 18(3). 77, s. 17(1). 72, s. 5(4). 80, s. 90(3). 81, s. 49(4). 29, s. 31(5). 72, s. 5(4). 80, s. 48(1). 80, s. 103(1), sch. 6 para. 21. 80, s. 93(3). 22, s. 48(5). |
| c. 50 ... | Housing (Repairs and Rents) (Scotland) Act 1954. | S. 49(1) Table subst. ... S. 25 appl. ... | 80, s. 93(3). 22, s. 48(5). |
| c. 53 ... | Housing Repairs and Rents Act 1954. | S. 33 appl. ... | 22, s. 48(5). |
| c. 56 ... | Landlord and Tenant Act 1954 | Pt. I (ss. 1-22) restr. ... S. 1 excl.... S. 2(1)-(3) words restored S. 2(5) am. ... saved ... S. 3(3) words restored ... S. 4 saved ... excl.... S. 6(1)(b) subst. ... S. 6(4) rep. ... S. 7 saved ... S. 7(1), (2)(b), (3) am. ... S. 7(2) appl. (mod.) ... S. 9(5) rep. ... S. 12(1)(a) saved ... mod ... S. 12(2)(a)(b) words restored. S. 13 restr. and expld. ... S. 16 saved ... S. 18(1) words restored... | 88, s. 39(1)(b). 88, s. 16(1)(c)(d). 88, s. 39(2), sch. 5 para. 2(a). 88, s. 39(1)(b). 88, s. 39(3). 88, s. 39(2), sch. 5 para. 2(b). 88, ss. 22(1), 34, sch. 3 para. 2(1). 88, ss. 22(1), 34, sch. 3 para. 2(2). 88, s. 39(2), sch. 5 para. 3(1)(a). 88, s. 41(2), sch. 7 Pt. I. 88, s. 35(3)(a). 88, s. 39(2), sch. 5 para. 3(1)(b). 88, ss. 22(1), 34, sch. 3 para. 2(4). 88, s. 41(2), sch. 7 Pt. I. 88, s. 35(4)(a). 88, s. 38(1). 88, s. 39(2), sch. 5 para. 2(c). 88, s. 38(1). 88, ss. 22(1), 34, sch. 3 paras. 3(2), 4(4). 88, s. 39(2), sch. 5 para. 2(d). |

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| 2 & 3 Eliz. 2: c. 56— <i>cont.</i> | Landlord and Tenant Act 1954— <i>cont.</i> | S. 19(1) words restored... S. 19(2) expld. Pt. II (ss. 23–46) excl. Ss. 24, 25 restr. S. 25 ext. excl. appld. S. 26 excl. saved S. 27 appld. S. 27(1) saved S. 28 saved S. 29 saved S. 37 excl. S. 43(1)(c) am. rep. in pt. S. 57 ext. S. 59 restr. S. 66 am. Sch. 1 para. 9, sch. 2 para. 1(1) rep. in pt. Sch. 3 para. 1 am. para. 1(d) rep. Sch. 3 para. 1(e) saved Sch. 5 para. 7(3) rep. in pt. para. saved | 88, s. 39(2), sch. 5 para. 2(e). 88, s. 37(2). 88, s. 16(1)(c)(d). 88, s. 35(2). 88, ss. 22(1), 34, sch. 3 para. 2(3). 88, ss. 22(1), 34, sch. 3 para. 2(1)(2). 88, ss. 35(5)(9). 88, ss. 17, 18 sch. 2 para. 6(1). 88, ss. 22(1), 34, sch. 3 para. 1(3). 88, s. 35(5)(9). 88, ss. 22(1), 34, sch. 3 para. 1(3). 88, ss. 22(1), 34, 35(3)(c), sch. 3 para. 1(1). 88, s. 35(3)(b). 88, s. 35(6). 88, s. 39(1)(c). 88, ss. 39(1)(c), 41(2) sch. 7 Pt. I. 88, ss. 28(3), 38(2). 88, s. 28(3). 88, s. 22(5). 88, s. 41(2), sch. 7 Pt. I. 88, s. 39(2), sch. 5 para. 1. 88, s. 41(2), sch. 7 Pt. I. 88, s. 35(4)(b). 88, s. 41(2), sch. 7 Pt. I. 88, ss. 22(1), 34, sch. 3 paras. 3(2), 4(5). 86, s. 65(5)(i). |
| c. 60 | Electricity Re-organisation (Scotland) Act 1954. | S. 2(2) ext. | 80, s. 92, sch. 3 Pt. I. |
| c. 61 | Pharmacy Act 1954 | Ss. 19(3), 20(2), (3) am. | 69, s. 1(5)(b). 1, s. 99(8). |
| c. 73 | Town and Country Planning (Scotland) Act 1954. | Ext. S. 69(1), (3) appl. | |
| 3 & 4 Eliz. 2: c. 14 | Imperial War Museum Act 1955. | Sch. am. | S.I. No. 486 art. 5(2). |

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| 3 & 4 Eliz. 2: | | | |
| <i>—cont.</i> | | | |
| c. 18 | Army Act 1955 | Cont. until 31.12.1968 ... Ss. 4-8 rep., 17(2), (4), (6)(b), (7) am., 20(1) rep. in pt., 20(5) am. S. 66 saved S. 99(1) saved (E.) S. 99(2) rep. (E.) | S.I. No. 1918. S.I. No. 1018, reg. 14(1)(4), sch. 3 Pts. I, III. 60, s. 1(5). 80, s. 12. 80, s. 103(2), sch. 7 Pt. I. |
| c. 19 | Air Force Act 1955 | Cont. until 31.12.1968 ... S. 66 saved S. 99(1) saved (E.) S. 99(2) rep. (E.) | S.I. No. 1917. 60, s. 1(5). 80, s. 12. 80, s. 103(2), sch. 7 Pt. I. |
| c. 20 | Revision of the Army and Air Force Acts (Transitional Provi- sions) Act 1955. | Sch. 1 para. 7(3)(b), (4)-(7) rep. | S.I. 1018, reg. 14(1) sch. 3 Pt. I. |
| c. 21 | Crofters (Scotland) Act 1955 | Excl. S. 25 ext. | 22, s. 29(5). 86, s. 13(8). |
| c. 22 | Pensions (India, Pakistan and Burma) Act 1955. | Sch. 2 Pts. 1 para. 1, II para. 1 functions transf. to Min. of Overseas Development. | S.I. No. 973. |
| c. 24 | Requisitioned Houses and Housing (Amend- ment) Act 1955. | S. 11(4) rep. in pt. ... | 29, sch. 4 Pt. I. |
| c. 25 | Oil in Navigable Waters Act 1955. | Sch. subst. | S.I. No. 709, s.1, sch. 1. |
| 4 & 5 Eliz. 2: | | | |
| c. 9 | Rating and Valuation Miscellaneous Provi- sions) Act 1955. | Rep. exc. ss. 11, 17 ... | 9, s. 117(1), sch. 14. |
| c. 16 | Food and Drugs Act 1955 | S. 6 am. Ss. 18(4), 22(1), 23(1), 23(3), 27(1), 55, am. S. 56(2) Power to ext. ... Ss. 69(2), 105(1), (3) am. S. 124(1) am. (orders under s. 56(2)). | 22, s. 7(3). 80, s. 92, sch. 3 Pt. I. 22, s. 4(1)(e). 80, s. 92, sch. 3 Pt. I. 22, s. 4(2). |
| c. 25 | Therapeutic Substances Act 1956. | Sch. 1 am. | S.I. No. 1195. |
| c. 26 | Police (Scotland) Act 1956. | Rep. | 77, ss. 52(2), 53, sch. 5 Pts. I, II. |
| c. 28 | Children and Young Per- sons (Harmful Publica- tions) Act 1955. | Cont. until 31.12.1968 ... | 89, s. 1(1), sch. |
| c. 30 | Food and Drugs (Scot- land) Act 1956. | S. 6 am. | 22, s. 7(3). |
| c. 33 | Housing Subsidies Act 1956. | S. 9 excl. | 29, sch. 4 Pt. II. |
| c. 34 | Criminal Justice Admini- stration Act 1956. | S. 12 rep. S. 19(1), (2) rep. in pt. (1.4.1968). | 58, s. 10, sch. 3 Pt. II. 80, s. 103(2), sch. 7 Pt. I. |

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| 4 & 5 Eliz. 2: —cont. | | | |
| c. 38 | Agricultural Mortgage Corporation Act 1956. | S. 2(1) am. | 22, s. 63(1). |
| c. 39 | Pensions (Increase) Act 1956. | Sch. 1 Pt. I paras. 6, 7 mod. | 28, s. 12(1)(2)(d). |
| c. 44 | Magistrates' Courts (Appeals from Binding Over Orders) Act 1956. | S. 1(2)(b) rep. in pt. (1.10.1968). | 80, s. 103(2), sch. 7 Pt. I. |
| c. 51 | Workmen's Compensation and Benefit (Supplementation) Act 1956. | Saved | 34, s. 15(9). |
| c. 52 | Clean Air Act 1956 ... | S. 27(1), (2), am. ... | 80, s. 92, sch. 3 Pt. I. |
| c. 53 | Teachers (Superannuation) Act 1956. | Title, ss. 1, 2(1)(2), 3(1)–(3), 4, 26, Pt. III (ss. 39–41), sch. 1 so far as unrepealed, rep. | 12, s. 17(2), sch. 4. |
| c. 54 | Finance Act 1956 ... | S. 17 am. | 54, s. 21(1). |
| c. 60 | Valuation and Rating (Scotland) Act 1956. | Sch. 2 Pts. 1, III am. ... | S.I. No. 1176. |
| c. 68 | Restrictive Trade Practices Act 1956. | Pt. I (ss. 1–23) appl. and expl. (iron and steel agreements). Power to excl. ... S. 4(4) mod. S. 7(1) rep. in pt. S. 7(1). Power to rep. ... S. 9(1) expld. (iron and steel agreements). S. 10 appl. (mod.) ... (iron and steel agreements). S. 10 appl. (mod.) ... (iron and steel agreements). | 17, s. 33(3). 22, s. 9(11). 28, s. 3. 17, s. 33(1). 17, s. 33(2). 17, s. 33(4). 17, s. 33(4)(5). |
| c. 69 | Sexual Offences Act 1956 | Ss. 1–13 am. S. 12 am. S. 13 am. Ss. 17–27, 29 am. S. 32 am. Ss. 33–35 ext. S. 35 saved S. 41 rep. in pt. S. 46 ext. Sch. 1 saved Sch. 2: item 1, col. 4 paras. (iv)–(ix) rep. items 2, 6 col. 4 in each rep. item 3 am. item 10(a) am. item 14 col. 4 para. (iii) rep. | 58, ss. 8(2), 10 schs. 1, 2 para. 14. 60, ss. 1, 2, 7. 60, ss. 1, 2, 4(3), 7. 58, ss. 8(2), 10, schs. 1, 2 para. 14. 60, ss. 7, 9(1). 60, s. 6. 88, s. 15(10). 58, s. 10, sch. 3 Pt. III. 60, s. 11(3). 88, s. 15(10). 58, s. 10, sch. 3 Pt. III. 58, s. 10, sch. 3 Pt. III. 60, s. 3(1)(4). 58, s. 10, sch. 2. 58, s. 10, sch. 3 Pt. III. |

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| 4 & 5 Eliz. 2: c. 69—cont. | Sexual Offences Act 1956 —cont. | Sch. 2—cont. Item 16 am. item 26 am., col. 4 rep. item 32 am. Sch. 3 rep. in pt. | 60 ss. 3(2)(4), 9 (2). 58, s. 10, schs. 2, 3 Pt. III. 60, s. 9(1)(b). 58, s. 10, sch. 3 Pt. II. |
| 5 & 6 Eliz. 2: c. 1 | Police, Fire and Probation Officers Remuneration Act 1956. | S. 1(1)(b) rep. | 77, ss. 52(2), 53, sch. 5. |
| c. 11 | Homicide Act 1957 | S. 5(5)(a) am. (if revived) | 77, ss. 52(1), 53, sch. 4. |
| c. 15 | Nurses Act 1957 | S. 17 subst. | 16, s. 1. |
| c. 17 | Rating and Valuation Act 1957. | Rep. | 9, s. 117(1), sch. 14. |
| c. 20 | House of Commons Disqualification Act 1957. | Sch. 1 Pt. II am. | 1, s. 1(5). 17, s. 1(8). 22, s. 73. 40, s. 1(5), sch. para. 7(1). 47, ss. 4(2), 6(3). 80, s. 59(2), sch. 2 para. 3. 18, s. 1(3), sch. Pt. I. 22, s. 75, sch. 7. 13, s. 1(4)(a). 34, s. 15(6). 86, s. 1(7). S.I. No. 155 art. 3(3), sch. S.I. No. 156 art. 3(3), sch. 3. 13, s. 1(4)(b). 22, s. 73. 40, s. 1(5), sch. para. 7. 47, ss. 4(2), 6(3). 35, s. 1, sch. |
| | | rep. in pt. | |
| | | Sch. 1 Pt. III am. | |
| | | Sch. 2 rep. in pt. | |
| c. 22 | White Fish and Herring Industries Act 1957. | S. 1(3) rep. (saving) | |
| | | S. 11(4) rep. (E.). | 88, s. 41(2), sch. 7 Pt. I. |
| c. 25 | Rent Act 1957 | S. 12(6) revived (S.) | 20, s. 19(1). |
| | | and am. | 20, s. 19(2). |
| | | S. 21(2) rep. | 88, ss. 39(1), 41 |
| | | S. 25(1) ("long tenancy," "tenancy at a low rent"), (3)(b) rep. (E.), (3)(c) rep. in pt. (E.), sch. 6 paras. 7-10, 15, 25(3), 27 rep. | (2), sch. 7 Pt. I. 88, s. 41(2), sch. 7 Pt. I. |
| c. 26 | National Insurance Act 1957. | Sch. 3 para. 3 rep. | 34, s. 15(1)-(3), sch. |
| c. 27 | Solicitors Act 1957 | S. 73(4) Power to apply (<i>prosp.</i>). | 56, s. 4(2). |

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| 5 & 6 Eliz. 2: — <i>cont.</i> | | | |
| c. 29 | Magistrates' Courts Act 1957. | Appl. S. 1(2) ext. S. 1(2) proviso (iii) rep. in pt. | 10, s. 47(4). 80, s. 29(3). 80, s. 103(2), sch. 7 Pt. I. |
| c. 38 | Housing and Town Development (Scotland) Act 1957. | S. 2(3) rep. in pt. S. 2(3) appl. S. 4 ext. Sch. 1 para. 4 rep. | 20, s. 11(1), sch. 3. 20, s. 22, sch. 5 Pt. II para. 8. 20, s. 22, sch. 5 Pt. II para. 9. 20, s. 22, sch. 5 Pt. II para. 10. |
| c. 41 | Advertisements (Hire-Purchase Act 1957. | Sch. 1 para. 5 rep. in pt. Rep. | 20, s. 11(1), sch. 3. 42, s. 8(2), sch. 2. |
| c. 46 | Judicial Offices (Salaries and Pensions) Act 1957. | S. 1(1) mod. | 28, s. 3. |
| c. 48 | Electricity Act 1957 ... | Sch. 4 Pt. II rep. (E.) so far as amending the Local Government Act 1948. | 9, s. 117(1), sch. 14. |
| c. 49 | Finance Act 1957 ... | S. 13 am. | 54, s. 16(1). |
| c. 50 | Army (Conditions of Enlistment) Act 1957. | Rep. | S.I. No. 1018, reg. 14(1) sch. 3. |
| c. 51 | Road Transport Lighting Act 1957. | Act expld. (reflectors) S. 2 excl. S. 2(2)(b) am. (overtaking signalling devices). | 55, s. 1. 55, s. 2. 55, s. 3. |
| c. 52 | Geneva Conventions Act 1957. | S. 10(5)(b) am. S. 1 am. (E.) S. 1(2) rep. (E.) S. 4(1) am. (1.4.1968) ... | 76, s. 109, sch. 6. 58, s. 8(2), sch. 11. 58, s. 10, sch. 13 Pt. III. 80, s. 103(2), sch. 6 para. 22. |
| c. 53 | Naval Discipline Act 1957. | S. 37 saved | 60, s. 1(5). |
| c. 55 | Affiliation Proceedings Act 1957. | S. 9(2) am. | 80, s. 92, sch. 3 Pt. I. |
| c. 56 | Housing Act 1957 ... | S. 65 appl. (mod.) S. 181 am. Sch. 8 paras. 2, 3 rep. ... | xx, s. 17. 29, s. 14, sch. 3 para. 2. 54, s. 45(8), sch. 16 Pt. VII. |
| c. 57 | Agriculture Act 1957 ... | S. 1 appl. S. 3 Power to apply Ss. 3, 5 appl. S. 5(1)(d) am. S. 6(1) am. S. 7 appl. S. 7(3)(b) am. (N.I.) S. 9(4) appl. S. 12 superseded Pt. II (ss. 12-22) rep. S. 16 superseded Pt. III (ss. 23-31) rep. S. 34 rep. Sch. 2 rep. Sch. 3 rep. | 22, s. 3(1)(a), 64 (6). 22, ss. 3(1)(a), 65(5). 22, s. 3(2). 22, s. 11(2)(6). 22, s. 11(3). 22, s. 70(2). 22, s. 3(1)(a). 22, s. 30(8). 22, s. 75, sch. 7. 22, s. 26(10). 22, s. 75 sch. 7. 22, s. 75 sch. 7. 22, s. 75 sch. 7. 22, s. 75 sch. 7. |

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| 5 & 6 Eliz. 2: —cont. | | | |
| c. 62 | Governors' Pensions Act 1957. | S. 1(1) mod. ... S. 1(3)(a)-(d) subst. ... S. 1(3)(c) expld. ... S. 2(2) expld. ... S. 3(3) am. ... S. 4 am. ... expld. ... S. 9(2) am. ... | 28, s. 4(6). 28, s. 4(1). 28, s. 4(2). 28, s. 4 (3). 28, s. 4(7). 28, s. 4(4). 28, s. 4(5). 28, s. 4(7). |
| 6 & 7 Eliz. 2: ... | | | |
| c. 1 | National Insurance (No. 2) Act 1957. | S. 4(2) rep. ... | 34, s. 15(1)-(3), sch. |
| c. 6 | Import Duties Act 1958 | Excl. ... | 54, s. 2. |
| c. 10 | British Nationality Act 1958. | S. 3 ext. ... | 4, s. 12, sch. 3 para. 4(3)(b). 4, s. 12, sch. 3 para. 1. |
| | | S. 3(1)(c) restr. (meaning of "colony"). | 4, s. 12, sch. 3 para. 1. |
| | | S. 3(2) restr. ... | 4, s. 12, sch. 3 para. 3. |
| c. 14 | Overseas Service Act 1958 | S. 5(2) proviso, transfer of functions. S. 5(2)(b) am. ... | S.I. No. 973. 77, ss. 52(1), 53, sch. 4. |
| | | Sch. 1 rep. in pt. ... | 28, s. 11(3)(4). |
| | | Sch. 2 mod. ... | 28, s. 12(1)(2). |
| c. 16 | Commonwealth Institute Act 1958. | Transfer of functions, s. 2(1) rep. in pt. | S.I. No. 486. |
| | | Ext. ... | 80, s. 79(6). |
| c. 39 | Maintenance Orders Act 1958. | Pts. II (ss. 6-15) appl. (mod.), Pt. III (ss. 16-23) appl. in pt. (mod.). | 80, ss. 46(2), 79 (7). sch. 1 |
| | | Ss. 17, 18 ext. ... | 80, s. 79(3). |
| c. 40 | Matrimonial Proceedings (Children) Act 1958. | S. 10(6) am. ... | 80, s. 92, sch. 3 Pt. I. |
| c. 42 | Housing (Financial Provisions) Act 1958. | S. 12 excl. ... S. 15 rep. in pt. ... S. 15(1)(b) mod. ... S. 17(2) proviso am. ... S. 18 rep. in pt. ... S. 19 rep. ... S. 20 rep. ... | 29, s. 12(7)(a). 29, sch. 4 Pt. I. 29, s. 15. 29, sch. 3 para. 3. 29, sch. 4 Pt. I. 29, sch. 4 Pt. I. 29, ss. 14(1), 23(2), sch. 4 Pt. I. |
| | | Ss. 21, 22 rep. ... | 29, sch. 4 Pt. I. |
| | | S. 24 am. ... | 29, sch. 3 para. 4. |
| | | S. 25 am. ... | 29, sch. 3 para. 5. |
| | | S. 28 am. ... | 29, sch. 3 para. 6. |
| | | S. 30 excl. ... | 29, s. 12(7)(b). |
| | | S. 48(3) rep. ... | 29, sch. 4 Pt. I. |
| | | S. 57, am. ... | 29, sch. 3 para. 7. |
| | | S. 58(2) am. ... | 29, sch. 3 para. 8. |
| | | Sch. 3 para. 9 rep. ... | 29, sch. 4 Pt. I. |
| | | Sch. 5 para. 1 am. ... | 29, s. 9(5). |
| c. 47 | Agricultural Marketing Act 1958. | Ss. 6(6), 45(6) am. ... | 80, s. 92, sch. 3, Pt. I. |
| c. 48 | Metropolitan Police Act 1839 (Amendment) Act 1958. | Rep. ... | 80, s. 103(2), sch. 7 Pt. I. |
| c. 51 | Public Records Act 1958 | S. 5(1) am. ... | 44, s. 1. |

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| 6 & 7 Eliz. 2: —cont. c. 55 | Local Government Act 1958. | Ss. 9–15, rep. Ss. 17(1)–(3)(5)(6), 18, 20, 21, 22(1)–(5), 23–25, 26(1)–(3), 28(1)(2)(4), 29(1)–(6), 30, 31, rep. (saving), 32 rep. in pt., 33, 34, 36, 37, 38(3)–(5), 39(2), 40(1)(e)(d), (2) rep. (saving), 40(3)(b) rep. in pt. 40(3)(c) rep. in pt. (saving), 40(3)(d) rep. (saving), 42 rep. in pt., 43 rep. (saving), 44(1)(2) rep. in pt. (saving), 44(3) rep. (saving). S. 46(1)(a) am. S. 66(1) rep. in pt. (saving) Sch. 2 rep. Schs. 3, 4, 6 rep. (saving) Sch. 8 paras. 22–26, 33 rep. Sch. 8 para. 35 rep. in pt. | 9, s. 117(1), sch. 14. 18, s. 1, sch. Pts. I, II. 39, s. 2(2). 18, s. 1 sch. Pts. I, II. 9, s. 117(1), sch. 14. 18, s. 1, sch. Pts. I, II. 9, s. 117(1), sch. 14. 9, s. 117(1), sch. 14. 54, s. 27(1). 13, s. 1(5). 17, s. 32(3). |
| c. 56 c. 66 | Finance Act 1958 Tribunals and Inquiries Act 1958. | S. 34(8) am. S. 1(2)(3) am. Sch. 1 am. (Iron and Steel Arbitration Tribunal). | 81, s. 96. 81, s. 70(1). 81, ss. 70(3), 130, sch. 8 Pt. VI. 81, s. 129, sch. 7. 81, s. 97. 81, s. 99, sch. 6 Pt. I. 81, s. 130, sch. 8 Pt. VI. 81, ss. 103(b), 129, sch. 7. 81, s. 70(2), sch. 5. 81, ss. 103(b), 129, sch. 7. 81, s. 70(2), sch. 5. 81, s. 94(4). 81, s. 93. 81, ss. 71(1)(4), 103(a). 81, s. 92(1)(b). 81, s. 70(2), sch. 5. 81, s. 94(4). 81, s. 130, sch. 8 Pt. VI. |
| c. 72 | Insurance Companies Act 1958. | Power to excl. (N.I.) S. 1(1) rep. in pt. S. 1(2)–(4) rep. S. 1(5) rep. in pt. S. 1(5) am. S. 1(6) am. S. 2 rep. S. 3(1)(2) rep. in pt. S. 3(1)(b) am. S. 3(3)(4) rep. S. 3(5) am. expld. Power to ext. S. 4 subst. Ss. 4, 5 Power to excl. S. 5(1) am. expld. proviso rep. | 81, s. 96. 81, s. 70(1). 81, ss. 70(3), 130, sch. 8 Pt. VI. 81, s. 129, sch. 7. 81, s. 97. 81, s. 99, sch. 6 Pt. I. 81, s. 130, sch. 8 Pt. VI. 81, ss. 103(b), 129, sch. 7. 81, s. 70(2), sch. 5. 81, ss. 103(b), 129, sch. 7. 81, s. 70(2), sch. 5. 81, s. 94(4). 81, s. 93. 81, ss. 71(1)(4), 103(a). 81, s. 92(1)(b). 81, s. 70(2), sch. 5. 81, s. 94(4). 81, s. 130, sch. 8 Pt. VI. |

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| 6 & 7 Eliz. 2: c. 72— <i>cont.</i> | Insurance Companies Act 1958— <i>cont.</i> | S. 5(1)(a) am. (27.7.1969) S. 6(1) am. S. 7 subst. Power to excl. S. 8 ext. Power to excl. S. 8(1) am. S. 8(3) ext. S. 8(5) rep. S. 8(6) Power to excl. S. 9 subst. Power to excl. S. 10 rep. S. 11(1) and proviso am. proviso expld. S. 11(2)(b) rep. in pt. am. S. 13 Power to excl. S. 13(1) subst. S. 13(2)(b) rep. in pt. S. 14 ext. S. 14(1) excl. S. 15(2) subst. S. 17(1) am. S. 19(2) rep. S. 20(2)(3) rep. S. 21 am. rep. in pt. S. 24 am. S. 26(1) rep. (saving) S. 26(2) rep. S. 27 rep. S. 30(1) restr. S. 31 rep. S. 32 am. S. 33(1) rep. (definition of "interest") rep. in pt. am. | 81, s. 78. 81, s. 99, sch. 6 Pt. I. 81, s. 74. 81, s. 92(1)(b). 81, s. 71(2). 81, s. 92(1)(b). 81, ss. 75, 77(1). 81, s. 77(2). 81, s. 130, sch. 8 Pt. VI. 81, s. 76(1)(3). 81, s. 72. 81, s. 92(1)(b). 81, s. 130, sch. 8 Pt. VI. 81, ss. 70(2), 103 (b), sch. 5. 81, s. 94(4). 81, ss. 70(2), 103 (b), sch. 5. 81, ss. 70(2), 103, sch. 5. 81, s. 92(1)(b). 81, ss. 79, 103(c). 81, s. 99, sch. 6 Pt. I. 81, s. 80. 81, s. 112. 81, s. 81. 81, s. 99, sch. 6 Pt. I. 81, s. 130, sch. 8 Pt. VI. 81, s. 99, sch. 6 Pt. I. 81, s. 130, sch. 8 Pt. VI. 81, s. 99, sch. 6 Pt. I. 81, ss. 99, 130, sch. 8 Pt. VI. 81, ss. 85(2), 103, sch. 8 Pt. VI. 81, s. 130, sch. 8 Pt. VI. 81, s. 76(2). 81, s. 130, sch. 8 Pt. VI. 81, s. 99, sch. 6 Pt. I. 81, s. 129, sch. 7. 81, s. 130, sch. 8 Pt. VI. 81, s. 70(2), sch. 5. |

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| 6 & 7 Eliz. 2: c. 72—cont. | Insurance Companies Act 1958.—cont. | <p>S. 33(1)—cont ("financial year") Power to mod.</p> <p>S. 33(2)–(4) rep....</p> <p>Ss. 33(5), 34(4) rep.</p> <p>S. 34(3) rep. in pt.</p> <p>proviso excl.</p> <p>S. 34(5) restr.</p> <p>Ss. 35(2), 36(6) rep.</p> <p>Sch. 2 paras. 1–5, 6(5) rep.</p> <p>Sch. 2 paras. 7–10 am.</p> <p>Sch. 2 paras. 11, 12 rep.</p> <p>Sch. 2 para. 13 rep.</p> <p>Sch. 3 paras. 3, 4, 5 am.</p> <p>Sch. 3 paras. 6, 7 rep.</p> <p>Sch. 5 rep. in pt.</p> | <p>81, s. 73.</p> <p>81, s. 130, sch. 8 Pt. VI.</p> <p>81, s. 129, sch. 7.</p> <p>81, s. 130, sch. 8 Pt. VI.</p> <p>81, s. 72(2).</p> <p>81, s. 71(3).</p> <p>81, s. 130, sch. 8 Pt. VI.</p> <p>81, s. 130, sch. 8 Pt. VI.</p> <p>81, s. 99, sch. 6.</p> <p>81, s. 130, sch. 8 Pt. VI.</p> <p>81, s. 129, sch. 7.</p> <p>81, s. 99, sch. 6 Pt. I.</p> <p>81, s. 99, sch. 6 Pt. I.</p> <p>81, s. 130, sch. 8 Pt. VI.</p> |
| 7 & 8 Eliz. 2: | | | |
| c. 2 ... | Agricultural Mortgage Corporation Act 1958. | S. 1(a) rep. | 22, s. 75, sch. 7. |
| c. 6 ... | National Debt Act 1958 | S. 15(1) am. | 17, s. 26(8). |
| c. 8 ... | Slaughter of Animals Act 1958. | S. 8(2) am. | 80, s. 92, sch. 3 Pt. I. |
| c. 12 ... | Agriculture (Small Farmers) Act 1959. | S. 5(3) excl. | 22, s. 26(11)(b). |
| c. 19 ... | Emergency Laws (Repeal) Act 1959. | S. 3 cont. until 31.12.1968 | 89, s. 1(1),sch. |
| c. 22 ... | County Courts Act 1959 | Ss. 9, 18 mod. | 28, s. 3. |
| | | S. 30(1) am. | 80, s. 92, sch. 3 Pt. I. |
| | | S. 40 saved | 80, ss. 45(3), 79 (5). |
| | | S. 102 am. | 88, s. 21(4). |
| | | S. 109 am. (prosp.) | 56, s. 6. |
| | | S. 115 saved | 88, s. 20. |
| | | Sch. 1 (para. relating to s.10(8) of Land Charges Act 1925) added (prosp.) | 75, s. 2(5), sch. para. 4. |
| c. 24 ... | Building (Scotland) Act 1959. | S. 16, sch. 6 paras. 2–8 appl. | 22, sch. 3 para. 11. |
| c. 25 ... | Highways Act 1959 ... | S. 7 ext. | 76, s. 14(1). |
| | | S. 12 Power to ext. (E.) | 76, s. 13. |
| | | Ss. 117, 119(4)(a)(b), 121(1), 122, 127, 130(3), 135(2), 140(1)–(4), 142(4), 147, 149 am. | 80, s. 92, sch. 3 Pt. I. |
| | | S. 221 functions transf. to Min. of Transport. | S.I. No. 486. |
| | | S. 249 saved (speed limits) (E.). | 76, s. 78, sch. 5 para. 24. |
| | | S. 301 rep. (saving) | 9, ss. 117(1)(7), sch. 14. |

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| 7 & 8 Eliz. 2: —cont. | | | |
| c. 33 | House Purchase and Housing Act 1959. | S. 4 excl. | 29, s. 12(7). |
| | | Sch. 1 Pt. II para. 10 rep. in pt. | 20, s. 11(1), sch. 3. |
| | | Sch. 1 Pt. II para. 11 rep. | 20, s. 22, sch. 5 Pt. II para. 7(2). |
| c. 36 | Rating and Valuation Act 1959. | Rep. | 9, s. 117(1), sch. 14. |
| c. 40 | Deer (Scotland) Act 1959 | S. 15(1)(d) added | 37, s. 1. |
| | | S. 33(1) am. | 37, s. 2(1). |
| | | S. 33(2)(3) rep. and subst. | 37, s. 2(2). |
| c. 50 | Pensions (Increase) Act 1959. | Sch. Pt. I, paras. 7, 8 mod. | 28, s. 12(2)(f). |
| c. 51 | Licensing (Scotland) Act 1959. | S. 32(2) rep. in pt. | 54, ss. 5(1)(a), 45(8), sch. 16 Pt. I. |
| | | Ss. 35–37 appl. (mod.) | 14, s. 2. |
| | | S. 47(5) rep. | 54, ss. 5(1)(a), 45(8), sch. 16 Pt. I. |
| | | S. 49 appl. (mod.) | 14, s. 2. |
| | | S. 57 rep. in pt. | 54, ss. 5(1)(a), 45(8), sch. 16 Pt. I. |
| | | proviso added | 54, s. 5(1)(d), sch. 8 para. 1. |
| | | Ss. 58(2), 59(1), 60(1) (3)(b), (5) rep. in pt. | 54, ss. 5(1)(a), 45(8), sch. 16 Pt. I. |
| | | S. 60(9), (10) rep. | 54, ss. 5(1)(a), 45(8), sch. 16 Pt. I. |
| | | S. 65 rep. in pt. | 54, ss. 5(1)(a), 45(8), sch. 16 Pt. I. |
| | | S. 66(1) am. | 54, s. 5(1)(d), sch. 8 para. 2. |
| | | S. 67(5) rep. | 54, ss. 5(1)(a), 45(8), sch. 16 Pt. I. |
| | | S. 68(1) am. | 54, s. 5(1)(d), sch. 8 para. 3. |
| | | rep. in pt. | 54, ss. 5(1)(a), 45(8), sch. 16 Pt. I. |
| | | S. 69(b), (c) subst. | 54, s. 5(1)(d), sch. 8 para. 4. |
| | | S. 72 rep. | 54, ss. 5(1)(a), 45(8), sch. 16 Pt. I. |
| | | S. 82(4), rep. | 54, ss. 5(1)(a), 45(8), sch. 16 Pt. I. |
| | | S. 85 rep. (22.3.1972) | 14, s. 1(3). |
| | | Pt. VI (ss. 88–95) rep. (22.3.1972). | 14, s. 1(3). |
| | | S. 88(1) rep. | 14, s. 1(1). |
| | | S. 92(1) am. (temp.) | 14, s. 2. |

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| 7 & 8 Eliz. 2: c. 51— <i>cont.</i> | Licensing (Scotland) Act 1959— <i>cont.</i> | <p>S. 93 am.</p> <p>Pt. VII (ss. 96–102) rep. (22.3.1972).</p> <p>S. 96(1) rep. (saving) ...</p> <p>S. 100(1) am. (temp.) ...</p> <p>S. 101 am.</p> <p>S. 131(2) rep. in pt. ...</p> <p>S. 134(2) am.</p> <p>S. 135(2) am.</p> <p>S. 141(1) am.</p> <p>S. 144(6) added</p> <p>S. 161 am.</p> <p>S. 164(1), (2) rep. in pt....</p> <p>S. 164(4) am.</p> <p>S. 173(<i>l</i>) am.</p> <p>S. 193 rep.</p> <p>S. 198(<i>a</i>) subst.</p> <p>S. 198(<i>b</i>) subst.</p> <p>S. 198(<i>c</i>) rep. in pt. ...</p> <p>S. 198(<i>d</i>) subst.</p> <p>S.199(1) definitions of ("exerciseable liquor") rep. in pt. ("occasion- al licence" "retailers on-licence") rep., ("shebeen") rep. in pt.</p> <p>Sch. 2 rep. in pt. ...</p> <p>Sch. 3 am.</p> <p>Sch. 4 Form 4 rep. in pt.</p> <p>Sch. 6 para. 1(3) am. ...</p> <p>Sch. 8 para. 4(1)(<i>a</i>) am....</p> <p>Sch. 11 rep.</p> | <p>14, s. 2. 14, s. 1(3).</p> <p>14, s. 1(1)(2). 14, s. 2. 14, s. 2. 54, ss. 5(1)(<i>a</i>), 45(8), sch. 16 Pt. I.</p> <p>54, s. 5(1)(<i>d</i>), sch. 8 para. 5.</p> <p>54, s. 5(1)(<i>d</i>), sch. 8 para. 6.</p> <p>54, s. 5(1)(<i>d</i>), sch. 8 para. 7.</p> <p>54, s. 5(1)(<i>d</i>), sch. 8 para. 8.</p> <p>54, s. 5(1)(<i>d</i>), sch. 8 para. 9.</p> <p>54, ss. 5(1)(<i>a</i>), 45(8), sch. 16 Pt. I.</p> <p>54, s. 5(1)(<i>d</i>), sch. 8 para. 10.</p> <p>54, s. 5(1)(<i>d</i>), sch. 8 para. 11.</p> <p>54, ss. 5(1)(<i>a</i>), 45(8), sch. 16 Pt. I.</p> <p>54, s. 5(1)(<i>d</i>), sch. 8 para. 12.</p> <p>54, s. 5(1)(<i>d</i>), sch. 8 para. 13.</p> <p>54, ss. 5(1)(<i>a</i>), 45(8), sch. 16 Pt. I.</p> <p>54, s. 5(1)(<i>d</i>), sch. 8 para. 14.</p> <p>54, ss. 5(1)(<i>a</i>), 45(8), sch. 16 Pt. I.</p> <p>54, ss. 5(1)(<i>a</i>), 45(8), sch. 16 Pt. I.</p> <p>54, s. 5(1)(<i>d</i>), sch. 8 para. 15.</p> <p>54, ss. 5(1)(<i>a</i>), 45(8), sch. 16 Pt. I.</p> <p>54, s. 5(1)(<i>d</i>), sch. 8 para. 16.</p> <p>54, s. 5(1)(<i>d</i>), sch. 8 para. 17.</p> <p>54, ss. 5(1)(<i>a</i>), 45(8), sch. 16 Pt. I.</p> |

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| c. 53 ... | Town and Country Planning Act 1959. | S. 57(1) am. ... | 29, s. 22, sch. 3 para. 9. |
| c. 58 ... | Finance Act 1959 ... | Ss. 2(1) rep. in pt., 2(2)-(4), 3(1) rep., 3(3) rep. in pt. | 54, ss. 5(1)(a), 45(8), sch. 16 Pt. I. |
| | | S. 3(4) am. ... | 54, s. 5(1)(b), sch. 6 para. 10. |
| | | S. 4 rep. (exc. subsection (6)) | 54, ss. 5(1)(a), 45(8), sch. 16 Pt. I. |
| | | S. 4(6) am. ... | 54, s. 5(2). |
| | | rep. (1.5.1968) ... | 54, ss. 5(1)(a), 45(8), sch. 19 Pt. I. |
| c. 60 ... | Education Act 1959 ... | S. 1 (exc. subs. (4)) rep. ... | 3, s. 1(5)(d). |
| c. 62 ... | New Towns Act 1959 ... | S. 4(1), (4) excl. ... | 29, sch. 4 Pt. II. |
| | | Ss. 4(3), 12(1) rep. ... | 29, sch. 4 Pt. I. |
| | | S. 12(2) rep. ... | 20, s. 11(1), sch. 3. |
| c. 66 ... | Obscene Publications Act 1959. | S. 3(1) restr. ... | 80, s. 25. |
| c. 70 ... | Town and Country Planning (Scotland) Act 1959. | Ext. ... | 69, s. 1(5)(b). |
| | | S. 54(1) appl. ... | 1, s. 99(8). |
| | | S. 54(1) ext. ... | 20, s. 22, sch. 5 Pt. II para. 11 |
| c. 72 ... | Mental Health Act 1959 | Ss. 12(3), 15(3), 16(2), 20(2) am. | 80, s. 92, sch. 3 Pt. I. |
| | | S. 40 ext. ... | 80, s. 72(1)(b). |
| | | S. 67(3) rep. in pt. (1.10.1968). | 80, s. 103(2), sch. 7 Pt. I. |
| | | S. 69 rep. (1.10.1968) ... | 80, s. 103(2), sch. 7 Pt. I. |
| | | S. 105 appl. ... | 88, s. 26(2). |
| | | S. 128 am. ... | 60, s. 1(4). |
| | | S. 139 ext. ... | 80, s. 72(3). |
| | | S. 140 ext. ... | 80, s. 72(1)(b). |
| | | Sch. 7 rep. in pt. ... | 58, s. 10, sch. Pt. III. |
| C.A.M. No. 2... | Vacancies in Sees Measure 1959. | S. 7(1) ext. ... | 88, s. 31(4)(b). |
| 8 & 9 Eliz. 2: | | | |
| c. 6 ... | Ministers of the Crown (Parliamentary Secretaries) Act 1960. | Sch. 1 rep. so far as amending the Ministry of Supply Act 1939. | S.I. No. 155, art. 3(3), sch. |
| c. 7 ... | Sea Fish Industry Act 1959. | Ss. 4-8, 9(1)(a)(b), 10-12, rep., 13(1) rep. in pt., 14(2) rep. | 84, s. 25(1), sch. |
| c. 9 ... | Judicial Pensions Act 1960. | Appl., exc. s. 2 ... | 13, s. 2(3) sch. 1 para. 2. |
| c. 12 ... | Distress for Rates Act 1960. | Rep. ... | 9, s. 117(1), sch. 14. |
| c. 15 ... | Water Officers Compensation Act 1960. | S. 1(1)(e)(f) added ("2nd apptd. day") | 78, s. 25. |
| c. 16 ... | Road Traffic Act 1960 ... | S. 1 am. (E.) ... | 58, s. 8(2), sch. 1. |
| | | S. 1(2) rep. in pt. (E.) ... | 58, s. 10, sch. 3 Pt. II. |
| | | S. 2(2) rep. (E.) 2(3) rep. in pt. (E.) | 58, s. 10, sch. 3 Pt. III. |
| | | S. 6(1) am. ... | 30, s. 5(1). |

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| 8 & 9 Eliz. 2: c. 16— <i>cont.</i> | Road Traffic Act 1960 — <i>cont.</i> | S. 6(2) am. | 30, s. 32(1), sch. 1 para. 1. |
| | | S. 6(2)(ii) rep. | 30, ss. 1(5), 32(2), sch. 2. |
| | | S. 6(3) am. | 30, s. 32(1), sch. 1 para. 2. |
| | | S. 6(4) ext. | 30, ss. 3, 6(2). |
| | | <i>saved</i> | 30, s. 2(6). |
| | | S. 14 Power to ext. | 76, s. 5. |
| | | <i>ext.</i> | 76, s. 58(2). |
| | | S. 14(1)(2) am. | 76, s. 109, sch. 6. |
| | | Ss. 19–29, 34–63 rep. | 76, s. 110, schs. 7, 8. |
| | | S. 64 am. | 30, s. 8(1)(4). |
| | | <i>saved</i> | 30, s. 10(1). |
| | | S. 64(1)(d) Power to excl. | 76, s. 18(1). |
| | | S. 64(2) am. | 30, s. 25(1). |
| | | <i>expld.</i> | 30, s. 26. |
| | | <i>subst.</i> | 70, s. 6(1). |
| | | S. 64(3) mod. | 30, s. 8(5). |
| | | S. 65 excl. | 30, s. 9(9). |
| | | S. 65(3) am. | 70, s. 5. |
| | | S. 65(6) appl. (<i>prosp.</i>) | 70, s. 2(5). |
| | | S. 66 excl. | 30, s. 14(11). |
| | | <i>ext. (prosp.)</i> | 70, s. 4(1)(2). |
| | | S. 66(6) excl. (<i>prosp.</i>) | 70, s. 4(3). |
| | | S. 67 ext. (<i>prosp.</i>) | 70, s. 1. |
| | | S. 67(2) appl. | 70, s. 3(3). |
| | | S. 67(4) appl. (<i>prosp.</i>) | 70, s. 2(4). |
| | | S. 68 ext. | 70, s. 3. |
| | | S. 74(5) am. | 76, s. 109, sch. 6. |
| | | Ss. 81–96 rep. | 76, ss. 29(9), 110, schs. 7, 8. |
| | | S. 98(4) am. | 76, s. 109, sch. 6. |
| | | S. 99(2) Power to ext. | 30, s. 21. |
| | | S. 105(1) replaced (1.4.1968) | 80, s. 103(1), sch. 6 para. 23. |
| | | S. 110 ext. | 30, s. 30. |
| | | Ss. 112, 116(2) excl. | 80, s. 56(10). |
| | | S. 135(2) am. | 76, s. 109, sch. 6. |
| | | S. 135(8) excl. | 76, ss. 6(8)(a), 9(8)(a). |
| | | S. 141(4)(6) excl. | 76, ss. 6(8)(b), 9(8)(b). |
| | | S. 143 excl. | 76, ss. 6(8)(a), 9(8)(a). |
| | | S. 147(2) am. | 80, s. 92, sch. 3 Pt. I. |
| S. 153(4) am. | 76, s. 109, sch. 6. | | |
| S. 164 excl. (<i>temp.</i>) | 57, ss. 3(1), 9(1). | | |
| S. 166 excl. (<i>temp.</i>) | 57, s. 3(2). | | |
| Ss. 170–176, 178, 182 <i>mod.</i> | S.I. No. 252, art. 2, sch. 1. | | |
| S. 183 Power to ext. | 30, s. 9. | | |
| <i>ext. (prosp.)</i> | 30, s. 17(1). | | |
| S. 184 rep. and super- <i>seded (prosp.)</i> | 30, ss. 16, 17, 32(2), sch. 2. | | |
| S. 185 ext. (<i>prosp.</i>) | 30, ss. 16(3), 24 | | |
| S. 185(1) am. (<i>prosp.</i>) | 30, s. 32(1), sch. 1 para. 3. | | |

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| 8 & 9 Eliz. 2: c. 16— <i>cont.</i> | Road Traffic Act 1960 — <i>cont.</i> | S. 185(1), (4) rep. in pt. (<i>prosp.</i>) Pt. V (ss. 192–200) am. ext. (N.I.) S. 192(1) subst. S. 193(2), (3) rep. S. 193(4) am. S. 194(1) am. S. 194(3) am. S. 195 excl. S. 195(1) am. S. 197 rep. S. 198 rep. in pt. S. 199(1) expl. (“Pre-scribed”) rep. in pt. Ss. 202(3) rep., 257(1) rep. (as to “chief officer of police”) (S.) S. 222 rep. S. 224 ext. S. 224(4) am. S. 226(1) am. S. 232(1)(a) am. (<i>prosp.</i>) rep. in pt. S. 232(1)(b) rep. in pt. (<i>prosp.</i>) S. 232(2)(a) rep. in pt. S. 233 am. am. (<i>prosp.</i>) S. 233(1)(h) rep. S. 235(1) am. (<i>prosp.</i>) S. 236 am. S. 237 am. S. 237(1) am. S. 237(2) para. (e)–(g) added S. 239 rep. in pt. S. 240 am. am. (<i>prosp.</i>) S. 241(5) subst. (E.) | 30, s. 32(2), sch. 2 30, ss. 19, 20, 29(2)(4) 30, s. 19(6)–(10) 30, s. 19(1) 30, s. 32(2), sch. 2 30, s. 32(1), sch. 1 para. 4. 30, s. 32(1), sch. 1 para. 5. 30, s. 20(5). 30, s. 20(4). 30, s. 32(1), sch. 1 para. 6. 30, s. 32(2), sch. 2 30, s. 32(2), sch. 2 30, s. 32(1), sch. 1 para. 7. 30, s. 32(2), sch. 2 77, ss. 52(2), 53, sch. 5 Pt. I. 76, s. 110, schs. 7, 8. 30, s. 16(7) 30, s. 23(2). 30, s. 32(1), sch. 1 para. 8. 30, s. 32(1), sch. 1 para. 9. 76, s. 110, schs. 7, 8. 30, s. 32(2), sch. 2 76, s. 110, schs. 7, 8. 30, s. 32(1), sch. 1 para. 10. 79, s. 13, sch. 2 para. 1. 76, s. 110, schs. 7, 8. 79, s. 13, sch. 2 para. 2. 30, s. 32(1), sch. 1 para. 11. 30, s. 32(1), sch. 1 para. 12(1). 76, s. 109, sch. 6 30, s. 32(1), sch. 1 para. 12(2). 76, s. 110, schs. 7, 8. 30, s. 32(1), sch. 1 para. 13. 79, s. 13, sch. 2 para. 4. 58, s. 10, sch. 2 para. 13(2). |

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| 8 & 9 Eliz. 2: c. 16— <i>cont.</i> | Road Traffic Act 1960 — <i>cont.</i> | S. 242 ext. S. 246(1) am. am. (<i>prosp.</i>) S. 247 am. am. (<i>prosp.</i>) S. 247(1)(2) rep. in pt. S. 248 am. S. 249 ext. (exc. subs. (1)(d)) appl. (<i>prosp.</i>) Ss. 249(1), 250(1)(a) rep in pt. S. 250 am. S. 250(4), rep. S. 250(5) ext. S. 251 rep. S. 253(11) am. S. 254 am. S. 254(1)(b) am. S. 255 am. S. 257(1) am. and rep. in pt. S. 259 rep. in pt. S. 259(4) am. and rep. in pt. S. 259(6) am. and rep. in pt. S. 260(1)–(3) ext. appl. S. 260(3)(4) rep. in pt. Schs. 1, 4–7 rep. Sch. 8 paras. 3, 4 appl. (mod.) (<i>prosp.</i>) Sch. 10 rep. Sch. 14 am. para. 2 subst. (<i>prosp.</i>) Sch. 15 para. 1 am. para. 2 rep. para. 3 am. | 76, s. 89(4). 30, s. 32(1), sch. 1 para. 14. 79, s. 13, sch. 2 para. 5. 30, s. 32(1), sch. 1 para. 15. 79, s. 13, sch. 2 para. 6. 76, s. 110, schs. 7, 8. 76, s. 109, sch. 6. 30, s. 12(2). 79, s. 7(3), sch. 1 para. 3. 76, s. 110, schs. 7, 8. 30, s. 32(1), sch. 1 para. 16. 76, s. 110, schs. 7, 8. 30, s. 29(5). 76, s. 110, schs. 7, 8. 76, s. 109, sch. 6. 30, s. 32(1), sch. 1 para. 17. 76, s. 109, sch. 6. 30, s. 32(1), sch. 1 para. 18. 76, s. 109, sch. 6. 76, ss. 109, 110(1), schs. 6, 7. 76, s. 110, schs. 7, 8. 76, s. 109, sch. 6. 76, ss. 109, 110, schs. 6–8. 30, s. 29(6). 70, s. 9(3). 76, s. 110, schs. 7, 8. 76, s. 110, schs. 7, 8. 70, s. 2(4). 76, s. 110, schs. 7, 8. 30, s. 18(4). 30, s. 32(1), sch. 1 para. 19. 30, s. 32(1), sch. 1 para. 20 (1)–(4). 30, s. 32, sch. 1 para. 20(5), sch. 2. 30, s. 32(1), sch. 1 para. 20(6). |

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| 8 & 9 Eliz. 2: c. 16—cont. | Road Traffic Act 1960 —cont. | Sch. 17 rep. in pt. ... | 76, s. 110, schs. 7, 8. |
| | | Sch. 19 paras. 12–14 rep. | 76, s. 110, schs. 7, 8. |
| | | Sch. 20 para. 5 am. and rep. in pt. | 76, ss. 109, 110, schs. 6–8. |
| c. 22 ... | Horticulture Act 1960 ... | S. 1(2) rep. ... | 22, ss. 61(8)(a), 75, sch. 7. |
| | | S. 1(5) rep. in pt. | 22, s. 75, sch. 7. |
| | | S. 4 rep. | 22, ss. 61(8)(a), 75, sch. 7. |
| c. 28 ... | Legal Aid Act 1960 ... | Rep. ... | 43, ss. 21, 22, sch. 3. |
| c. 33 ... | Indecency with Children Act 1960. | S. 1(1) am. ... | 80, s. 92, sch. 3 Pt. I. |
| c. 44 ... | Finance Act 1960 ... | S. 3(1)(a) am. ... | 54, s. 5(1)(b), sch. 6 para. 11. |
| | | S. 3(3) rep. ... | 54, ss. 6(4)(b), 45(8), sch. 16 Pt. II. |
| | | S. 17(2) am. ... | 54, s. 16(5). |
| | | S. 28(2)(a) am. ... | 54, s. 20(3), sch. 10 para. 13(1). |
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| | | S. 51 appl. (mod.) ... | 54, s. 24, sch. 11 para. 10(4). |
| | | S. 58 excl. ... | 54, s. 24, sch. 11 para. 12(3). |
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| c. 47 ... | Education (Scotland) Act 1962. | S. 144(2)(3) excl. ... | 28, s. 16(2). |
| c. 48 ... | Matrimonial Proceedings (Magistrates' Courts) Act 1960. | Sch. 6, para. 2(3) am. ... | 28, s. 10(1)(a). |
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| c. 58 ... | Charities Act 1960 ... | S. 20(3)(a) rep. in pt. ... | 58, s. 10, sch. 3 Pt. III. |
| c. 61 ... | Mental Health (Scotland) Act 1960. | S. 2(7)(A) added ... | 28, s. 14. |
| | | Ss. 13(3), 22(2) am. ... | 80, s. 92, sch. 3 Pt. I. |
| | | S. 36 ext. ... | 80, s. 72(1)(b). |
| | | S. 105 appl. ... | 80, s. 72(3). |
| | | S. 106 ext. ... | 80, s. 72(1)(b). |
| c. 62 ... | Caravan Sites and Control of Development Act 1960. | S. 24 ext. (S.) ... (grants) (S.). | 86, s. 49(6). 86, s. 67(1)(b). |
| c. 63 ... | Road Traffic and Roads Improvement Act 1960. | Ss. 1–8, 11–16 rep., 23(1) rep. in pt., 23(2), 25(2) rep., sch. rep. in pt. | 76, s. 110, schs. 7, 8. |
| | | S. 29 saved ... | 88, s. 23(4). |
| c. 65 ... | Administration of Justice Act 1960. | Am. ... | 80, s. 98(7). |
| | | S. 4(1) am. (1.4.1968) (E.) | 80, s. 98(6), sch. 4 para. 24(a). |
| | | S. 4(1) am. (1.4.1968) (N.I.). | 80, s. 98(6), sch. 4 para. 25(a). |
| | | S. 4(2) am. (1.4.1968) (E.) | 80, s. 98(6), sch. 4 para. 24(b). |

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| 8 & 9 Eliz. 2: c. 65—cont. | Administration of Justice Act 1960—cont. | <p>S. 4(2) am. (1.4.1968) (N.I.).</p> <p>S. 5(1) am. (1.4.1968) (N.I.).</p> <p>S. 5(2) rep. (1.4.1968) ...</p> <p>S. 5(4) am. (1.4.1968) (N.I.).</p> <p>S. 6(2) rep. (1.4.1968) ...</p> <p>S. 8(1)(2) rep. (1.10.1968) (E.).</p> <p>S. 8(3) am. (1.4.1968) (E.).</p> <p>S. 8(3) subst. (1.4.1968) (N.I.).</p> <p>S. 8(3A) am. (1.4.1968) (N.I.).</p> <p>S. 9(1) rep. (1.4.1968) (E.).</p> <p>S. 9(3) am. (1.4.1968) ...</p> <p>S. 9(4)(c) rep. (1.10.1968) (E.).</p> <p>S. 10 am. (1.4.1968) ...</p> <p>S. 10(2)–(4) added (1.4.1968).</p> <p>Sch. 1 para.1 subst. by paras. 1, 1A (1.4.1968).</p> <p>Sch. 1 para. 2(3) am.</p> <p>Sch. 1 para. 3(2) rep. (1.10.1968)</p> <p>Sch. 1 para. 3(3) (1.4.1968)</p> <p>Sch. 2 Pt. 1 rep. in pt. (1.4.1968) (N.I.).</p> | <p>80, s. 98(6), sch. 4 para. 25(b).</p> <p>80, s. 98(6), sch. 4 para. 26(a).</p> <p>80, ss. 98(6), 103(2), schs. 4 para. 26(b), 7 Pts. I, III.</p> <p>80, s. 98(6), sch. 4 para. 27.</p> <p>80, s. 103(2), sch. 7 Pts. I, III.</p> <p>80, s. 103(2), sch. 7 Pt. I.</p> <p>80, s. 98(6), sch. 4 para. 28.</p> <p>80, s. 98(6), sch. 4 para. 29(a).</p> <p>80, s. 98(6), sch. 4 para. 29(b).</p> <p>80, s. 103(2), sch. 7 Pt. I.</p> <p>80, s. 98(6), sch. 4 para. 30.</p> <p>80, s. 103(2), sch. 7 Pt. I.</p> <p>80, s. 98(6), sch. 4 para. 31.</p> <p>80, s. 98(6), sch. 4 para. 31.</p> <p>80, s. 98(6) sch. 4 para. 32(a).</p> <p>80, s. 98(6), sch. 4 para. 32(b).</p> <p>80, s. 103(2), sch. 7.</p> <p>80, s. 98(6), sch. 4 para. 32(c).</p> <p>80, s. 103(2), sch. 7 Pt. III.</p> |
| 9 & 10 Eliz. 2: c. 15 ... | Post Office Act 1961 ... | <p>S. 1(3)(b) am. ...</p> <p>S. 2(1) ext. (E.) (S.) ...</p> <p>S. 3(2) am. ...</p> <p>S. 10(1) excl. ...</p> <p>S. 10(2) am. ...</p> <p>Apptd. day for s.1. (1.6.1967)</p> | <p>62, s. 1.</p> <p>1, s. 84.</p> <p>72, s. 14(1).</p> <p>15, s. 2.</p> <p>15, s. 1(1).</p> <p>S.I. No. 479.</p> |
| c. 27 | Carriage by Air Act 1961 | Appl. (mod.) ... | 1, s. 10(1), sch. 3. |
| c. 33 ... | Land Compensation Act 1961. | <p>Ext. ...</p> <p>S. 2 appl. (mod.) ...</p> <p>S. 4 appl. (mod.) ...</p> <p>S. 5 mod. ...</p> <p>ext. ...</p> | <p>33, s. 28(5).</p> <p>1, s. 21(5).</p> <p>1, ss. 24(4), 89(5).</p> <p>1, s. 89(5).</p> <p>22, s. 50(8).</p> <p>88, ss. 29, 30, sch. 4 para. 3(5).</p> |

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| 9 & 10 Eliz. 2: c. 33—cont. | Land Compensation Act 1961—cont. | Pt. IV (ss. 23–29) rep. ... S. 31 excl. ... S. 31(1) restr. ... Sch. 2 para. 2(1)(g) added Sch. 2 para. 2(2) mod. ... Sch. 3 rep. ... | 1, ss. 86, 101, sch. 17. 22, s. 49(7) (ii). 10, s. 22(5). 1, s. 23(1). 1, s. 23(3). 1, s. 101, sch. 17. S.I. No. 486 |
| c. 34 ... | Factories Act 1961 ... | Ss. 118(9), 178 functions transfd. to Min. of Health. | S.I. No. 486 |
| c. 36 ... | Finance Act 1961 ... | S. 9 cont. ... | 54, s. 1(1)(b). |
| c. 37 ... | Small Estates (Representations) Act 1961. | S. 1(1)(a)(b) rep. in pt. (<i>prosp.</i>). Sch. 1, para. 5 rep. (<i>prosp.</i>). S. 4 am. (1.4.1968) ... ext. ... S. 5(5) am. ... S. 20 rep. (1.4.1968) ... | 54, ss. 10, 45(8), sch. 16. 54, ss. 10, 45(8), sch. 16 Pt. V. 80, s. 63(1)(a)(b). 80, s. 40(5). 80, s. 50. 80, ss. 60(7), 103(2), sch. 7 Pt. I. 80, s. 70(2). 80, s. 38(6). 80, s. 38(7). 80, s. 64(2). 80, s. 103(1), sch. 6 para. 24. 80, s. 14(4). 80, s. 69(1). 80, s. 103(1), sch. 6 para. 25. 80, ss. 63(1), 102, sch. 5 paras. 8, 9. |
| c. 39 ... | Criminal Justice Act 1961 | S. 26 ext. ... S. 26(4) expld. ... excl. ... S. 26(6) excl. (1.4.1968). S. 32(2) subst. (1.4.1968) S. 38(2)–(5) ext. ... S. 38(3)(c) added ... S. 40(2) added (1.4.1968) Sch. 1 ext. (mod.) (1.4.1968) Sch. 3 rep. (1.4.1968) ... | 80, s. 103(1), sch. 6 para. 24. 80, s. 14(4). 80, s. 69(1). 80, s. 103(1), sch. 6 para. 25. 80, ss. 63(1), 102, sch. 5 paras. 8, 9. 80, ss. 60(7), 103(2), sch. 7 Pt. I. |
| c. 45 ... | Rating and Valuation Act 1961. | Rep. (with saving for s. 5(4)) exc. ss. 12(6), 29(3)(4). | 9, s. 117(1), (11), sch. 14. |
| c. 46 ... | Companies (Floating Charges) (Scotland) Act 1961. | Ext. (mod.) (industrial and provident societies in S.). | 48, s. 3, sch. |
| c. 52 ... | Army and Air Force Act 1961. | Ss. 2, 3(2)–(4), 4–7 rep. | S.I. No. 1018, reg. 14(1),(4), sch. 3. |
| c. 55 ... | Crown Estate Act 1961 | S. 3(2) excl. (E.) ... | 88, s. 33 (3). |
| c. 58 ... | Crofters (Scotland) Act 1961. | S. 8(1) rep. (saving) ... Excl. ... | 10, s. 50, sch. 7. 22, s. 29(5). |
| c. 60 ... | Suicide Act 1961 ... | S. 2 am. ... S. 2(4) rep. in pt. ... | 58, s. 8(2), sch. 1. 58, s. 10, sch. 3 Pt. II. |
| c. 62 ... | Trustee Investments Act 1961. | Ss. 1,2,5,6 appl. ... S. 6(2)–(7) appl.... S. 11(1) am. ... Ss. 12, 13 appl. ... Sch. 1 Pt. II mod. (Greater London). | 22, s. 18(3). xx, s. 9(4). xx, s. 10(1). 22, s. 18(3). xx, ss. 10(2)–(5), 11. |

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| 9 & 10 Eliz. 2: c. 62— <i>cont.</i> | Trustee Investments Act 1961— <i>cont.</i> | Sch. 1 Pt. III mod. (Greater London). Sch. 1 Pt. IV excl. (Greater London). | xx, s. 9(1). xx, s. 9(1). |
| c. 64 | Public Health Act 1961 | Ss. 17(2), 18(1) mod. S. 26 ext. S. 34(1), (2) am. S. 39(2) am. | xx, s. 24(1)(2). xx, s. 25. 69, s. 26. 80, s. 92, sch. 3 Pt. I. |
| c. 65 | Housing Act 1961 ... | S. 1 excl. Ss. 2-4 excl. S. 4(2)(a) am. Ss. 5, 6 excl. S. 8 rep. S. 9(2) rep. in pt. S. 9(3) rep. S. 9(4) rep. in pt. Sch. 1 excl. para. 2(3) am. (1.4.1968). Sch. 2 paras. 5, 13, 14 rep. | 29, s. 1(3)(a)-(d), sch. 4 Pt. II. 29, s. 23 sch. 4 Pt. II. 29, s. 22 sch. 3 para. 10. 29, s. 23 sch. 4 Pt. II. 29, s. 14(1) sch. 4 Pt. I. 29, s. 14(1) sch. 4 Pt. I. 29, s. 14(1) sch. 4 Pt. I. 29, s. 14(1) sch. 4 Pt. I. 29, s. 23 sch. 4 Pt. II. S.I. No. 541 art. 3. 29, s. 14(1) sch. 4 Pt. I. |
| C.A.M. No. 3 | Clergy Pensions Measure 1961. | Pt. I am. Ss. 2(3), 10 mod. S. 10(2) am. S. 11 am. Ss. 11-13 excl. Ss. 19, 20 am. S. 26(1)(e) added Ss. 26(4), 28 ext. S. 28 am. S. 28(b) am. S. 35(4) excl. | C.A.M. No. 1, s. 3(1). C.A.M. No. 1, s. 2(3). C.A.M. No. 1, s. 5. C.A.M. No. 1, s. 1(2)-(4). C.A.M. No. 1, s. 1(1). C.A.M. No. 1, s. 4(2). C.A.M. No. 1, s. 4(1). C.A.M. No. 1, s. 4(4). C.A.M. No. 1, s. 4(2). C.A.M. No. 1, s. 4(3). C.A.M. No. 1, s. 1(4). |
| 10 & 11 Eliz. 2: c. 6 | Family Allowances and National Insurance Act 1961. | Ss. 3(4), 14(5) rep. | 34, s. 15(1)-(3), sch. |
| c. 8 | Civil Aviation (Eurocontrol) Act 1962. | S. 5 am. (<i>prosp.</i>) | 52, s. 6(2). |

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| 10 & 11 Eliz. 2: —cont. | | | |
| c. 13 | Vehicles (Excise) Act 1962 | Am. | 72, s. 8(1). |
| | | S. 7 ext. and expld. | 54, s. 12. |
| | | S. 7 am. | 54, s. 11(1). |
| | | S. 8(2)(b) power to ext. | 30, ss. 14(9), 27. |
| | | Ss. 10(4), 12(9) am. | 54, s. 11(1). |
| | | S. 15(1) mod. | 70, s. 4(4). |
| | | S. 21(2) appl. | 76, s. 94(2). |
| c. 15 | Criminal Justice Administration Act 1962. | S. 22 appl. (temp.) | 57, ss. 6(2), 9(1). |
| | | S. 12(1), (2) rep. | 58, s. 10, sch. 3 Pt. II. |
| | | S. 16(4) saved | 58, s. 8(2), sch. 1. |
| | | S. 17(2) rep. | 80, s. 103(2), sch. 7 Pt. I. |
| | | Sch. 2 rep. | 58, s. 10, sch. 3 Pt. II. |
| | | Sch. 3 para. 3 rep. | 80, s. 103(2), sch. 7 Pt. I. |
| | | Sch. 4 Pt. II, rep. in pt. | 58, s. 10, sch. 3 Pt. II. |
| c. 17 | Commonwealth Settlement Act 1962. | Rep. | 31, s. 2(2). |
| c. 19 | West Indies Act 1962 ... | S. 8 restr. (meaning of "colony") | 4, s. 16(3). |
| c. 21 | Commonwealth Immigrants Act 1962. | Pt. I (ss. 1-5) and sch. 1 cont. until 31.12.1968. | 89, s. 1(1), sch. |
| | | S. 7 ext. | 80, s. 58. |
| c. 28 | Housing (Scotland) Act 1962. | Pt. I (ss. 1-10) excl. | 20, s. 1(4). |
| | | S. 8(2)-(4) am. | 20, s. 22, sch. 5 Pt. II para. 12. |
| | | Ss. 9, 12(2) proviso (3), 14(2) proviso rep. | 20, s. 11(1), sch. 3. |
| | | S. 18(1) proviso (i) am. | 20, s. 15(1). |
| | | S. 19(1)(a) am. | 20, s. 22, sch. 5 Pt. II para. 13. |
| | | Sch. 1 paras. 3A, 4A added. | 20, ss. 16, 22, sch. 5 Pt. I para. 1, Pt. II para. 14. |
| | | Sch. 2 paras. 2(3), 2A added. | 20, ss. 16, 22, sch. 5 Pt. I para. 2, Pt. II para. 15. |
| | | Sch. 4 para. 4 rep. in pt., para. 5 rep. | 20, s. 11(1), sch. 3. |
| c. 31 | Sea Fish Industry Act 1962. | S. 3(8) rep. (saving) | 35, s. 1, sch. |
| | | Ss. 10-15 rep., 17 rep. in pt. | 84, s. 25(1), sch. |
| | | S. 18 ext. | 84, s. 15. |
| | | Ss. 19-26 rep., 32(1)(a) rep. in pt. | 83, s. 24(2), sch. 3. |
| | | S. 32(2)(a) rep. | 83, s. 24(2), sch. 3. |
| | | S. 33(1) rep. ("land", "mussel", "oyster", "shellfish"). | 84, s. 25(1), sch. |
| | | S. 33(2)(a)(b) rep. in pt. | 83, s. 24(2), sch. 3. |
| | | S. 34(2) rep. in pt. | 84, s. 25(1), sch. 3. |
| | | | 83, s. 24(2), sch. 3. |

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| 10 & 11 Eliz. 2: c. 31—cont. | Sea Fish Industry Act 1962—cont. | S. 34(3) rep. ... Ss. 34(4), (5), 35(3), (4) rep. S. 35(5) rep. in pt. Ss. 36(2) rep., 36(3), 37(2) rep. in pt. Sch. 2 paras. 1-4 rep. ... | 83, s. 24(2), sch. 3. 84, s. 25(1), sch. 84, s. 25(1), sch. 83, s. 24(2), sch. 3. 84, s. 25(1), sch. 84, s. 25(1), sch. 83, s. 24(2), sch. 3. |
| c. 36 ... | Local Authorities (Historic Buildings) Act 1962. | paras. 5, 6, 10 rep. para. 21(2) rep. (saving). paras. 25, 26 rep. Ext. ... Ss. 1, 2 ext. (mod.) (S.) | 84, s. 25(1), sch. 69, s. 1(5)(a). 69, s. 5. |
| c. 37 ... | Building Societies Act 1962. | S. 26(3) excl. ... S. 33(1) ext. ... Sch. 4 Pt. III functions transfd. to Min. of Housing and Local Government. | 29, s. 30(2). 29, s. 30(2). S.I. No. 486. |
| c. 38 ... | Town and Country Planning Act 1962. | Ext. ... Saved (Greater London) S. 3(2)(6) am. ... S. 22 Power to incorp. (mod.). S. 29(4) excl. in pt. ... S. 29(6) rep. ... S. 29(8)(a) rep. ... S. 30(2)(a) am. ... S. 30(3) excl. ... S. 31(2) rep. ... S. 32 ext. ... S. 33 ext. ... S. 33(1) am. ... S. 34(3), (4) functions as to Wales transfd. to Secy. of State. S. 46(2)-(5) appl. ... Ss. 48, 49(1) ext. ... S. 52(3) am. ... S. 62(1) am. ... S. 62(3) rep. in pt. am. ... Pt. V (ss. 67-87) restr. ... S. 69(1)(2)(6) am. ... Ss. 69(1)(2), 71(1)(b) ext. ... S. 81 appl. (mod.). ... S. 82 appl. (mod.). ... Ss. 164, 165 appl. (mod.). ... Ss. 170(2), 171 appl. ... | 69, s. 1(5)(a). xx, s. 28. 69, s. 17. 10, s. 15(3), sch. 3. 69, s. 16(2). 69, s. 16(4). 10, s. 50, sch. 7 Pt. I. 69, s. 9. 69, s. 10(2). 69, s. 10(4). 69, s. 11. 69, ss. 3, 6. 69, s. 2(1). S.I. No. 486. 69, s. 14(3). 69, s. 14(4). 69, s. 2(3). 69, s. 15(1). 69, s. 2(2). 69, s. 2(3). 88, ss. 29, 30, sch. 4 para. 1(7). 69, s. 7(1)(2). 69, s. 8. 1, s. 14(1)(2). 1, s. 91, sch. 1 Pt. I. 1, s. 14(1)(3)(5). 1, s. 14(1)(5). |

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| 10 & 11 Eliz. 2. c. 38— <i>cont.</i> | Town and Country Planning Act 1962— <i>cont.</i> | S. 180 appl. ... | 22, s. 49(5)(a). 69, s. 14(3). |
| | | S. 199 mod. ... | 1, s. 13(2). |
| | | S. 212(1)–(5) appl. (mod.) | 69, s. 28(1)(2). |
| | | Ss. 213–215 appl. (mod.) | 69, s. 28(3). |
| | | S. 217 ext. ... | 69, ss. 10(3), 16(3). |
| c. 44 ... | Finance Act 1962 ... | S. 221(1) appl. ... | 1, s. 99(8). |
| | | S. 13 expld. ... | 54, s. 35(1)(c). |
| | | S. 15(3) am. ... | 54, ss. 38(3), 39 (3). |
| | | S. 25(3) rep. in pt. ... | 54, s. 45(8), sch. 16 Pt. VI. |
| | | Sch. 9 para. 11 expld. ... | 54, s. 32, sch. 13 para. 12. |
| | | para. 15(1) excl.... | 54, s. 32, sch. 13 para. 11(1). |
| | | Ss. 26, 29(17) rep. ... | 54, s. 45(8), sch. 16 Pt. VII. |
| c. 46 ... | Transport Act 1962 ... | S. 66 rep. (E) ... | 9, s. 117(1), sch. 14. |
| c. 47 ... | Education (Scotland) 1962. | Ss. 43(1), 58(2), 63(2), 69 am. | 80, s. 92, sch. 3 Pt. I. |
| | | S. 83 rep. (<i>prosp.</i>) ... | 36, s. 8(4). |
| c. 49 ... | Air Guns and Shot Guns etc. Act 1962. | Am. ... | 80, s. 87 (11). |
| | | S. 1(1) subst. (1.5.1968) | 80, s. 87(9). |
| | | S. 3(1) am. (1.5.1968) | 80, s. 87 (10). |
| | | S. 4 am. (1.5.1968) ... | 80, s. 87 (4). |
| c. 51 ... | Licensing (Scotland) Act 1962. | S. 1(2)(b), (3)(b) rep. in pt. | 54, ss. 5(1)(a), 45(8), sch. 16 Pt. I. |
| | | S. 14(9) added ... | 54, s. 5(1)(d), sch. 8 para. 18. |
| | | S. 16(1) am. ... | 54, s. 5(1)(d), sch. 8 para. 19. |
| | | Ss. 17(2), 21(1) rep. in pt. | 54, ss. 5(1)(a), 45(8), sch. 16 Pt. I. |
| | | S. 21(3) subst. ... | 54, s. 5(1)(d), sch. 8 para. 20. |
| | | Sch. 1 rep. in pt. ... | 54, ss. 5(1)(a), 45(8), sch. 16 Pt. I. |
| c. 58 ... | Pipe-lines Act 1962 ... | S. 41 rep. (with saving for subs. (2)). | 9, s. 117(1)(11), sch. 14. |
| c. 59 ... | Road Traffic Act 1962 ... | S. 2(1) rep. in pt. ... | 30, ss. 3(5), 32(2), sch. 2. |
| | | expld. ... | 30, s. 3(6)(7). |
| | | S. 2(2) proviso am. ... | 30, s. 32(1), sch. 1 para. 21. |
| | | S. 2(2)–(7) appl. (mod.) | 30, s. 3(8)(9). |
| | | S. 2(6) rep. ... | 30, s. 32(2), sch. 2. |
| | | S. 5 mod. ... | 80, s. 56(10). |
| | | ext. ... | 80, s. 56(1). |
| | | Ss. 5, 7 excl. ... | 70, s. 7. |
| | | ext. ... | 80, s. 56(6). |
| | | S. 7(1) excl. ... | 80, s. 51(1). |
| | | | 80, s. 56(10). |

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| 9 & 10 Eliz. 2: c. 59— <i>cont.</i> | Road Traffic Act 1962 — <i>cont.</i> | S. 7(4) ext. ... Ss. 10–13 rep. ... S. 23 rep. (<i>prosp.</i>) ... Ss. 26, 28–33 rep. ... S. 34(1), (3)–(5) rep. ... S. 34(2) ... Ss. 35, 38 rep. in pt. ... S. 38 am. ... S. 50(1) rep. in pt. ... Sch. 1 ext. ... Pts. I, II ext. ... paras. 4, 11 am. ... paras. 15–18 am. and rep. in pt. para. 19 rep. ... paras. 28–32, 54 } Sch. 2 rep. ... Sch. 4 Pts. I, II am. and rep. in pt. | 80, s. 56(11). 76, s. 110, schs. 7, 8. 79, s. 20. 76, s. 110, schs. 7, 8. 76, ss. 109, 110, schs. 6–8. 76, s. 109, sch. 6. 76, s. 110, schs. 7, 8. 30, s. 32(1), sch. 1 para. 22. 76, s. 110, schs. 7, 8. 80, s. 51(1). 80, s. 56(11). 76, s. 5(2). 76, ss. 109, 110, schs. 6–8. 70, s. 6(2), schs. 7, 8. 76, s. 110 schs. 7, 8. 76, ss. 109, 110, schs. 6–8. |
| 11 & 12 Eliz. 2: c. 5 ... | Air Corporations Act 1962. | Rep. ... | 33, s. 36(1), sch. 3. |
| 1963: c. 2 ... | Betting, Gaming and Lotteries Act 1963. | Sch. 2 paras. 13(<i>f</i>) am. para. 24(2) am. ... paras. 29(3) excl. | 54, s. 7(8). 81, s. 14(8)(<i>d</i>). 54, s. 7(8)(<i>a</i>). 54, s. 7(1). |
| c. 3 ... | Betting Duties Act 1963 | Sch. 1 para. 2(<i>a</i>) excl. ... | 54, s. 8. |
| c. 9 ... | Purchase Tax Act 1963 | S. 21 am. ... S. 23(1) am. ... S. 23(2) rep. ... | 54, s. 9. 54, ss. 9(3), 45 (8), sch. 16 Pt. IV. |
| c. 11 ... | Agriculture (Miscel- laneous Provisions) Act 1963. | Sch. 1 am. ... Pt. I am. ... Ss. 2, 3 rep. ... Ss. 6, 7 rep. ... | 54, s. 1(4). S.I. No. 886. 22, s. 75, sch. 7. 22, ss. 61(8), 75, sch. 7. |
| | | S. 9(1) rep. in pt. ... | 22, ss. 61(8), 75, sch. 7. |
| | | S. 10(1) am. and ext. ... | 22, ss. 44(1), 69(1)(<i>e</i>). |
| c. 12 ... | Local Government (Fin- ancial Provisions) (Scotland) Act 1963. | S. 9(1) appl. ... | 20, s. 5, sch. 2 Pt. IV. |
| | | S. 9(1)(2) appl. (mod.) ("2nd apptd. day"). | 78, s. 12(4). |
| c. 13 ... | Nursing Homes Act 1963 | S. 1(2) am. ... | 80, s. 92, sch. 3 Pt. I. |

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| 1963—cont. | | | |
| c. 16 | Protection of Depositors Act 1963. | S. 2(2) rep. in pt. ... Ss. 4(b)(c)(e) rep. in pt., 15(1)(b)-(d), (3) rep. S. 18(1)(2) excl. ... S. 20 rep. | 81, s. 127(2). 81, s. 130, sch. 8 81, s. 112. 81, s. 130, sch. 8 Pt. VIII. 81, s. 127(2). 81, s. 127(3). |
| c. 21 | Education (Scotland) Act 1963. | S. 2 rep. (<i>prosp.</i>) ... | 36, s. 8(4). |
| c. 23 | Forestry (Sale of Land) (Scotland) Act 1963. | Rep. | 10, s. 50, sch. 7 Pt. I. |
| c. 25 | Finance Act 1963 ... | S. 55(1), am. S. 57 rep. in pt. Ss. 60, 61 appl. S. 66 rep. | 54, s. 27(1). 54, s. 45(8), sch. 16 Pt. VII. 54, s. 30(4). 54, ss. 29(5)(b), 45(8), sch. 16. Pt. VII. 54, s. 27(1). S.I. No. 708. |
| c. 28 | Oil in Navigable Waters Act 1963. | Sch. 11 Pt. I am. ... Apptd. day for commencement of Act (18.5.1967). | S.I. No. 708. |
| c. 31 | Weights and Measures Act 1963. | S. 52(1) am. | 80, s. 92, sch. 3 Pt. I. |
| c. 33 | London Government Act 1963. | S. 3(2)(a) rep. in pt. (2)(c) rep. ... S. 5(1) excl. S. 9(2) am. rep. in pt. S. 9(3) rep. S. 9(4)(5) am. S. 9(6) rep. in pt. Ss. 10-13, 14(1)(b)(c) rep. ... S. 14(2) rep. in pt. and am. ... S. 14(5), (6)(b) rep. S. 15(2) am. S. 30(1)(b) rep. in pt. S. 30(6)(7) rep. S. 34(4) rep. S. 49(1)(a) rep. in pt. S. 63(1) rep. s. 63(2) rep. in pt. ... S. 87(8)(a) am. S. 89(1) rep. in pt. Sch. 2 para. 3(2) rep. ... | 18, s. 1(3) sch. Pt. I. 76, s. 84(4). 76, s. 109, sch. 6. 76, s. 110, schs. 7, 8. 76, s. 110, schs. 7, 8. 76, s. 109, sch. 6. 76, s. 110, schs. 7, 8. 76, s. 110, schs. 7, 8. 76, s. 109, sch. 6. 76, s. 110, schs. 7, 8. 76, s. 109, sch. 6. 18, s. 2(a). 18, s. 2(b). 18, s. 2(c). S.I. No. 1104, art. 4(2). 9, s. 117(1), sch. 14. xx, s. 13. 18, s. 1(3)(4), sch. Pt. I. 5, s. 3(4)(a). |

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| 1963: c. 33— <i>cont.</i> | London Government Act 1963— <i>cont.</i> | Sch. 3 paras. 15 rep. in pt. 17, 18 rep., 19(1)(2) rep. in pt. 19(4)(5) rep. | 5, s. 3(4)(b). |
| c. 37 ... | Children and Young Persons Act 1963. | Sch. 4 para. 8 am. ... Sch. 4 para. 23 rep. ... Sch. 5 Pts. I paras. 2-12, 17-23, 30, 31, 33, 35, II paras. 1-5, III rep. | 5, s. 1(1). xx, s. 25. 76, s. 110, sch. 7, 8. |
| c. 38 ... | Water Resources Act 1963. | Sch. 8 para. 17 excl. ... Sch. 11 Pt. I, para. 15 appl. para. 36 am. | 29, sch. 4 Pt. II. 69, s. 23(3). xx, s. 25. |
| c. 37 ... | Children and Young Persons Act 1963. | Sch. 15 rep. exc. paras. 5(1), 6, 10, 18, 21. Ss. 14, 30(5) am. ... | 9, s. 117(1), sch. 14. 80, s. 92, sch. 3 Pt. I. |
| c. 38 ... | Water Resources Act 1963. | Sch. 1, para. 13 rep. ... | 80, ss. 55, 103(2), sch. 7 Pt. I. |
| c. 38 ... | Water Resources Act 1963. | Ss. 1(1) rep. in pt., 1(4) am., 6(4) rep. in pt., 12(2) am., 12(3) rep. in pt., 13(1) am., 13(2) rep. in pt., 13(6) am., 13(12) rep., 16(3)(b), 81(2) am. | S.I. No. 156, art. 2(4), sch. 1. |
| c. 38 ... | Water Resources Act 1963. | Ss. 87(9) am., 87(10) rep. | S.I. No. 541, art. 5. |
| c. 38 ... | Water Resources Act 1963. | Ss. 89, 90 rep. in pt., 93(1), 104, 107(3) am., 107(7) rep. in pt., 108(9) rep., 109 rep. in pt., 110(3)-(5) am. | S.I. No., 615 art. 2(4), sch. 1. |
| c. 38 ... | Water Resources Act 1963. | S. 111(1) ext. ... S. 111(2) rep. in pt. ... | 84, s. 18(1)(b). S.I. No. 156, art. 2(4), sch. 1. |
| c. 38 ... | Water Resources Act 1963. | Ss. 111(3), (4), 112(1)-(7) ext. | 84, s. 18(1)(b). |
| c. 38 ... | Water Resources Act 1963. | S. 121(3) Subst., 121(4) rep., 121(7) am. | S.I. No. 541, art. 5. |
| c. 38 ... | Water Resources Act 1963. | S. 122 rep. ... | 9, s. 117(1), sch. 14. |
| c. 38 ... | Water Resources Act 1963. | S. 127(1), (2) am. ("2nd apptd. day"). | 78, s. 2(2), sch. 2 para. 16. |
| c. 38 ... | Water Resources Act 1963. | Sch. 6 paras. 2, 6 am. ... | S.I. No. 156, art. 2(4), sch. 1. |
| c. 39 ... | Criminal Justice (Scotland) Act 1963. | Sch. 13 para. 17 rep. ... S. 12(1) am. (1.4.1968) ... | 84, s. 25(1), sch. 80, s. 103(1), sch. 6 para. 26. |
| c. 39 ... | Criminal Justice (Scotland) Act 1963. | S. 48, sch. 4 rep. ... Schs. 5, 6 rep. in pt. ... | 43, ss. 22, sch. 3. 80, s. 103(2), sch. 7 Pt. II. |
| c. 46 ... | Local Government (Financial Provisions) Act 1963. | Sch. 1 para. 3 rep. ... | 54, s. 45(8), sch. 16 Pt. VII. |
| c. 51 ... | Land Compensation (Scotland) Act 1963. | Appl. (mod.) ... Appl. (<i>temp.</i>) ... Ext. ... | 1, s. 10(1)(4). 33, s. 28(5)(6). 69, s. 82(4)(b). 86, s. 70. 1, s. 21(5). |

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| 1963: c. 51— <i>cont.</i> | Land Compensation (Scotland) Act 1963— <i>cont.</i> | Ss. 3, 5 appl. (mod.) (<i>temp.</i>). S. 9 appl. (mod.) ... S. 11 appl. (mod.) ... S. 12 mod. ... Pt. V (ss. 31–37) rep. ... S. 39 excl. ... S. 39(1) restr. ... Sch. 2 para. 1(1)(f) added Sch. 2 para 1(2) mod. ... Sch. 3 rep. ... S. 55(1)(a) rep. in pt. ... | 10, s. 31(2). 1, ss. 24(4), (7), 89(5). 1, s. 89(5). 22, s. 50(8). 1, ss. 86, 101, sch. 17. 22, s. 49(7)(ii). 10, s. 22(5). 1, s. 23(2). 1, s. 23(3). 1, s. 101, sch. 17. 58, s. 10, sch. 3 Pt. III. 88, s. 31(3). |
| C.A.M. No. 1 No. 2 | Ecclesiastical Jurisdiction Measure 1963. Cathedrals Measure 1963 | Ss. 21(1)(a), 23 ext. ... | 88, s. 31(3). |
| 1964: | c. 3 Post Office (Borrowing Powers) Act 1964. | Rep. | 15, s. 1(2). |
| c. 6 | Export Guarantees Act 1964. | S. 1 rep. | 11, s. 2(2). |
| c. 18 | Rating (Interim Relief) Act 1964. | Rep. (saving) (1.4.68) S. 2 restr. | 9, s. 117(2). 9, s. 49(5), sch. 9 Pt. III para. 25. |
| c. 22 | British Nationality Act 1964. | S. 1 ext. | 4, s. 12, sch. 3 para. 4(3)(d). |
| c. 26 | Licensing Act 1964 ... | S. 1(1)(2)(a), (b) rep. in pt. S. 1(3) am. Ss. 4(1), 10(2) rep. in pt. S. 11(6) rep. S. 12(1) rep. in pt. S. 17(3) am. S. 21(4) added S. 30(5) added Ss. 36(4), 55(1) rep. Ss. 55(2), 93(5) rep. in pt. S. 109(1)(b) am. Pt. VII (ss. 118–131) cont. until 31.3.1969. excl. (off-licences) ... | 54, ss. 5(1)(a), 45(8), sch. 16 Pt. I. 54, s. 5(1)(c), sch. 7 para. 1. 54, ss. 5(1)(a), 45(8), sch. 16 Pt. I. 54, ss. 5(1)(a), 45(8), sch. 16 Pt. I. 54, s. 5(1)(c), sch. 7 para. 2. 54, s. 5(1)(c), sch. 7 para. 3. 54, s. 5(1)(c), sch. 7 para. 4. 54, ss. 5(1)(a), 45(8), sch. 16 Pt. I. 54, ss. 5(1)(a), 45(8), sch. 16 Pt. I. 54, s. 5(1)(c), sch. 7 para. 5. 89, s. 1(2). 51, s. 1. |

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| 1964: c. 26 — <i>cont.</i> | Licensing Act 1964 — <i>cont.</i> | S. 148(1) am. S. 149(1) am. S. 151(5) am. S. 152(1) am. rep. in pt. S. 154(1)(c) am. S. 154(1)(d) am. S. 159(2) rep. S. 160(1)(a), (b) rep. in pt. S. 160(1)(b), (6) am. S. 162 am. S. 164(4) added S. 180(1) subst. S. 180(2)(3)(6)(7) am. S. 180(8) added. S. 181 subst. S. 185 am. S. 196(3) am. S. 199(c) subst. S. 199(d) subst. S. 200(1) am. S. 201(1) definitions ("cider", "wine") added, ("intoxicating liquor", "occasional licence") subst. Sch. 9 para. 4(a) subst. Sch. 13 rep. | 54, s. 5(1)(c), sch. 7 para. 6. 54, s. 5(1)(c), sch. 7 para. 7. 54, s. 5(1)(c), sch. 7 para. 8. 54, s. 5(1)(c), sch. 7 para. 9. 54, ss. 5(1)(a), 45(8), sch. 16 Pt. I. 54, s. 5(1)(c), sch. 7 para. 10. 54, s. 5(1)(c), sch. 7 para. 11. 54, ss. 5(1)(a), 45(8), sch. 16 Pt. I. 54, ss. 5(1)(a), 45(8), sch. 16 Pt. I. 54, s. 5(1)(c), sch. 7 para. 12. 54, s. 5(1)(c), sch. 7 para. 13. 54, s. 5(1)(c), sch. 7 para. 14. 54, s. 5(1)(c), sch. 7 para. 15(1). 54, s. 5(1)(c), sch. 7 para. 15(2)– (5). 54, s. 5(1)(c), sch. 7 para. 15(6). 54, s. 5(1)(c), sch. 7 para. 16. 54, s. 5(1)(c), sch. 7 para. 17. 54, s. 5(1)(c), sch. 7 para. 18. 54, s. 5(1)(c), sch. 7 para. 19. 54, s. 5(1)(c), sch. 7 para. 20. 54, s. 5(1)(c), sch. 7 para. 21. 54, s. 5(1)(c), sch. 7 para. 22. |
| c. 28 | Agriculture and Horticulture Act 1964. | S. 2(3) excl. Ss. 4–6 rep. | 22, s. 26(11)(c). 22, ss. 61(8), 75 sch. 7. |

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| 1964: | | | |
| c. 28— <i>cont.</i> | Agriculture and Horticulture Act 1964— <i>cont.</i> | S. 9 excl. (w.e.f. 31.3.66) S. 9(2)(3) rep. | 22, s. 64(1). 22, ss. 64(1), 75, sch. 7. |
| c. 30 | Legal Aid Act 1964 | Rep. | 43, ss. 21, 22, sch. 3. |
| c. 37 | Income Tax Management Act 1964. | S. 9 appl. Sch. 4 rep. in pt. (saving) | 54, ss. 17(1), 38 (1), 39(1). 54, s. 45(8), sch. 16 Pt. VI. |
| c. 40 | Harbours Act 1964 | S. 22(2) am. | 80, s. 92, sch. 3 Pt. II. |
| c. 42 | Administration of Justice Act 1964. | Ss. 4(2)(b), 6(2) mod. S. 7(3) rep. in pt. S. 20 rep. | 28, s. 3. 58, s. 10, sch. 3 Pt. II. 80, s. 103(2), sch. 7 Pt. I. |
| | | S. 24 rep. (<i>prosp.</i>) Sch. 3 para. 17(2) rep. in pt. Sch. 3 para. 26 rep. | 28, s. 15(8)(j), (9), 58, s. 10, sch. 3 Pt. II. 9, s. 117(1), sch. 14. |
| c. 43 | Criminal Appeal Act 1964 | S. 1 am. (1.10.1968) S. 2(4) rep. in pt. (1.10.1968) S. 2(5) am. | 80, s. 73(8). 80, s. 103(2), sch. 7 Pt. I. 80, s. 103(2), sch. 6 para. 27. |
| | | Sch. 1 am. Sch. 1 para. 6 rep. in pt. (E.), (N.I.) (1.4.1968). Rep. | 80, s. 98(7). 80, s. 103(2), sch. 7 Pts. I, III. 76, s. 110, sch. 7, 8. |
| c. 45 | Road Traffic Act 1964 | | |
| c. 48 | Police Act 1964 | S. 19(6) am. (S.) S. 35 am. Ss. 44(3)(e), 45(2) am. (S.) Ss. 45(4) rep. in pt., 45(5), 59 rep. S. 64(4) am. (S.) S. 65(5) rep. in pt., sch. 7 rep. | 77, ss. 52(1), 53, sch. 4. 28, s. 13. 77, ss. 52(1), 53, sch. 4. 77, ss. 52, 53, sch. 5 Pt. I. 77, ss. 52(1), 53, sch. 4. 77, ss. 52, 53, sch. 5 Pt. I. |
| c. 49 | Finance Act 1964 | S. 6(4) am. Sch. 1 Table 1 subst. (saving). Sch. 2 subst. (saving) Sch. 3 subst. (saving) Sch. 4 subst. (saving) | 54, s. 1(3)(c). 54, s. 1(2), sch. 1. 54, s. 1(2), sch. 2. 54, s. 1(2), sch. 3. 54, s. 1(2), sch. 4. |
| c. 53 | Hire Purchase Act 1964... | Pt. IV (ss. 30-32), Sch. 3 rep., Sch. 4 rep. in pt. | 42, s. 8(2), sch. 2. |
| c. 54 | British Nationality (No. 2) Act 1964. | S. 1 ext. S. 53(3) ("tenancy at a low rent") saved. | 4, s. 12, sch. 5 para. 4(3)(e). 88, s. 39(3). |
| c. 56 | Housing Act 1964 | S. 92(2) am. (E.) S. 94(2) am. (E.) | 29, sch. 3 para. 11 29, sch. 3 para. 11 |
| c. 60 | Emergency Laws (Re-enactments and Re-peals) Act 1964. | Ss. 7-12 am. (<i>temp</i>) Sch. 1 am. (<i>temp.</i>) | 57, s. 4(1), 9(1). 57, s. 4(2), 9(1). |

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| 1964— <i>cont.</i> c. 64 | Drugs (Prevention of Misuse) Act 1964. | S. 1(2) Power to excl. ... S. 2 ext. ... S. 3(1) am. (E.) (S.) ... rep. in pt. (N.I.) | 82, s. 4(3). 82, s. 6(1)(2). 82, s. 6(3). |
| c. 67 | Local Government (Development and Finance) (Scotland) Act 1964. | S. 2 ext. ... S. 2 ext. (grants) ... Ss. 2, 3 ext. ... S. 2(1)(c) added ... Ss. 8-10 appl. ... Sch. para. 3 rep. ... | 86, s. 73(1). 86, s. 67(1)(c). 86, s. 52(2)(3). 86, s. 52(1). 78, s. 10(3). 54, s. 45(8), sch. 16 Pt. VII. |
| c. 71 | Trading Stamps Act 1964 | S. 10(1) am. ... | 81, s. 130, sch. 8 Pt. VIII. |
| c. 72 | Fishery Limits Act 1964 | Sch. 1 rep. in pt. ... | 42, s. 8(3). 84, s. 25(1), sch. 10, s. 47(2). |
| c. 83 | New Forest Act 1964 ... | S. 1(3) am. ... S. 13 rep. ... | 10, s. 50, sch. 7 Pt. I. |
| c. 84 | Criminal Procedure (Insanity) Act 1964. | S. 2(4)(a) rep. in pt. (1.4.1968). S. 3(1)(a) am. (1.4.1968) S. 3(1A) added (1.4.1968) S. 3(1) proviso rep. (1.4.1968) S. 3(2) rep. in pt. (1.4.1968) S. 4(6) am. (1.4.1968) ... | 80, s. 103(2), sch. 7 Pt. I. 80, s. 98(6), sch. 4 para. 33(a). 80, s. 98(6), sch. 4 para. 33(c). 80, ss. 98(6), 103(2), sch. 4 para. 33(b), sch. 7 Pt. I. 80, s. 103(2), sch. 7 Pt. I. 80, s. 98(6), sch. 4 para. 34. |
| c. 88 | Refreshment Houses Act 1964. | S. 3(2) am. ... | 38, s. 3. |
| c. 92 | Finance (No. 2) Act 1964 | S. 2 am. ... | 54, s. 1(3)(a). |
| c. 96 | National Insurance &c. Act 1964. | S. 3(3) rep. ... | 34, s. 15(1)-(3), sch. |
| c. 98 | Ministers of the Crown Act 1964. | S. 1 rep. in pt. ... Sch. 2 Pts. I, II rep. in pt. | S.I. No. 156, art. (3)3, sch. 3. S.I. No. 156, art. 3(3) sch. |
| C.A.M. No. 6 | Clergy (Ordination and Miscellaneous Provisions) Measure 1964. | Sch. 2 Pt. II rep. in pt. | S.I. No. 155, art. 3(3), sch. |
| | | §. 7 rep. ... | S.I. No. 156, art. 3(3), sch. 3. C.A.M. No. 3, s. 7(1). |
| 1965: c. 2 | Administration of Justice Act 1965. | S. 14(1)(5) rep. in pt. ... Sch. 1 rep. in pt. (Industrial Assurance Act 1923, Civil Aviation Act 1949). | 81, s. 130, sch. 8 Pt. IX. 81, s. 130, sch. 8 Pt. IX. |
| c. 10 | Superannuation (Amendment) Act 1965. | Sch. 2 para. 26(3) am. (<i>retrosp.</i>) | 28, s. 2(1). |

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| 1965—cont. | | | |
| c. 11 | Ministerial Salaries and Members' Pensions Act 1965. | S. 10(2)(c) added ... | 28, s. 10. |
| c. 12 | Industrial and Provident Societies Act 1965. | S. 61 am. S. 70 ext. S. 71 am. S. 71(1) am. | 80, s. 92, sch. Pt. I. 48, s. 7(2). 48, s. 5(1). 81, ss. 65(8), 7(3), 80(6). |
| c. 15 | Dangerous Drugs Act 1965. | Ss. 72, 73 ext. S. 11 am. S. 13 ext. Power to excl. S. 13(a)(b) excl. S. 14, ext. S. 14(1) am. S. 14(2) am. (E.) (S.) } rep. in pt. (N.I.) } S. 15 rep. (E.) S. 16(2) am. S. 22 appl. (mod.) | 48, s. 7(2). 82, s. 1(1). 82, s. 1(3). 82, s. 5. 82, s. 1(3). 82, s. 6(1)(2). 82, s. 4(4). 82, s. 6(3). 58, s. 10, sch. 3 Pt. III. 82, s. 4(4). 82, s. 3(1), sch. para. 4(3). S.I. No. 1487. |
| c. 16 | Airports Authority Act 1965. | Sch. am. Sch. 1, para. 11 rep. | 16 Pt. VII. |
| c. 21 | Development of Inventions Act 1965. | Rep. | 54, s. 45(8), sch. 32, s. 15(3). |
| c. 25 | Finance Act 1965 ... | S. 1(1) rep., 1(3) rep. in pt. S. 10(3)(6) rep. Pt. III (ss. 19-45) saved S. 20(5) rep. in pt. mod. S. 22(4) ext. Ss. 22(4), 24(1) excl. S. 28(3) am. S. 33 excl. S. 33(1)(b), (2)(b) mod. S. 34(3)(b) expld. S. 36(2) am. S. 45(5) mod. S. 49(6) rep. in pt. and am. mod. mod. S. 52(2) ("charges on income") excl. | 54, s. 45(8), sch. 16 Pt. III. 54, s. 45(8), sch. 16 Pt. X. 54, s. 33(3). 54, ss. 32, 45(8), sch. 13 Pt. I para. 1(1), sch. 16 Pt. X. 54, s. 32, sch. 13 Pt. I para. 1(2). 54, s. 35(1)(a). 54, s. 33(2), sch. 14 para. 7(1). 54, s. 35(2). 54, s. 32, sch. 13 Pt. I para. 6(c). 54, s. 32, sch. 13 Pt. I para. 2(1). 54, s. 33(4), sch. 14 para. 10(1). 54, ss. 38(3), 39(3). 54, ss. 33(2), sch. 14 para. 7. 54, ss. 41(5), 45(8), sch. 16 Pt. IX. 54, s. 42(4)(5) 54, s. 23(2)(b). |

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| 1965: c.25—cont. | Finance Act 1965—cont. | <p>S. 56(2) excl.</p> <p>S. 56(5)(6) am. (<i>retrosp.</i>)</p> <p>S. 58(2) restr.</p> <p>S. 61(2) appl.</p> <p>S. 62(5) excl.</p> <p>S. 65(3) mod. (<i>retrosp.</i>) ...</p> <p>S. 65(6) rep.</p> <p>S. 69(2) subst.</p> <p>S. 69(7) am.</p> <p> expld.</p> <p> excl.</p> <p>Ss. 77, 78 saved</p> <p>S. 82(2)(3) restored (<i>retrosp.</i>)</p> <p>S. 87(3) excl.</p> <p>S. 92(2) am.</p> <p>S. 92(9) ext.</p> <p>S. 95 rep.</p> <p>Sch. 6 expld.</p> <p> para 3(1)(7) excl.</p> <p> 4(1)(b) ext.</p> <p> 4(2)(b) am.</p> <p> 7 subst.</p> <p> 7(2)(b) am.</p> <p> 13(1)(c) expld.</p> <p> 13(3)(b), (4) (b) mod.</p> <p> 23(1) - (3) mod.</p> <p> 28 appl.</p> <p>Sch. 7 para. 4(4) excl. ...</p> <p> 8(2) excl.</p> <p> 11(1) excl....</p> <p> 18 excl.</p> <p> 20(1) excl....</p> | <p>54, s. 22(7).</p> <p>54, s. 21(2).</p> <p>54, s. 22(2).</p> <p>54, s. 22(8).</p> <p>54, s. 24, sch. 11 para. 7(2).</p> <p>54, s. 24, sch. 11 para. 4(2).</p> <p>54, ss. 24, 45(8), sch. 11 para. 4 (1), sch. 16 Pt. X.</p> <p>54, s. 24, sch. 11 para. 1.</p> <p>54, s. 24, sch. 11 para. 2(1)(3)</p> <p>54, s. 24, sch. 11 para. 2(6).</p> <p>54, s. 24, sch. 11 para. 2(7).</p> <p>54, s. 24, sch. 11 para. 8(1).</p> <p>54, s. 32, sch 13 para. 7.</p> <p>54, s. 20, sch. 10 para. 5.</p> <p>54, s. 1(3)(d).</p> <p>54, s. 1(3)(d).</p> <p>54, s. 45(8), sch. 16 Pt. X.</p> <p>54, s. 33(2), sch. 14.</p> <p>54, s. 33(2), sch. 14 para. 16(3).</p> <p>54, s. 33(2), sch. 14 para. 3(1).</p> <p>54, s. 33(2), sch. 14 para. 4.</p> <p>54, s. 33(2), sch. 14 para. 6(3).</p> <p>54, s. 33(2), sch. 14 para. 5(1).</p> <p>54, s. 33(2), sch. 14 para. 5(5).</p> <p>54, s. 32, sch. 13 para. 3(1).</p> <p>54, s. 33(6).</p> <p>54, s. 33(2), sch. para. 13(2).</p> <p>54, s. 32, sch. 13 para. 4(2).</p> <p>54, s. 33(2), sch. 14 para. 11.</p> <p>54, s. 32, sch. 13 para. 11(1).</p> <p>54, s. 32, sch. 13 para. 5.</p> <p>54, s. 32, sch. 13 para. 6(a).</p> |

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| 1965: c. 25— <i>cont.</i> | Finance Act 1965— <i>cont.</i> | Sch. 8 para. 4 subst. ... Sch. 8 para. 5(1) expld. 7 rep. in pt. Sch. 10 para. 2(1)(d)(e) am. Sch. 11 paras. 1(2) proviso, 9(2) proviso added. (<i>retrosp.</i>) Sch. 12 am. ... para. 1(3) rep. in pt. Sch. 13 para. 2(1) excl. ... Sch. 15 para 10 rep. ... Sch. 18 para. 1(3) am. and expld. para. 6(2)(c), (3) expld. 7(1)(b) subst. 12 ext. ... 13(3) rep. and super-seded. Sch. 21 para. 2(3) rep. in pt. | 54, s. 33(2), sch. 14 para. 6(3). 54, s. 32, sch. 13 para. 8. 54, ss. 32, 45(8), sch. 13 para. 9(1), sch. 16 Pt. X. 54, s. 33(2), sch. 14 para. 7(4). 54, s. 24, sch. 11 para. 3(2)(3). 54, s. 24, sch. 11 paras 10—16. 54, s. 45(8), sch. 16 Pt. X. 54, s. 32, sch. 13 Pt. I para. 6(b) 54, s. 45(8), sch. 16 Pt. VI. 54, s. 24, sch. 11 para. 6. 54, s. 24, sch. 11 para. 9. 54, s. 24, sch. 11 para. 7(1). 54, s. 24, sch. 11 para. 8(2). 54, ss. 24, 45(8), sch. 11 para. 8(4), sch. 16 Pt. X. 54, s. 45(8), sch. 16 Pt. VI. |
| c. 31 ... | Solicitors Act 1965 ... | Apptd. day for s.9 (26.6.1967). | S.I. No. 831. |
| c. 32 ... | Administration of Estates (Small Payment) Act 1965. | S. 6(1) am. ... | 28, s. 6(2). |
| c. 34 ... | British Nationality Act 1965. | Ss. 1, 3 ext. ... | 4, s. 12, sch. 3 para. 4(3)(f) |
| c. 36 ... | Gas Act 1965 ... | S. 3 rep. (E.) (with saving for subs. (7)). | 9, s. 117(1)(11), sch. 14. |
| c. 37 ... | Carriage of Goods by Road Act 1965. | Apptd. day for commencement of Act (5.6.1967). | S.I. No. 819. |
| c. 43 ... | Statutory Orders (Special Procedure) Act 1965. | Appl. ... | 10, s. 40, sch. 5 Pt. I para. 4. |
| c. 44 ... | Firearms Act 1965 ... | Ss. 7, 8, 9(2) am. (1.5.1968). S. 9(2)(b) rep. (1.5.1968) S. 10(1) am. (1.5.1968) Sch. 1, para. 2 am. ... | 80, s. 87(12). 80, ss. 103(2), 106(2), sch. 7 Pts. I, II. 80, s. 87(4). 77, ss. 52(1), 53, sch. 4. 80, s. 34. |
| c. 45 ... | Backing of Warrants (Republic of Ireland) 1965. | S. 5(1)(a) mod. ... | 80, s. 34. |

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| 1965— <i>cont.</i> c. 46 | Highlands and Islands Development(Scotland) Act 1965. | S. 14(2) appl. | 86, s. 5(3). |
| c. 47 | Merchant Shipping Act 1965. | Apptd. day for whole Act (1.3.1967). S. 2 rep. (<i>prosp.</i>) | S.I. No. 157. 27, s. 33(1), sch. 2. |
| | | S. 4 ext. (<i>prosp.</i>) | 27, s. 30(4). |
| | | S. 14 rep. (<i>prosp.</i>) | 27, s. 33(1), sch. 2. |
| | | Sch. 1 rep. in pt. (<i>prosp.</i>) | 27, s. 33(1), sch. 2. |
| c. 50 | Monopolies and Mergers Act 1965. | Sch. 1 mod. | 28, s. 3. |
| c. 51 | National Insurance Act 1965. | S. 10(1)(a)(iii) am. | 73, s. 1(1)(d). |
| | | S. 21(4) rep. in pt. | 73, s. 1(2), sch. 4 para. 1(a). |
| | | S. 24(9) added | 73, s. 1(2), sch. 4 para. 2. |
| | | Ss. 27, 29 Power to am. | 73, s. 5(3)(a)(i). |
| | | S. 30(7) am. | S.I. No. 756. |
| | | S. 31(1) am. | 73, s. 1(1)(e), sch. 7 para. 5. |
| | | S. 33(3) subst. | 73, s. 1(2), sch. 4 para. 3. |
| | | S. 34(1)(a)(b) am. | 73, s. 1(1)(e), sch. 7 para. 5. |
| | | S. 38(c) subst. | 73, s. 1(2), sch. 4 para. 4. |
| | | S. 40 Power to am. | 73, s. 5(3)(a)(i). |
| | | S. 41(4) Power to am. | 73, s. 5(3)(a)(ii) |
| | | S. 41(4)(b) subst. (<i>prosp.</i>) | 90, s. 1(4)(a), sch. 1 Pt. II. |
| | | S. 46 mod. | 73, ss. 4, 7(3), sch. 7 para. 8. |
| | | S. 49(3) rep. in pt. | 73, s. 1(2), sch. 4 para. 1(b). |
| | | S. 55 Power to am. regs. | 73, s. 5(3)(a)(ii). |
| | | S. 80 mod. | 28, s. 3. |
| | | S. 81(6) am. | 34, s. 13(1)(2)(a)(i). |
| | | S. 85(2)(d)—(g) subst. | 34, s. 15(4). |
| | | S. 91(2)—(5)(a)(c)(d) am. | 34, s. 13(1)(2)(a)(ii). |
| | | S. 95 saved | 80, s. 44(11). |
| | | S. 96 am. | 34, s. (131)(2)(a)(iii). |
| | | S. 97 appl. | 54, s. 25(3), sch. 12 para. 9. |
| | | S. 114(2) expld. (<i>prosp.</i>).... | 90, ss. 1(5), 2(3). |
| | | Sch. 1 subst. | 73, s. 1(1)(a), sch. 1. |
| | | Sch. 3 subst. (<i>prosp.</i>) | 90, s. 1(2), sch. 1 Pt. I. |
| | | Sch. 3 paras. 5, 7, 9 Power to am. | 73, s. 5(3)(a)(i). |
| | | Sch. 4 subst. | 73, s. 1(1)(c), sch. 3. |

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| 1965—cont. c. 52 ... | National Insurance (Industrial Injuries) Act 1965. | Ss. 13, 15, 17 appl. ... S. 17 Power to am. ... S. 18 appl. ... S. 19(3) am. ... Ss. 27, 28(1) power to appl. S. 34 Power to am., regs. S. 54(8) am. ... S. 58(1)(a) am. ... S. 61 saved ... S. 61(1) rep. in pt. ... S. 62(2)-excl. (<i>temp.</i>) ... S. 69 saved ... S. 77 am. ... S. 78 am. ... S. 82 mod. ... S. 85 am. ... S. 86(2) expld. (<i>prosp.</i>) and am. Sch. 1 Pt. I paras. 2(1)(b), 8(1)(b) Power to am. Sch. 1 Pt. II paras. 2(b), 4(b) Power to am. Sch. 2 Pt. I subst. ... Sch. 3 subst. ... Sch. 3 para. 7 Power to am. paras. 7, 11 am. (<i>prosp.</i>) Sch. 5 Power to am. para. 1 subst. (<i>prosp.</i>) | 34, s. 7(3). 73, s. 5(3)(a)(i). 34, s. 7(3). 73, s. 2(1)(c). 34, s. 4(4)(c)(e). 73, s. 5(3)(a)(ii). 34, s. 13(2)(b). 25, s. 1(1)(2). 25, s. 2. 34, s. 13(2)(b). 34, s. 15(1)-(3), sch. 25, s. 1(4). 80, s. 44(1). 77, ss. 52(1), 53, sch. 4. 90, s. 2(3). 73, ss. 4, 7(3), sch. 7 para. 8. 34, s. 13(2)(b). 90, ss. 1(5), 2(3). 73, s. 2(2)(a). 73, s. 2(2)(b). 73, s. 2(1)(a), sch. 5. 73, s. 2(1)(b), sch. 6. 73, s. 5(3)(a)(i). 90, s. 1(3), sch. 2 Pt. I. 73, s. 5(3)(a)(ii). 90, s. 1(4), sch. 2 Pt. II. |
| c. 53 ... | Family allowances Act 1965. | S. 1 am. (9.4.1968) Power to am. ... S. 3(2) am. (9.4.1968) Power to am. ... S. 8(3) am. ... S. 13 am. ... Sch. para. 1(1) proviso, Power to am. Sch. para. 1(1) am. (9.4.1968) | 90, s. 1(2). 73, s. 5(1). 90, s. 1(2). 73, s. 5(3)(a)(i). 34, s. 13(2)(c). 90, s. 2. 73, s. 5(3)(a)(i). 90, s. 1(1)(b). |
| c. 56 ... | Compulsory Purchase Act 1965. | Appl. (mod.) ... Pt. I (ss. 1-32) appl. ... appl. (mod.) ... S. 1(3) ("acquiring authority", "Land") am., S. 4 excl. S. 11(1) excl. ... S. 27 am. ... S. 27(5) rep. ... | 1, ss. 10, 14(4). 22, s. 49(7)(i). 10, ss. 39, 40, sch. 4 para. 1, sch. 5 Pt. III para. 11(1). xx, s. 15. 88, s. 40(4). 22, s. 49(7)(ii). 9, s. 67(3). 9, s. 117(1), sch. 14. |

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| 1965:— <i>cont.</i> | | | |
| c. 58 ... | Ministerial Salaries Consolidation Act 1965. | S. 2(2) am. sch. 1 rep. in pt. | S.I. No. 155 art. 3, sch. |
| c. 59 ... | New Towns Act 1965 ... | Sch. 10 para. 4(2) rep. ... Sch. 10 para. 4(4) rep. in pt. | 29, sch. 4 Pt. I. 29, sch. 4 Pt. I. |
| c. 63 ... | Public Works Loans Act 1965. | S. 2 ext. S. 2(3) restr. S. 2(5) am. S. 3 rep. | 61 s. 2(1). 61 s. 2(2). 61 s. 2(2)(b). 54, s. 45(8), sch. 16 Pt. VII. |
| c. 64 ... | Commons Registration Act 1965. | Sch. para. 3 rep. in pt. Functions transfd. to Min. of Housing and Local Govt., as to Wales to Secy. of State. | 61 s. 2(3). S.I. No. 156, art. 2. |
| c. 67 ... | Hire Purchase (Scotland) Act 1965. | Sch. 5 rep. in pt. ... | 42, s. 8(2), sch. 2. |
| c. 69 ... | Criminal Procedure (Attendance of Witnesses) Act 1965. | S. 1 ext. | 80, s. 2(10). |
| c. 71 ... | Murder (Abolition of Death Penalty) Act 1965. | S. 2 rep. (1.4.1968) ... | 80, s. 103(2), sch. 7 Pts. I, II. |
| c. 72 ... | Matrimonial Causes Act 1965. | Expld. (rules of court) (<i>prosp.</i>). S. 5(2) ext. (divorce county courts) (<i>prosp.</i>). Pts. II (ss. 15-32), III (ss. 33-38) ext. in pt. (<i>prosp.</i>). S. 36(6) am. | 56, ss. 7, 8. 56, s. 3. 56, s. 2. |
| c. 74 ... | Superannuation Act 1965 | Ext. Appl. Power to appl. (mod.) excl. S. 18(1) am. S. 25(3) am. (<i>retrosp.</i>) S. 26(2) am. (<i>retrosp.</i>) S. 38 saved S. 50(1)(c) am. (<i>retrosp.</i>) S. 63(1)(c) am. (<i>retrosp.</i>) S. 99(1) am. (<i>retrosp.</i>) Sch. 8 am. (<i>retrosp.</i>) | 80, s. 92, sch. 3 Pt. I. 10, s. 2, sch. 1 Pt. II para. 9(2). 13, s. 2(3), sch. 1 para. 3. 28, s. 15(1)(b), (2)(b), (3)-(5). 28, s. 7(1). 28, s. 1. 28, s. 2(3). 28, s. 2(3). 13, s. 2(3), sch. 1 para. 4. 28, s. 2(2). 28, s. 2(2). 28, s. 2(3). S.I. No. 571. |
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