





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

[IN TWO PARTS]
PART I

LONDON
HER MAJESTY'S STATIONERY OFFICE
1967

PRICE £9 9s. 0d. NET
(for both parts)

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

**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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THE PUBLIC GENERAL ACTS OF 1967

Land Commission Act 1967

1967 CHAPTER 1

An Act to provide for the establishment of a Land Commission, to make provision as to the finances of the Commission and to confer on the Commission powers to acquire, manage and dispose of land; to impose a betterment levy in respect of land; to make further provision as to compensation in respect of land acquired by authorities possessing compulsory purchase powers; to amend section 28 of, and Schedule 2 to, the Finance Act 1931; and for purposes connected with the matters aforesaid. [1st February 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

CONSTITUTION AND FINANCES OF LAND COMMISSION

1.—(1) There shall be established a body of Commissioners The Land Commission. to be called the Land Commission (in this Act referred to as "the Commission") who, on and after such day as may be appointed for the purposes of this section by an order made by the Ministers (in this Act referred to as "the first appointed day"), shall perform the functions assigned to the Commission by this Act.

(2) The provisions of Schedule 1 to this Act shall have effect with respect to the Commission.

(3) The Commission—

(a) in the performance of their functions under Part II of this Act shall comply with such directions, whether of a general or a specific character, and

A

PART I

(b) in the performance of their other functions under this Act shall comply with such directions of a general character,

as may be given to them by the appropriate Minister or Ministers.

(4) The functions of the Commission, and of their officers and servants, shall be performed on behalf of the Crown.

1957 c. 20.

(5) 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 Land Commission".

Land
Acquisition
and Manage-
ment Fund.

2.—(1) There shall be established under the control of the Commission a fund to be called the Land Acquisition and Management Fund (in this Part of this Act referred to as "the fund") into which the Commission shall pay—

(a) all sums received by them in consideration of any disposition of an interest in land made by the Commission ;

(b) all other sums received by them by virtue of their ownership of any interest in land ;

(c) any sum required to be paid into the fund by virtue of any provision of Part II of this Act ; and

(d) all sums received by them in pursuance of the next following section.

(2) All expenses incurred by the Commission in the performance of their functions under Part II of this Act, other than administrative expenses, shall be paid out of the fund.

(3) There shall be paid out of the fund into the Exchequer such sums as may from time to time be estimated, in accordance with directions given by the Treasury, to represent—

(a) administrative expenses incurred by the Commission in the performance of their functions under Part II of this Act, and

(b) expenses incurred by government departments (except the Postmaster General) in the provision of premises, facilities or services for the Commission, in so far as the provision of any such premises, facilities or services is attributable to the functions of the Commission under Part II of this Act.

(4) The Ministers may at any time, with the consent of the Treasury, direct the payment out of the fund into the Exchequer of any sum comprised in the fund which appears to them to be surplus to the requirements of the fund.

(5) Where an interest in land is acquired by the Commission (whether compulsorily or by agreement) any expenses incurred by the Commission in connection with the assessment of levy (in accordance with Part III of this Act) in respect of the disposition of that interest to the Commission shall, for the purposes of this Part of this Act, be treated as included among the administrative expenses incurred by the Commission in acquiring that interest.

3.—(1) Subject to the following provisions of this section, Advances out of the Consolidated Fund may from time to time advance out of the Consolidated Fund to the Commission, for the purposes of the fund, such sums as the Commission may request.

(2) The aggregate amount outstanding by way of principal in respect of sums advanced to the Commission under this section shall not at any time exceed £45 million, or such larger sum, not exceeding £75 million, as the Ministers may by order made with the consent of the Treasury direct.

(3) The Treasury may, for the purpose of providing any sums to be advanced under this section out of the Consolidated Fund or any part of such sums, or of providing for the replacement of sums so advanced, raise money in any manner in which they are authorised to raise money under the National Loans Act 1939; and any securities created and issued for that purpose shall be deemed for all purposes to have been created and issued under that Act. 1939 c. 117.

(4) Any sums advanced to the Commission under this section shall be repaid by the Commission out of the fund into the Exchequer in such manner and at such times, and with interest thereon at such rates, as the Treasury may direct.

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

(a) so much of those sums as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury think fit; and

(b) so much of those sums as represents interest shall be applied towards meeting such part of the annual charges for the National Debt as represents interest.

(6) No order shall be made under this section unless a draft of the order has been laid before the Commons House of Parliament and approved by a resolution of that House.

4.—(1) All expenses incurred by the Commission in consequence of this Act, except— General financial provisions.

(a) such expenses as by virtue of section 2(2) of this Act are to be paid out of the fund, and

PART I

(b) the principal amount of any sum which the Commission are required to refund under Part III of this Act, shall be defrayed out of moneys provided by Parliament.

(2) Subject to the next following subsection, all sums received by the Commission by virtue of this Act, except such sums as are specified in section 2(1) of this Act, shall be paid into the Exchequer.

(3) Where the Commission are required to refund any sum under Part III of this Act, they may deduct the principal amount of that sum from the sums falling to be paid into the Exchequer under the last preceding subsection; and the Commission may retain any amount deducted by virtue of this subsection.

(4) There shall be defrayed out of moneys provided by Parliament any expenses incurred by any government department (except the Postmaster General) in the provision of premises, facilities or services for the Commission, not being expenses required by or under any other enactment to be defrayed in some other manner.

Reports and
accounts of
Commission.

5.—(1) The Commission shall, at such time in each year as the Ministers may with the approval of the Treasury direct, send to the Ministers a report on the performance of their functions during the preceding financial year.

(2) Any such report shall set out any direction given to the Commission under this Part of this Act during the financial year to which the report relates, except any direction in respect of which there has been notified to the Commission the opinion of the appropriate Minister or Ministers that it should be omitted in the interests of national security.

(3) The Ministers shall lay before each House of Parliament a copy of every report sent to them under this section.

(4) The Commission shall in respect of each financial year prepare, in such form as the Treasury may direct, an account showing—

(a) the sums required by section 2 or section 3 of this Act to be paid into and out of the fund, and

(b) the sums received by the Commission by virtue of Part III of this Act,

and shall send the account to the Comptroller and Auditor General not later than the end of November following the financial year to which it relates; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

PART II

ACQUISITION, MANAGEMENT AND DISPOSAL OF LAND

Acquisition

6.—(1) Subject to the following provisions of this Part of this Act, on and after the first appointed day the Commission shall have power to acquire by agreement, or, on being authorised to do so in accordance with the following provisions of this Part of this Act, shall have power to acquire compulsorily, any land which in their opinion is land suitable for material development. General powers of acquisition.

(2) Where the Commission exercise their powers under the preceding subsection in relation to any land, the Commission shall have power to acquire by agreement, or, on being authorised to do so in accordance with the following provisions of this Part of this Act, shall have power to acquire compulsorily, any land contiguous or adjacent to that land which in their opinion is required for the purpose of executing works for facilitating the development or use of the first-mentioned land.

(3) The Commission shall not have power by virtue of subsection (1) of this section to acquire any land compulsorily unless, on the date on which the compulsory purchase order authorising the acquisition is made, one or more of the following conditions is fulfilled in relation to that land, that is to say—

- (a) planning permission for the carrying out of material development of the land is for the time being in force and the whole or part of the development authorised by that planning permission has not been carried out ;
- (b) in the current development plan, or in any proposals submitted to the planning Minister by a local planning authority for altering or adding to that plan, the land is defined or otherwise indicated in any such manner, or is allocated for purposes of any such description, as may be prescribed for the purposes of this subsection ;
- (c) the land is designated by the current development plan as subject to compulsory acquisition ;
- (d) the land forms part of an area designated as the site of a new town by an order made, or having effect as if made, under the New Towns Act 1965, or, as respects Scotland, under the New Towns Act 1946 ; 1965 c. 59.
1946 c. 68.
- (e) the land is, or forms part of, an area which has been declared to be a clearance area by a resolution under section 42 of the Housing Act 1957, or under section 34 of the Housing (Scotland) Act 1966, which is for the time being in force. 1957 c. 56.
1966 c. 49.

PART II

(4) Without prejudice to the last preceding subsection, the Commission shall not have power by virtue of subsection (1) of this section, in pursuance of a compulsory purchase order made before such day as the Ministers may by order appoint for the purposes of this subsection (in this Act referred to as "the second appointed day"), to acquire any land compulsorily except for one of the following purposes, that is to say—

- (a) securing the carrying out at an early date of material development which, in the opinion of the Commission, ought to be so carried out ;
- (b) securing that the land is developed as a whole, or as part of an area which, in the opinion of the Commission, ought to be developed as a whole ;
- (c) making the land available for development or use by, or for the purposes of, a person or body of persons who could be authorised to acquire it compulsorily for that development or use ;
- (d) disposing of the land in accordance with the provisions of section 18 of this Act.

(5) Where the last preceding subsection applies to a compulsory acquisition, and the purpose of the acquisition is that which is specified in paragraph (c) of that subsection, the power of the Commission mentioned in that subsection shall not be exercisable except—

- (a) with the approval of the Minister concerned, if the purpose is to make the land available for development or use by, or for the purposes of, a Minister, or
- (b) in any other case, with the approval of the person or body of persons who could be authorised to acquire the land compulsorily as mentioned in that paragraph, or, in default of such approval, with the approval of the Minister who could authorise that person or body so to acquire the land.

(6) No order shall be made appointing a day for the purposes of subsection (4) of this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

(7) In relation to planning permission granted on an outline application (that is to say, an application for planning permission subject to subsequent approval on any matters) the reference in subsection (3)(a) of this section to the development authorised by the planning permission shall be construed as including all development for which planning permission was granted on that application either with or without any requirement as to subsequent approval.

7.—(1) Subject to the following provisions of this section and to section 8 of this Act, the Acquisition of Land Act shall apply to any compulsory acquisition by the Commission under the powers conferred by the last preceding section as it applies to a compulsory acquisition by a Minister in a case falling within section 1(1) of that Act:

PART II
Compulsory
purchase
orders:
normal
procedure.

Provided that, in relation to any compulsory acquisition by the Commission,—

- (a) in section 1 of that Act any reference to Schedule 1 to that Act, and
- (b) in Part IV of that Schedule any reference to that Act or that Schedule,

shall be construed as a reference to that Act or Schedule (as the case may be) as modified by or under this Part of this Act.

(2) If any objection to a compulsory purchase order prepared in draft by the Commission is duly made and is not withdrawn, the Commission shall give notice to that effect to the Minister whose authority is required in accordance with the next following subsection, and—

- (a) the order shall not be made unless that Minister authorises the Commission to make it, and, if such authority is given, the order shall be made in the form of the draft order except in so far as that Minister requires or authorises the draft to be modified, and
- (b) sub-paragraphs (2) to (4) of paragraph 4 of Schedule 1 to the Acquisition of Land Act, and paragraph 5 of that Schedule, shall apply in relation to the order subject to the following modifications (instead of those specified in paragraph 7(4) of that Schedule), that is to say, as if any reference to the confirming authority were a reference to that Minister and any reference to confirming the order were a reference to authorising the Commission to make it.

(3) The Minister whose authority is required in relation to a compulsory purchase order in the circumstances mentioned in the last preceding subsection—

- (a) where in accordance with paragraph (a) of subsection (5) of the last preceding section the approval of a Minister is required, is that Minister ;
- (b) where in accordance with paragraph (b) of the said subsection (5) the approval of a Minister is required, or would have been required in default of approval by the person or body mentioned in that paragraph, is that Minister ; and
- (c) in any other case, is the planning Minister.

(4) So much of Schedule 1 to the Acquisition of Land Act, or of any regulations made under that Act, as requires a notice relating to a compulsory purchase order to specify the purpose

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for which the land is required, or for which it is authorised to be compulsorily purchased, shall, in relation to any such notice published or served by the Commission on or after the second appointed day, be construed as requiring the notice to specify the reasons for which the Commission propose to acquire the land.

(5) The notice of the making by the Commission of a compulsory purchase order which is required by paragraph 6 of Schedule 1 to the Acquisition of Land Act (as applied by subsection (1) of this section) to be published and served—

- (a) shall contain such a statement of the effect of sections 9 and 10 of this Act as may be prescribed by regulations made under that Act, and
- (b) shall include a notification to the effect that every person who, if a general vesting declaration were made in respect of all the land comprised in the order, would be entitled to claim compensation in respect of any such land or any interest in such land is invited to give information to the Commission, in the form prescribed by those regulations, with respect to his name and address and the land and interest in question.

Compulsory
purchase
orders:
special
procedure.

8.—(1) If at any time within the period of five years beginning with the first appointed day it appears to the appropriate Minister or Ministers that it is necessary in the public interest to enable the Commission to obtain authority for the compulsory acquisition of land by a simplified procedure, the appropriate Minister or Ministers may by an order made before the end of that period direct that the provisions of Schedule 2 to this Act shall have effect in relation to any compulsory purchase order authorising an acquisition to which the order under this subsection applies.

(2) Subject to subsection (6) of this section, an order under the preceding subsection shall not apply to any acquisition under a compulsory purchase order unless notice that the compulsory purchase order has been prepared in draft is (in accordance with paragraph 3 of Schedule 1 to the Acquisition of Land Act as applied by section 7(1) of this Act) first published before the end of the period specified in the preceding subsection.

(3) An order under subsection (1) of this section shall not apply to any acquisition of land of a description specified in section 1(2) of the Acquisition of Land Act (land belonging to local authorities etc.).

(4) An order under subsection (1) of this section shall specify a class of acquisitions (which may be defined by reference to the locality of the land, the development proposed to be carried out on the land, the use to which it is to be put, the period within which the acquisition is to take place, or any other considerations), and, subject to subsections (2), (3) and (6) of

this section, shall apply to all acquisitions by the Commission which fall within the class so specified.

(5) Any statutory instrument containing an order under subsection (1) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) The Ministers may by order direct that the preceding provisions of this section shall have effect as if for the period of five years specified in subsection (1) of this section (or, if that period has previously been extended under this subsection, for that period as so extended) there were substituted such longer period as may be specified in the order:

Provided that no order shall be made under this subsection unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

9.—(1) Where a compulsory purchase order authorising the Commission to acquire any land has come into operation, the Commission may execute in respect of any of the land which they are authorised to acquire by the compulsory purchase order a declaration in the prescribed form vesting the land in themselves as from the end of such period as may be specified in the declaration (not being less than twenty-eight days) from the date on which the service of notices required by subsection (3) of this section is completed.

General vesting declarations.

(2) A declaration under this section (in this Act referred to as a "general vesting declaration") shall not be executed before the end of the period of two months beginning with the date of the first publication (under paragraph 6 of Schedule 1 to the Acquisition of Land Act as applied by section 7(1) of this Act) of notice of the making of the compulsory purchase order, or such longer period, if any, as may be prescribed by that order:

Provided that, with the consent in writing of every occupier of any of the land specified in the declaration, the Commission may execute a general vesting declaration before the end of that period of two months, or of the longer period so prescribed, as the case may be.

(3) As soon as may be after executing a general vesting declaration, the Commission shall serve—

- (a) on every occupier of any of the land specified in the declaration (other than land in which there subsists a minor tenancy or a long tenancy which is about to expire), and
- (b) on every other person who has given information to the Commission with respect to any of that land in pursuance of the invitation published and served under section 7(5) of this Act,

a notice in the prescribed form specifying the land and stating the effect of the declaration.

A*

PART II

(4) For the purposes of this Act, a certificate by the Commission that the service of notices required by the last preceding subsection was completed on a date specified in the certificate shall be conclusive evidence of the fact so stated.

1874 c. 94.

(5) In the application of this section to Scotland a general vesting declaration 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.

Effect of
general
vesting
declaration.
1961 c. 33.
1965 c. 56.

10.—(1) At the end of the period specified in a general vesting declaration under this Act, the provisions of the Land Compensation Act 1961 (as modified by Schedule 2 to the Acquisition of Land Act) and of the Compulsory Purchase Act 1965 shall apply as if, on the date on which the declaration was made, a notice to treat had been served on every person on whom, under section 5 of the last-mentioned Act (on the assumption that they required to take the whole of the land specified in the declaration and had knowledge of all the parties referred to in that section) the Commission could have served such a notice, other than—

- (a) any person entitled to an interest in the land in respect of which such a notice had actually been served before the end of that period, and
- (b) any person entitled to a minor tenancy or a long tenancy which is about to expire.

(2) At the end of the period specified in a general vesting declaration under this Act, the land specified in the declaration, together with the right to enter upon and take possession of it, shall vest in the Commission as if the circumstances in which under Part I of the Compulsory Purchase Act 1965 an acquiring authority have any power to execute a deed poll (whether for vesting land or any interest in land in themselves or for extinguishing the whole or part of any rent-service, rentcharge, chief or other rent, or other payment or incumbrance) had arisen in respect of all the land and all interests therein, and the Commission had duly exercised that power accordingly at the end of that period.

(3) Where any land specified in a general vesting declaration is land in which there subsists a minor tenancy or a long tenancy which is about to expire—

- (a) the right of entry conferred by this section shall not be exercisable in respect of that land unless, after serving a notice to treat in respect of that tenancy, the Commission have served upon every occupier of any of the land in which the tenancy subsists a notice stating that, at the end of such period as is specified in the notice

(not being less than fourteen days) from the date on which the notice is served, they intend to enter upon and take possession of such land as is specified in the notice, and that period has expired, and

(b) the vesting of the land in the Commission shall be subject to the tenancy until that period expires, or the tenancy comes to an end, whichever first occurs.

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

(a) for the reference in subsection (1) to the provisions of the Land Compensation Act 1961 and of the Compulsory Purchase Act 1965 there shall be substituted a reference to the provisions of the Lands Clauses Acts and of section 6 of the Railways Clauses Consolidation (Scotland) Act 1845 (both as incorporated by Schedule 2 to the Acquisition of Land Act) and of the Land Compensation (Scotland) Act 1963 ;

(b) for the reference in that subsection to section 5 of the Compulsory Purchase Act 1965 there shall be substituted a reference to section 17 of the Scottish Act of 1845 ;

(c) for the reference in subsection (2) to Part I of the Compulsory Purchase Act 1965 there shall be substituted a reference to the Scottish Act of 1845, and for the reference in that subsection to executing a deed poll there shall be substituted a reference to expeding a notarial instrument, and for the words “rent-service, rentcharge, chief or other rent” there shall be substituted the words “feu-duty, ground annual or rent”.

(5) In relation to land in Scotland, at the end of the period specified in a general vesting declaration, or if a notice of objection to severance is served under Schedule 3 to this Act, when that notice has been disposed of in accordance with the provisions of that Schedule, that declaration, if still being proceeded with or, as the case may be, that declaration as altered under paragraph 12 of that Schedule, shall be recorded in the General Register of Sasines, and on being so recorded shall have the same effect as a conveyance registered in accordance with section 80 of the Scottish Act of 1845.

(6) The supplementary provisions contained in Schedule 3 to this Act shall have effect for the purposes of this section.

11.—(1) A compulsory purchase order made by the Commission in respect of land in England or Wales shall be registered in the register of local land charges by the proper officer of the council of each local authority area in which the land to which the order relates, or any part of that land, is situated.

Registration and revocation of compulsory purchase orders.

(2) A compulsory purchase order made by the Commission in respect of land in Scotland shall, as soon as may be after

PART II the order becomes operative, be recorded in the General Register of Sasines.

(3) A compulsory purchase order made by the Commission may be revoked by the Commission in respect of all or any part of the land comprised in the order ; but any such revocation shall not affect—

- (a) the previous operation of the order or anything done thereunder before the revocation, or
- (b) any right or liability accrued or incurred before the revocation, or
- (c) the institution, continuance or enforcement after the revocation of any proceedings or remedy in respect of any such right or liability.

(4) As soon as may be after revoking an order in respect of any land under this section, the Commission shall serve notice of the revocation on any persons on whom notices with respect to the land were served under Schedule 1 to the Acquisition of Land Act in connection with the order ; and in the case of land in Scotland the Commission shall also cause notice of the revocation to be recorded in the General Register of Sasines.

(5) Where a compulsory purchase order is made by the Commission in respect of land in England or Wales, it shall be the duty of the Commission, as soon as may be after—

- (a) the order is made, or
- (b) in consequence of any proceedings the order is quashed in respect of all or any part of the land comprised in the order, or
- (c) the order is revoked by the Commission in respect of all or any part of that land, or
- (d) by virtue of section 4 of the Compulsory Purchase Act 1965 the powers exercisable in pursuance of the order cease to be exercisable in respect of all or any part of that land,

1965 c. 56.

to give notice of the event in question to the proper officer of any council by whom the order is required to be registered under subsection (1) of this section, and to furnish him with all such information relating to the order, or to the event in question, as is needed to enable him to perform any duties imposed on him by rules made under section 15(6) of the Land Charges Act 1925.

1925 c. 22.

(6) In this section “local authority area” means a county borough, a London borough, a county district and the City of London.

Management and disposal

General powers of management.

12.—(1) The Commission shall have the general function of managing and turning to account land for the time being held by them ; and in the performance of that function the Commission, subject to the following provisions of this section, may

execute any building, engineering or other works in, on, over or under any land where they are of the opinion that it is expedient to do so with a view to the subsequent disposal of that land or any other land.

(2) Notwithstanding anything in the preceding subsection, the Commission shall not, except with the consent of the appropriate Minister or Ministers, execute on land to be disposed of by them for housing purposes any works for the provision of housing accommodation or for purposes connected therewith.

(3) Any consent required by the last preceding subsection may be given by the appropriate Minister or Ministers either in respect of all land in Great Britain (or in England and Wales, or in Scotland, as the case may be) or in respect of particular land or land in a particular area, and may be given either in respect of housing accommodation generally or in respect of housing accommodation of a particular description, and (without prejudice to the preceding provisions of this subsection) may be given either subject to or free from any conditions or limitations.

(4) A local authority shall have power to enter into an agreement with the Commission whereby the local authority will, as agents of the Commission, perform any service or execute any works which the Commission could perform or execute by virtue of this section; and, if any such agreement is made, the local authority may perform any service or execute any works in accordance with the agreement.

(5) Nothing in this section shall be construed as authorising, on the part of the Commission or a local authority, any act or omission which apart from this section would be actionable at the suit of any person on any grounds other than a limitation imposed by law on the capacity of the Commission or that local authority by virtue of its constitution.

13.—(1) Notwithstanding anything in section 1(4) of this Act, building byelaws, building regulations and building standards regulations shall have effect in relation to the Commission, and to land held or occupied by the Commission, as if the functions of the Commission were not performed on behalf of the Crown.

Application of building and planning controls.

(2) In the application of section 199 of the Act of 1962 (exercise of powers in relation to Crown land) to land in which there is for the time being an interest belonging to the Commission—

- (a) paragraph (b) of subsection (1) of that section, except in so far as it relates to restrictions or powers imposed or conferred by any of the provisions of sections 159 to 162 of that Act (which relate to statutory undertakers), shall have effect as if that interest were held otherwise than by or on behalf of the Crown;

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- (b) paragraphs (a) and (b) of subsection (2) of that section shall not apply, unless the land is Crown land apart from the interest belonging to the Commission ;
- (c) if the land is Crown land apart from the interest belonging to the Commission, the appropriate authority, for the purpose of giving any consent required for the purposes of paragraph (a) or paragraph (b) of subsection (2) of that section, shall be determined as if there were no interest belonging to the Commission in that land ; and
- (d) subsection (3) of that section shall apply as if any development carried out by or on behalf of the Commission were not development carried out by or on behalf of the Crown.

(3) In the application of section 83 of the Scottish Act of 1947 (exercise of powers in relation to Crown land) to land in which there is for the time being an interest belonging to the Commission—

- (a) paragraph (b) of subsection (2) of that section, except in so far as it relates to restrictions or powers imposed or conferred by any of the provisions of Schedule 5 to that Act (which relates to statutory undertakers), shall have effect as if that interest were held otherwise than by or on behalf of the Crown ;
- (b) paragraphs (a) and (b) of subsection (3) of that section shall not apply, unless the land is Crown land apart from the interest belonging to the Commission ;
- (c) if the land is Crown land apart from the interest belonging to the Commission, the appropriate authority, for the purpose of giving any consent required for the purposes of paragraph (a) or paragraph (b) of subsection (3) of that section, shall be determined as if there were no interest belonging to the Commission in that land ; and
- (d) subsection (5) of that section shall apply as if any development carried out by or on behalf of the Commission were not development carried out by or on behalf of the Crown.

(4) In the application of this section to England and Wales, “ building byelaws ” means any byelaws made under section 61 of the Public Health Act 1936 (byelaws as to buildings and sanitation) and includes any other enactment which, being either a byelaw or an enactment contained in a local or private Act, relates—

1936 c. 49.

- (a) to matters with respect to which byelaws can be made under that section (or could be so made if that section extended to the whole of England and Wales), or

(b) to the level, width or construction of new streets or provision for the sewerage of such streets, PART II

“building regulations” has the meaning assigned to it by section 4(1) of the Public Health Act 1961, and “Crown land” has the meaning assigned to it by section 199(6) of the Act of 1962. 1961 c. 64.

(5) In the application of this section to Scotland, “building regulations” has the meaning assigned to it by section 208 of the Housing (Scotland) Act 1966, “building standards regulations” has the meaning assigned to it by section 3 of the Building (Scotland) Act 1959, except that it includes any corresponding provision made by or under any local enactment, and “Crown land” has the meaning assigned to it by section 83(1) of the Scottish Act of 1947. 1966 c. 49.
1959 c. 24.

14.—(1) Subject to subsections (2) and (3) of this section, the following provisions of the Act of 1962, namely— Power to override easements and other rights in England and Wales.

- (a) section 81 (power to override easements and other rights over land acquired for planning purposes), and
- (b) sections 164 and 165 (power to extinguish rights of statutory undertakers over such land), and section 170(2) and 171 so far as applicable for the purposes of sections 164 and 165,

shall apply to land which has been acquired by the Commission (whether by agreement or compulsorily) as they apply to land which has been acquired by a local authority under section 68 of that Act.

(2) Section 81 of that Act shall not apply to the doing of any act by a person deriving title under the Commission (other than a Minister, local authority, statutory undertakers or the National Coal Board) unless the act was done with the approval in writing of the Commission.

(3) The Commission may serve a notice under subsection (1) of section 164 of that Act notwithstanding that they have disposed of the land to which the notice relates; and any power of removal and disposal of apparatus conferred by section 164 or 165 of that Act may, where the power becomes exercisable after the Commission have disposed of the land in question, be exercised by the person for the time being entitled to occupy the land as well as by the Commission.

(4) In construing the Compulsory Purchase Act 1965 as applied by virtue of section 7(1) or section 10(1) of this Act— 1965 c. 56.

(a) references to the execution of the works shall be construed as including references to any erection, construction or carrying out of buildings or works authorised by section 81 of the Act of 1962 as applied by this section, and

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1965 c. 56.

(b) in relation to the erection, construction or carrying out of any buildings or works so authorised, references in section 10 of the Compulsory Purchase Act 1965 to the acquiring authority shall be construed as references to the person by whom the buildings or works in question are erected, constructed or carried out.

(5) In subsection (1)(b) of this section any references to particular provisions of the Act of 1962 shall be construed as including references to those provisions as applied in relation to the National Coal Board by regulations made under section 204 of that Act.

Power to
override
servitudes
and other
rights in
Scotland.

15.—(1) Subject to subsections (2) and (3) of this section, the following provisions of the Scottish Act of 1945, namely—

(a) section 21 (power to override servitudes and other rights over land acquired for planning purposes), and

(b) section 24 (power to extinguish rights of statutory undertakers over such land) and Schedule 4 so far as applicable for the purposes of section 24,

shall apply to land which has been acquired by the Commission (whether by agreement or compulsorily) as they apply to land which has been acquired by a local planning authority under section 35 of the Scottish Act of 1947.

(2) The said section 21 shall not apply to the doing of any act by a person deriving title under the Commission (other than a Minister, local authority, statutory undertakers or the National Coal Board) unless the act was done with the approval in writing of the Commission.

(3) The Commission may serve a notice under subsection (1) of the said section 24 notwithstanding that they have disposed of the land to which the notice relates; and any power of removal and disposal of apparatus conferred by the said section 24 may, where the power becomes exercisable after the Commission have disposed of the land in question, be exercised by the person for the time being entitled to occupy the land as well as by the Commission.

(4) In construing the Lands Clauses Acts as applied by virtue of section 7(1) or section 10(1) of this Act, references to the execution of the works shall be construed as including references to any erection, construction or carrying out of buildings or works authorised by section 21 of the said Act of 1945 as applied by this section.

(5) In subsection (1)(b) of this section the references to provisions of the Scottish Act of 1945 shall be construed as including references to those provisions as applied in relation to the National Coal Board by regulations made under section 86 of the Scottish Act of 1947.

16.—(1) Subject to the provisions of this section, and to directions under section 1 of this Act, the Commission may make such dispositions of land held by them, or of interests in or rights over such land, as appear to them to be expedient in the public interest. PART II
General power of disposal.

(2) Except where so required or authorised by any such directions or by section 18 of this Act, the Commission shall not sell, lease or otherwise dispose of any land, or any interest in or right over land, except for the best consideration in money or money's worth which can reasonably be obtained.

(3) Nothing in the last preceding subsection shall be construed—

- (a)** as restricting the discretion of the Commission as to the parcels in which any land is to be disposed of, or as to the apportionment of the consideration for any disposition or any part of that consideration between different parts of the land disposed of, or
- (b)** as preventing the Commission from disposing of part of an area of land at a consideration less than that mentioned in the last preceding subsection, with a view to disposing of the whole or any part of the remainder of that area for a consideration greater than that which might otherwise have been obtainable, or
- (c)** as restricting the discretion of the Commission to reserve any right or privilege over or in relation to any land disposed of, or to dispose of land subject to any covenants, conditions or restrictions.

(4) In determining for the purposes of this section whether the consideration to be given by a person for any disposition is the best that can reasonably be obtained, the Commission may take into account as part of that consideration any benefit conferred on them by improvements which have been or are proposed to be carried out, whether by that person or any other person, and whether on the land to which the disposition relates or on any other land, and which have been or are to be so carried out without cost to the Commission.

(5) The Commission may dispose of land or interests in or rights over land in accordance with this section for any purpose, notwithstanding that the land was originally acquired by them for some other purpose; but where land was acquired by them compulsorily in pursuance of a compulsory purchase order made before the second appointed day, and was so acquired for the purpose specified in section 6(4)(c) of this Act, the Commission shall not dispose of the land for other purposes except with the consent of the Minister who authorised the Commission to make the compulsory purchase order or whose authority to make

PART II

the order would have been required if an objection to the order had been made and not withdrawn.

(6) Where the Commission dispose of land in Scotland to any person for the erection of a church or other building for religious worship or buildings ancillary thereto, then, unless the parties otherwise agree, such disposal shall be by way of feu.

Crownhold

General provisions as to crownhold.

17.—(1) With a view to making land available for development and use for any particular purpose, while retaining for the benefit of the Crown any element of value which may be or become attributable to the prospect of any development of that land (whether by way of redevelopment or otherwise) for any other purpose, the Commission may dispose of the land by way of a disposition to which this section applies.

(2) This section applies to any disposition made by the Commission which—

(a) consists of a conveyance on sale of the fee simple, of the grant of a feu or of the grant of a tenancy, and states that the interest thereby conveyed or granted is to be held by way of crownhold, and

(b) contains such covenants on the part of the purchaser, feuar or tenant restricting the carrying out of development or clearing of land as, in the opinion of the Commission, are necessary for retaining the element of value referred to in the preceding subsection, those covenants being expressed to be made (or, in Scotland, undertaken) by the purchaser, feuar or tenant as crownholder ;

and any such disposition is in this Act referred to as a “crownhold disposition”.

(3) Any covenant which in pursuance of subsection (2)(b) of this section or in pursuance of the next following section is contained in a crownhold disposition and is expressed to be made (or, in Scotland, undertaken) by the purchaser, feuar or tenant as crownholder, is in this Act referred to as a “crownhold covenant”; and any interest in land which, having been conveyed or granted to a person by such a disposition, is for the time being held (whether by that person or by a successor in title of his) subject to a crownhold covenant which continues to have effect, is in this Act referred to as a “crownhold interest”.

Concessionary crownhold dispositions.

18.—(1) Where land is disposed of by way of a crownhold disposition and the land is to be used for the provision of housing accommodation to be occupied—

(a) by the purchaser, feuar or tenant, or

(b) by persons for whom such accommodation is to be provided by the purchaser, feuar or tenant in accordance with arrangements approved by the Commission, the disposition may (notwithstanding section 16(2) of this Act) be made for a consideration less than the best which could reasonably be obtained.

(2) Where a crownhold disposition is made in the exercise of the power conferred by the preceding subsection, the disposition shall be made in accordance with the following provisions of this section; and any crownhold disposition so made is in this Act referred to as a "concessionary crownhold disposition".

(3) The disposition shall specify a sum as being the amount by which the consideration is reduced in the exercise of that power; and in calculating that sum,—

- (a) where the disposition consists of the grant of a tenancy and a reduced rent is reserved by the disposition, account shall be taken of the difference between the capital value of the right during the tenancy to receive that rent and the capital value of a right during the tenancy to receive the rent which would have been reserved apart from subsection (1) of this section, and
- (b) where the disposition consists of the grant of a feu and a reduced feu-duty is specified by the disposition, account shall be taken of the difference between the capital value of the right to receive that feu-duty and the capital value of a right to receive the feu-duty which would have been specified apart from subsection (1) of this section.

(4) The disposition shall also contain the following covenants on the part of the purchaser, feuar or tenant, which shall be expressed to be made (or, in Scotland, undertaken) by him as crownholder, that is to say—

- (a) a covenant that no tenancy of the land comprised in the disposition (in this section referred to as "the crownhold land") or of any part of that land shall be granted except with the consent in writing of the Commission; and
- (b) such a covenant as appears to the Commission to be requisite for securing that, in the event of any proposal to sell the crownhold interest in that land, or in part of that land, or to feu or dispose of by way of contract of ground annual that land or part of that land, the Commission will have a right of pre-emption in accordance with the following provisions of this section.

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(5) The right of pre-emption under such a covenant as is mentioned in paragraph (b) of the last preceding subsection shall be such that—

- (a) where the disposition proposed to be made by the person for the time being entitled to the crownhold interest in the whole or part of the crownhold land is to extend to all the land in which he has that interest, the right of pre-emption will be exercisable in respect of the whole of the last-mentioned land, and
- (b) where that disposition is to comprise only part of the land in which that person has the crownhold interest, the right of pre-emption will, at the option of the Commission, be exercisable either in respect of that part or in respect of the whole of the last-mentioned land.

(6) The price to be paid, on the exercise of such a right of pre-emption in respect of the whole or part of the crownhold land, shall be a sum equal to (and, in default of agreement, to be determined in the like manner as) the compensation which would be payable by the Commission in respect thereof if—

- (a) the covenant conferring the right of pre-emption were broken, and
- (b) on such date as may be determined in accordance with the covenant, the Commission executed a vesting declaration in respect of the crownhold interest in the crownhold land or in that part of it, as the case may be, in the exercise of the power conferred by section 21 of this Act.

Enforcement
of crownhold
covenants.

19.—(1) Crownhold covenants shall not be enforceable by any means other than those provided by sections 20 and 21 of this Act.

(2) A crownhold covenant contained in a disposition relating to land other than registered land—

1925 c. 22.

- (a) may be registered under section 10 of the Land Charges Act 1925 as a restrictive covenant, if apart from this subsection it would not be registrable under that section as a restrictive covenant or as an estate contract, and
- (b) subject to the provisions of section 13 of that Act, shall be binding upon every successor of the covenantor, if apart from this subsection it would not be binding upon every such successor.

(3) Where a crownhold covenant is contained in a disposition relating to 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) As respects land in Scotland, where a disposition containing a crownhold covenant, being a disposition which it is lawful to record in the General Register of Sasines, is so recorded, and in the case of any such disposition which is not so recordable, the crownhold covenant shall be binding upon every successor of the covenantor and shall be repeated or validly referred to in any disposition conveying any such interest as is mentioned in paragraph (a) or paragraph (b) of the next following subsection.

(5) In subsections (2) to (4) of this section "successor of the covenantor", in relation to a crownhold disposition, means a person, other than the covenantor, who is for the time being entitled—

- (a) to the crownhold interest, either in the whole or in part of the land comprised in the disposition, or
- (b) to an interest consisting of a tenancy (whether of the whole or of part of that land) which has been created (directly or indirectly) out of the crownhold interest.

(6) 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 crownhold covenant; and 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 crownhold covenant contained in a concessionary crownhold disposition. 1925 c. 20. 1927 c. 36.

(7) 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 crownhold covenant, if apart from this subsection it would apply to any such right.

(8) Where any such interest as is mentioned in paragraph (a) or paragraph (b) of subsection (5) of this section is acquired (whether compulsorily or by agreement) by an authority possessing compulsory purchase powers, other than the Commission, 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 crownhold covenant to which that interest is subject.

PART II

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

- (a) subsections (2), (3), (6) and (7) shall not apply ; and
- (b) notwithstanding any change in the proprietorship of the *dominium utile* or of the *dominium directum* of land subject to any crownhold covenant, the right by agreement to vary or revoke such a covenant shall remain vested solely in the Commission.

Notice of
breach of
crownhold
covenant.

20.—(1) Where it appears to the Commission that a crownhold covenant contained in a crownhold disposition has been broken, the Commission may serve a notice under this section on any one or more of the following persons, that is to say—

- (a) any person for the time being entitled to the crownhold interest, either in the whole or in part of the land comprised in the disposition (in this section referred to as “ the crownhold land ”), and
- (b) any person entitled to an interest consisting of a tenancy (whether of the whole or of part of the crownhold land) which has been created (directly or indirectly) out of the crownhold interest.

(2) A notice served on any person under the preceding subsection shall—

- (a) specify the covenant and the matters in respect of which it is alleged by the Commission that the covenant has been broken ;
- (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 Commission propose to execute a vesting declaration under the next following section in respect of that person’s interest in the crownhold land, unless before the end of that period he serves on the Commission a counter-notice under the next following subsection ; and
- (c) state whether (in the circumstances specified in the last preceding paragraph) the Commission propose to execute such a vesting declaration in respect of the whole of the land in which that person’s interest subsists or in respect only of a part of that land specified in the notice, as being the part in relation to which the covenant is alleged by the Commission to have been broken.

(3) Any person on whom a notice is served under subsection (1) of this section may, before the end of the period specified in the notice in accordance with paragraph (b) of the

last preceding subsection, serve on the Commission a counter-notice 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 crownhold covenant specified in the notice under subsection (1) of this section 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 crownhold land 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 the next following section in respect of his interest.

(4) Where a person has served a counter-notice under the last preceding subsection and that counter-notice has not been withdrawn, the Commission shall not execute a vesting declaration under the next following section in respect of his interest except with the leave of the county court, or, in Scotland, of the sheriff ; 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 paragraph (a) or paragraph (b) of the last preceding subsection, the court or sheriff shall not grant leave unless satisfied that the objection on those grounds is not well-founded, and
- (b) without prejudice to the preceding paragraph, where the grounds of objection specified in the counter-notice consist of or include that which is specified in paragraph (c) of the last preceding subsection, the court or sheriff, if having regard to the conduct of the parties and to all the other circumstances it appears to the court or sheriff to be just and equitable to do so, may refuse to grant leave, either unconditionally or on such terms (as to costs, expenses, damages or otherwise) as the court or sheriff thinks fit.

21.—(1) Where the Commission have served on any person a notice under the last preceding section in respect of such an interest as is mentioned in paragraph (a) or paragraph (b) of subsection (1) of that section, then, subject to the following provisions of this section and, where an order has been made by the county court or the sheriff under subsection (4) of that section, subject to the provisions of that order, the Commission may execute a vesting declaration under this section in respect of that interest at any time before the end of the period of six

Compulsory acquisition in pursuance of notice under s. 20.

PART II months after the date applicable in accordance with the next following subsection.

(2) That date is the date of the occurrence of whichever of the following events last occurs, that is to say—

- (a) the period specified in the notice in accordance with subsection (2)(b) of the last preceding section expires without a counter-notice having been served under subsection (3) of that section ;
- (b) a counter-notice so served is withdrawn ;
- (c) an application for leave under subsection (4) of that section is determined by the county court or the sheriff ;
- (d) an appeal against the decision of the county court or the sheriff on such an application, and any further appeal against the decision on such an appeal, is determined or is abandoned or otherwise ceases to have effect or the time for bringing any such appeal or further appeal expires without its having been brought.

(3) A vesting declaration under this section in respect of an interest in land shall be in the prescribed form ; and, where such a declaration is executed,—

- (a) the interest to which it relates shall vest in the Commission on such date as is specified in that behalf in the declaration, and
- (b) if it relates to land in Scotland, the declaration shall, as soon as may be after that date, be recorded in the General Register of Sasines.

(4) Where the notice under the last preceding section stated that, in the circumstances specified in subsection (2)(b) of that section, the Commission proposed to execute a vesting declaration in respect only of part of the land in which the interest in question subsists, any vesting declaration made under this section in pursuance of that notice shall not extend beyond that part of the land, and the last preceding subsection shall have effect accordingly.

1961 c. 33.
1963 c. 51.

(5) Any reference in the Land Compensation Act 1961 or in the Land Compensation (Scotland) Act 1963 to the compulsory acquisition of land, or of an interest in land, shall be construed as including a reference to the execution of a vesting declaration under this section in respect of an interest in land ; and (subject to the following provisions of this section) those Acts shall apply in relation to the execution of such a declaration as if the Commission had been authorised to acquire that interest compulsorily under the preceding provisions of this Part of this Act and had served notice to treat in respect of that interest on the date of execution of the declaration.

(6) For the purpose of assessing compensation in accordance with those Acts in respect of an interest in land vested in the Commission by a vesting declaration under this section—

- (a) 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 crownhold covenant, or to any prospect of carrying out any such development, and
- (b) in a case where immediately before the execution of the declaration that interest is subject to a right of pre-emption conferred on the Commission by a concessionary crownhold disposition in accordance with section 18(4)(b) of this Act, no account shall be taken of any diminution of the value of that interest which is attributable to that right,

and no compensation shall be paid for damage sustained by reason that the land in which that 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.

(7) Where, immediately before the execution of a vesting declaration under this section in respect of a crownhold interest, that interest is subject to a right of pre-emption conferred on the Commission by a concessionary crownhold disposition in accordance with section 18(4)(b) of this Act, then—

- (a) if the declaration extends to the whole of the land in which that interest subsists, the compensation which would, apart from this subsection, be payable in respect of that interest shall be reduced by the sum specified in the disposition in accordance with section 18(3) of this Act, and
- (b) in any other case, that compensation shall be reduced by so much of that sum as, on a proper apportionment of that sum as between the land comprised in the declaration and the remainder of the land comprised in the disposition, is attributed to the land comprised in the declaration.

(8) Where the last preceding subsection has effect in relation to a crownhold interest, and a vesting declaration under this section (whether it is the same declaration as that executed in respect of that interest or a different declaration) is executed in respect of such a tenancy as is mentioned in section 20(1)(b) of this Act, then, if the amount which in accordance with the last preceding subsection falls to be deducted from the compensation

PART II

mentioned in that subsection exceeds the amount of that compensation, the amount of the excess shall be ascertained, and—

- (a) if the tenancy extends to the whole of the land in which the crownhold interest subsists, the compensation which would, apart from this subsection, be payable in respect of the tenancy shall be reduced by the amount of the excess so ascertained, and
- (b) in any other case, that compensation shall be reduced by so much of the amount of that excess as, on a proper apportionment of that amount as between the land comprised in the tenancy and the remainder of the land in which the crownhold interest subsists, is attributed to the land comprised in the tenancy.

Supplementary provisions

Owner's
right to
require
Commission
to elect.

22.—(1) Where, by a planning decision made on or after the second appointed day, planning permission is granted for the carrying out of material development of any land, any person entitled to a material interest in that land, or in part of that land, may, within three months from the date of the planning decision, serve on the Commission a notice in the prescribed form—

- (a) specifying the land in which that interest subsists (in this section referred to as “the specified land”), and the planning decision in consequence of which the notice is served, and
- (b) requiring the Commission to elect whether or not to acquire the specified land.

(2) Within three months after the date on which a person (in this section referred to as “the owner”) has served on the Commission a notice under the preceding subsection, the Commission shall serve on him a counter-notice stating either that they do or that they do not propose to acquire the specified land:

Provided that a counter-notice under this section stating that the Commission do not propose to acquire the specified land may, if the Commission think fit, be expressed to be subject to the condition that the development for which the planning permission was granted is begun or completed within such period as may be specified in the counter-notice or to such other conditions as may be so specified.

(3) Where a counter-notice under this section states that the Commission propose to acquire the specified land, then—

- (a) that land shall, for the purposes of section 6(1) of this Act, be deemed to be land which, in the opinion of the Commission, is suitable for material development, and

(b) unless before the end of the period of twelve months from the date of service of the counter-notice the Commission have entered into a binding contract to purchase the owner's interest in that land, the Commission shall before the end of that period prepare in draft a compulsory purchase order for the acquisition of that land under this Part of this Act.

(4) Where the Commission are required to serve a counter-notice under this section and either—

- (a) they serve a counter-notice stating unconditionally that they do not propose to acquire the specified land, or
- (b) they serve a counter-notice stating that they do not propose to acquire that land but the counter-notice is expressed to be subject to one or more conditions, and those conditions are complied with, or
- (c) the Commission do not serve a counter-notice as required by this section,

the Commission shall not have power to acquire the specified land, or any part of that land, compulsorily in pursuance of a compulsory purchase order made before the end of the period of five years from the date of service of the counter-notice or (in a case falling within paragraph (c) of this subsection) from the date on which the time allowed for serving the counter-notice expired.

(5) Where under this section the Commission serve a counter-notice stating that they propose to acquire the specified land, and have not, before the end of the period of twelve months from the date of service of the counter-notice, entered into a binding contract to purchase the owner's interest in that land, then, unless notice that a compulsory purchase order for the acquisition of that land has been prepared in draft by the Commission has (in accordance with paragraph 3 of Schedule 1 to the Acquisition of Land Act as applied by section 7(1) of this Act) been first published before the end of that period, subsection (4) of this section shall have effect as if the Commission had served a counter-notice stating unconditionally that they do not propose to acquire the specified land.

(6) In this section "material interest", in relation to any land comprised in a planning decision, means an interest which—

- (a) is either the fee simple or a tenancy of which not less than twenty years remain unexpired at the date of the planning decision, and
- (b) is not in reversion expectant (whether immediately or not) on the termination of a tenancy of which more than fifty years remain unexpired at that date.

PART II
Compulsory purchase order comprising house unfit for human habitation.
 1961 c. 33.
 1963 c. 51.

23.—(1) Schedule 2 to the Land Compensation Act 1961 shall be amended by inserting at the end of paragraph 2(1)(f) the words “ or

(g) an acquisition by the Land Commission under the Land Commission Act 1967 ”.

(2) Schedule 2 to the Land Compensation (Scotland) Act 1963 shall be amended by inserting at the end of paragraph 1(1)(e) the words “ or

(f) an acquisition by the Land Commission under the Land Commission Act 1967 ”.

(3) In relation to any acquisition by the Commission under this Act, paragraph 2(2) of Schedule 2 to the said Act of 1961, and paragraph 1(2) of Schedule 2 to the said Act of 1963, shall each have effect as if, for any reference to the confirmation of a compulsory purchase order, there were substituted a reference to whichever of the following events first occurs, that is to say—

(a) a compulsory purchase order is made by the Commission ;

(b) authority to make a compulsory purchase order is given to the Commission under section 7(2) of this Act.

Recovery of compensation overpaid.

24.—(1) The provisions of this section shall have effect where, after the Commission have made a general vesting declaration under this Act in respect of any land, a person claims compensation in respect of the acquisition by the Commission of an interest in any land by virtue of the declaration, and the Commission pay compensation in respect of that interest.

(2) If it is subsequently shown—

(a) that the land, or the claimant’s interest in it, was subject to an incumbrance which was not disclosed in the particulars of his claim, and

(b) that by reason of that incumbrance the compensation paid exceeded the compensation to which the claimant was entitled in respect of that interest,

the Commission may recover the amount of the excess from the claimant.

(3) If, in a case falling within subsection (1) of this section, it is subsequently shown that the claimant was not entitled to the interest in question, either in the whole or in part of the land to which the claim related, the Commission may recover from him an amount equal to the compensation paid, or to so much of that compensation as, on a proper apportionment thereof, is attributable to that part of the land, as the case may be.

PART II

(4) Any question arising under this section—

(a) as to the amount of the compensation to which the claimant was entitled in respect of an interest in land, or

(b) as to the apportionment of any compensation paid,

shall be referred to and determined by the Lands Tribunal; and, in relation to the determination of any such question, the provisions of section 2 of the Land Compensation Act 1961 shall apply, subject to any necessary modifications. 1961 c. 33.

(5) Subject to the last preceding subsection, any amount recoverable by the Commission under this section shall be recoverable as a simple contract debt in any court of competent jurisdiction.

(6) Any sum recovered under this section shall be paid into the Land Acquisition and Management Fund.

(7) In the application of this section to Scotland, in subsection (4) for the reference to section 2 of the Land Compensation Act 1961 there shall be substituted a reference to section 9 of the Land Compensation (Scotland) Act 1963, and in subsection (5) the words "as a simple contract debt" shall be omitted. 1963 c. 51.

25.—(1) Stamp duty shall not be charged on any instrument to which the Commission is a party, if— Exemption from stamp duty

(a) it is an instrument falling within any of the specified entries in the first column of the table contained in section 15(2)(d) of the Stamp Act 1891 and the Commission is the person described in the corresponding entry in the second column of that table, or 1891 c. 39.

(b) it is a contract or agreement (whether under seal or in writing) for the conveyance or assignment to the Commission of a legal or equitable estate or interest in land.

(2) Stamp duty shall not be charged on any duplicate or counterpart of an instrument to which the Commission is a party if that instrument—

(a) is an instrument falling within any of the specified entries in the first column of the table referred to in paragraph (a) of the preceding subsection but the Commission is not the person described in the corresponding entry in the second column of that table, or

(b) is a contract or agreement (whether under seal or in writing) for the grant of a tenancy by the Commission

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or for the conveyance or assignment by the Commission of a legal or equitable estate or interest in land.

(3) Stamp duty shall not be charged on any vesting declaration made by the Commission.

(4) Where an instrument would have been chargeable with stamp duty but for subsection (1) of this section, and is exempt from duty by virtue of that subsection, the exemption shall not extend to any duplicate or counterpart of that instrument, and any such duplicate or counterpart shall be chargeable with stamp duty accordingly as if the instrument had been chargeable with duty:

1891 c. 39. Provided that section 72 of the Stamp Act 1891 (provision as to duplicates and counterparts) shall not have effect in relation to any such duplicate or counterpart.

1895 c. 16. (5) Section 12 of the Finance Act 1895 (collection of stamp duty in cases of property vested by Act or purchased under statutory power) shall not apply to any instrument which is exempt from duty under the preceding provisions of this section.

1910 c. 8. (6) Subsection (5) of section 74 of the Finance (1909-10) Act 1910 (whereby certain conveyances may be deemed to be voluntary dispositions for purposes of stamp duty) shall not apply to any disposition made by the Commission by reason only that it is made in the exercise of the power conferred by section 18(1) of this Act.

(7) In this section “the specified entries” means the following entries, that is to say “bond, covenant, or instrument of any kind whatsoever”, “conveyance on sale”, and “lease or tack”.

Interpretation
of Part II.

26.—(1) In this Part of this Act, and in Schedules 1 to 3 to this Act, the following expressions have the meanings hereby respectively assigned to them, that is to say—

1946 c. 49. “the Acquisition of Land Act” means the Acquisition of Land (Authorisation Procedure) Act 1946, or, as respects Scotland, the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;

1947 c. 42.

“crownhold disposition” and other expressions relating to crownhold have the meanings assigned to them by sections 17 and 18 of this Act;

“the current development plan”, in relation to any land, means a development plan comprising that land, in the form in which (whether as originally approved or made or as for the time being amended) that plan is for the time being in force; and

“ general vesting declaration ” has the meaning assigned to it by section 9(2) of this Act. PART II

(2) In section 6 of this Act “ land ” includes any interest in or right over land, and the definitions of “ land ” in the Acquisition of Land Act and in Part I of the Compulsory Purchase Act 1965 c. 56, and, as respects Scotland, in the Lands Clauses Acts, as applied respectively by any of the provisions of this Part of this Act, shall be construed accordingly.

(3) In sections 9 and 10 of this Act “ minor tenancy ” means a tenancy for a year or from year to year or any lesser interest, and “ long tenancy which is about to expire ”, in relation to a general vesting declaration, means a tenancy granted for an interest greater than a minor tenancy, but having at the date of the declaration a period still to run which is not more than the specified period (that is to say, such period, longer than one year, as may for the purposes of this subsection be specified in the declaration in relation to the land in which the tenancy subsists); and in determining for the purposes of this subsection what period a tenancy still has to run at the date of a general vesting declaration it shall be assumed—

- (a) that the tenant will exercise any option to renew the tenancy, and will not exercise any option to terminate the tenancy, then or thereafter available to him, and
- (b) that the landlord will exercise any option to terminate the tenancy then or thereafter available to him.

PART III

BETTERMENT LEVY

Charge of levy

27.—(1) A levy, to be called “ betterment levy ” (in this Act referred to as “ levy ”), shall, subject to and in accordance with the following provisions of this Part of this Act, be charged where the development value, or part of the development value, of land is realised on or after the first appointed day. General provisions as to betterment levy.

(2) For the purposes of this Part of this Act the development value of any land, or part of that value, shall be taken to be so realised in the cases distinguished as Cases A to F respectively in the following table, and so referred to in the following provisions of this Part of this Act.

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TABLE

Case	Description of Case
A.	Where the land is disposed of by way of any such disposition as is mentioned in section 29(1) of this Act which is made on or after the first appointed day.
B.	Where the land is disposed of by way of any such disposition as is mentioned in section 30(1) of this Act which is made on or after the first appointed day.
C.	Where the carrying out of a project of material development of the land is begun on or after the first appointed day.
D.	Where such a right to compensation as is mentioned in section 33(1) of this Act accrues in respect of the land on or after the first appointed day.
E.	Where the land is the subject of any such disposition as is mentioned in section 34(1) of this Act which is made on or after the first appointed day.
F.	On the occurrence on or after the first appointed day of such other acts or events relating to the land as are designated for the purposes of this Case by or under section 35 of this Act.

(3) Any act or event described in that table, whereby in accordance with the last preceding subsection the development value, or part of the development value, of land is taken to be realised on or after the first appointed day, is in this Part of this Act referred to as a "chargeable act or event".

Rate of
levy.

28.—(1) Where levy is to be charged in accordance with the last preceding section, it shall be charged at the prescribed rate.

(2) In this section, and in sections 29 to 35 of this Act, "the prescribed rate", in relation to charging levy in respect of a chargeable act or event, means such rate as may be prescribed by an order which—

(a) is made under this section by the Ministers with the consent of the Treasury, and

(b) is in force at the date which is the relevant date in relation to that chargeable act or event.

(3) No order shall be made under this section unless a draft of the order has been laid before the Commons House of Parliament and approved by a resolution of that House.

29.—(1) This section applies to dispositions of any of the following descriptions, that is to say—

PART III

Levy in
Case A.

- (a) a conveyance on sale of the fee simple ;
- (b) the grant of a feu or the creation of a ground annual ;
- (c) an assignment on sale of a tenancy granted, renewed or extended for a term of years certain of not less than seven years ;
- (d) an assignment which is notified in accordance with the following provisions of this Part of this Act and is an assignment on sale of a tenancy granted, renewed or extended for a term of years certain of less than seven years.

(2) Where levy is to be charged in respect of a disposition to which this section applies, it shall be charged at the prescribed rate on the net development value of the relevant interest, calculated in accordance with the following provisions of this section.

(3) For the purpose of assessing levy in respect of such a disposition, the market value of the relevant interest, the base value of that interest, and the amount of any expenditure on improvements or ancillary rights in so far as it has increased the development value of that interest, shall be ascertained in accordance with Parts I and V of Schedule 4 to this Act and with such other provisions of the relevant Schedules as are applicable in the circumstances.

(4) There shall then be calculated the amount by which the market value of the relevant interest exceeds the base value of that interest ; and that amount, reduced by the amount of any expenditure on improvements or ancillary rights in so far as it has increased the development value of that interest, shall for the purpose mentioned in the last preceding subsection be taken to be the net development value of the relevant interest.

(5) In this Part of this Act, for the purpose of assessing levy in respect of a disposition to which this section applies,—

- (a) “ the relevant land ” means the land comprised in the disposition ;
- (b) “ the relevant interest ” means the interest which is conveyed or assigned by the disposition in so far as that interest subsists in the relevant land ;
- (c) “ the grantor ” means the person in whom, immediately before the disposition is made, the relevant interest is vested, and “ the grantee ” means the person to whom that interest is conveyed or assigned by the disposition ; and
- (d) “ the relevant date ” means the date of the disposition.

B

PART III
Levy in
Case B.

30.—(1) This section applies to dispositions of either of the following descriptions, that is to say—

- (a) a disposition granting a tenancy for a term of years certain of not less than seven years;
- (b) a disposition which is notified in accordance with the following provisions of this Part of this Act and is a disposition granting a tenancy for a term of years certain of less than seven years.

(2) Where levy is to be charged in respect of a disposition to which this section applies, it shall be charged at the prescribed rate on the net development value realised by the disposition, calculated in accordance with the following provisions of this section.

(3) For the purpose of assessing levy in respect of such a disposition, the amount of the consideration for the disposition, the base value realised by the disposition, and the amount of any expenditure on improvements or ancillary rights in so far as it has increased the development value realised by the disposition, shall be ascertained in accordance with Parts II and V of Schedule 4 to this Act and with such other provisions of the relevant Schedules as are applicable in the circumstances

(4) There shall then be calculated the amount by which the consideration for the disposition exceeds the base value realised by the disposition; and that amount, reduced by the amount of any expenditure on improvements or ancillary rights in so far as it has increased the development value realised by the disposition, shall for the purpose mentioned in the last preceding subsection be taken to be the net development value realised by the disposition.

(5) In this Part of this Act, for the purpose of assessing levy in respect of a disposition to which this section applies,—

- (a) “the relevant land” means the land comprised in the tenancy;
- (b) “the grantor” means the person by whom the tenancy is granted and “the grantee” means the person to whom it is granted; and
- (c) “the relevant date” means the date of the disposition.

Levy
in Case C.

31.—(1) Where levy is to be charged in respect of a project of material development falling within Case C, the levy—

- (a) shall be chargeable in respect of any assessable interest in the relevant land, or in part of that land, and, where charged in respect of two or more such interests, shall (subject to subsection (4) of this section) be charged separately in respect of each of them, and

(b) where charged in respect of any such interest, shall be charged at the prescribed rate on the net development value of that interest, calculated in accordance with the following provisions of this section.

(2) For the purpose of assessing levy in Case C, the market value of the relevant interest, the base value of that interest, and the amount of any expenditure on improvements or ancillary rights in so far as it has increased the development value of that interest, shall be ascertained in accordance with Parts III and V of Schedule 4 to this Act and with such other provisions of the relevant Schedules as are applicable in the circumstances.

(3) There shall then be calculated the amount by which the market value of the relevant interest exceeds the base value of that interest; and that amount, reduced by the amount of any expenditure on improvements or ancillary rights in so far as it has increased the development value of that interest, shall for the purpose of assessing levy in Case C be taken to be the net development value of the relevant interest.

(4) For the purpose of assessing levy in respect of two or more assessable interests by virtue of which a person is the developing owner in relation to the relevant project, the Commission and the developing owner may enter into an agreement whereby those interests shall be treated as if they had merged into one interest immediately before the relevant date, and the provisions of subsections (2) and (3) of this section and of the relevant Schedules shall apply subject to such modifications as the agreement may provide in that behalf.

(5) In this Part of this Act, for the purpose of assessing levy in Case C in respect of any interest in land in connection with a project of material development,—

- (a) “the relevant interest” means that interest, in so far as it subsists in the relevant land;
- (b) “the relevant project” means that project;
- (c) “the relevant land” means the land comprised in the relevant project; and
- (d) “the relevant date” means the date on which the carrying out of the relevant project is begun.

32.—(1) Subject to the following provisions of this section, Assessable interests in Case C. for the purpose of assessing levy in Case C an interest in the relevant land, or in part of that land, is an assessable interest if it fulfils the following conditions, that is to say—

- (a) that it is subsisting at the relevant date;
- (b) that it is either the fee simple or a tenancy, not being a minor tenancy; and

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(c) that it is not in reversion expectant (whether immediately or not) on the termination of a tenancy of which at the relevant date more than ninety-eight years remain unexpired.

(2) Where a tenancy (other than a minor tenancy) of the relevant land, or part of that land, which is not in existence at the relevant date is to be granted in pursuance of a contract fulfilling the conditions specified in the next following subsection, then (subject to the following provisions of this section) for the purpose of assessing levy in Case C that tenancy—

(a) shall be treated as if it were an interest subsisting at the relevant date in the relevant land or in that part of the relevant land, as the case may be, and

(b) shall be an assessable interest in the relevant land, or in that part of the relevant land, as the case may be.

(3) The conditions referred to in the last preceding subsection, in relation to a contract, are—

(a) that it is in existence at the relevant date and is an enforceable contract under which the prospective tenant has been, or at a time specified in or to be determined in accordance with the contract can be, required to take the tenancy in question, and

(b) that it is either unconditional or (if it is subject to conditions) is not conditional upon the carrying out of the relevant project.

(4) Notwithstanding anything in the preceding provisions of this section, a tenancy of part (but not the whole) of the relevant land shall not be an assessable interest for the purpose of assessing levy in Case C if the assessable interest, or one of the assessable interests, by virtue of which a person is the developing owner in relation to the relevant project is in reversion expectant (whether immediately or not) on the termination of that tenancy.

(5) Subject to the next following subsection, in this Part of this Act “developing owner”, in relation to a project of material development, means any person who, in respect of every part of the land comprised in the project, fulfils one or other of the following conditions, that is to say—

(a) that on the date on which the carrying out of the project is begun he is entitled to an interest fulfilling the conditions specified in subsection (1) of this section ;

(b) that on that date he is under an enforceable contract to purchase such an interest, or, being an authority possessing compulsory purchase powers, has before

that date served (and has not before that date withdrawn) a notice to treat for the compulsory acquisition of such an interest ;

- (c) that on that date he is under a contract, fulfilling the conditions specified in subsection (3) of this section, to take a tenancy, other than a minor tenancy ;

and for the purposes of this subsection it is immaterial whether a person fulfils the same condition specified in this subsection in relation to every part of that land comprised in the project or fulfils different conditions so specified in relation to different parts of that land.

(6) Where in accordance with the last preceding subsection two or more persons would each be the developing owner in relation to the land comprised in a project of material development, then for the purposes of this Part of this Act that one of those persons who, as against the other or others of them, is entitled to possession of the part of that land on which the first specified operation comprised in the project is carried out shall be the developing owner in relation to the project.

(7) In this Part of this Act any reference to an assessable interest by virtue of which a person is the developing owner in relation to a project of material development is a reference to any interest in the relevant land, or in part of that land,—

- (a) to which the developing owner is entitled as mentioned in paragraph (a) of subsection (5) of this section, or
- (b) in respect of which the developing owner is under a contract, or has served, and not withdrawn, a notice to treat, as mentioned in paragraph (b) of that subsection, or
- (c) which is a tenancy in respect of which the developing owner is under a contract as mentioned in paragraph (c) of that subsection.

33.—(1) This section applies to any right to compensation under Part VII of the Act of 1962, under Part II of the Scottish Act of 1947, or under Part IV of the Scottish Act of 1954, in respect of— Levy in Case D.

- (a) an order under section 27 of the Act of 1962 or under section 19 of the Scottish Act of 1947 revoking or modifying planning permission, or
- (b) a planning decision whereby planning permission is refused, or is granted subject to conditions other than those previously imposed by a development order, in the circumstances mentioned in section 119(1) of the Act of 1962 or in section 20(3) of the Scottish Act of 1947, or

PART III

- (c) an order under section 28 of the Act of 1962 or under section 24 of the Scottish Act of 1947 requiring a use of land to be discontinued, or imposing conditions on the continuance thereof, or requiring any buildings or works on land to be altered or removed,

in so far as it is a right to compensation for depreciation of the value of an interest in land.

(2) Where levy is to be charged in respect of a right to compensation to which this section applies, it shall be charged at the prescribed rate on the amount of the compensation, reduced by the appropriate deduction (if any) calculated in accordance with the following provisions of this section.

(3) For the purpose of assessing levy in respect of such a right to compensation, the following matters shall be ascertained in accordance with Parts IV and V of Schedule 4 to this Act and with such other provisions of the relevant Schedules as are applicable in the circumstances, that is to say—

- (a) the amount of the compensation ;
- (b) the base value of the relevant interest ;
- (c) the amount of any expenditure on improvements or ancillary rights in so far as it has increased the development value of that interest ; and
- (d) the restricted value of that interest after the depreciation.

(4) There shall then be calculated the amount (if any) by which the aggregate of the value and amount specified respectively in paragraphs (b) and (c) of the last preceding subsection exceeds the value specified in paragraph (d) of that subsection ; and the amount of that excess (if any) shall be the appropriate deduction for the purposes of subsection (2) of this section.

(5) In this Part of this Act, for the purpose of assessing levy in respect of a right to compensation to which this section applies,—

- (a) “ the relevant interest ” means the interest in respect of which the right to compensation accrues, and “ the relevant land ” means the land in which that interest subsists ;
- (b) “ the relevant order or decision ” means the order or planning decision in consequence of which the right to compensation accrues ; and
- (c) “ the relevant date ” means the date by reference to which, in accordance with the provisions of Part VII of the Act of 1962, or of Part II of the Scottish Act of 1947 and of Part IV of the Scottish Act of 1954, the compensation falls to be assessed.

34.—(1) This section applies to any disposition which, not being comprised in, or made in consideration of, a disposition to which section 29 or section 30 of this Act applies, is made for valuable consideration and is a disposition—

- (a) granting an easement, or
- (b) releasing or modifying an easement or a restrictive right,

and is notified to the Commission in accordance with the following provisions of this Part of this Act.

(2) Where levy is to be charged in respect of a disposition to which this section applies, it shall be charged at the prescribed rate on the amount of the consideration for the disposition, reduced by the appropriate deduction (if any) calculated in accordance with the following provisions of this section.

(3) For the purpose of assessing levy in respect of such a disposition, the following matters shall be ascertained in accordance with Parts IV and V of Schedule 4 to this Act and with such other provisions of the relevant Schedules as are applicable in the circumstances, that is to say—

- (a) the amount of the consideration for the disposition ;
- (b) the base value of the relevant interest ;
- (c) the amount of any expenditure on improvements or ancillary rights in so far as it has increased the development value of that interest ; and
- (d) the restricted value of that interest after the disposition.

(4) There shall then be calculated the amount (if any) by which the aggregate of the value and amount specified respectively in paragraphs (b) and (c) of the last preceding subsection exceeds the value specified in paragraph (d) of that subsection ; and the amount of that excess (if any) shall be the appropriate deduction for the purposes of subsection (2) of this section.

(5) In this Part of this Act, for the purpose of assessing levy in respect of a disposition to which this section applies,—

- (a) “ the relevant interest ” means the interest in the relevant land which the grantor has at the relevant date ;
- (b) “ the relevant land ”, in relation to a disposition granting an easement, means the land over which the easement is granted, together with so much of any associated land as is incidentally affected by the disposition, and, in relation to a disposition releasing or modifying an easement, means all such land in which the

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grantor has an interest at the relevant date as immediately before that date is land to which the benefit of the easement is annexed, together with so much of any associated land as is incidentally affected by the disposition ;

- (c) “ the relevant land ”, in relation to a disposition releasing or modifying a restrictive right, means all such land in which the grantor has an interest at the relevant date as is land to which the benefit of the restrictive right is annexed immediately before that date ;
- (d) “ the grantor ” means the person granting the easement or releasing or modifying the easement or restrictive right, and “ the grantee ” means the person in whose favour it is granted, released or modified, as the case may be ; and
- (e) “ the relevant date ” means the date of the disposition.

(6) For the purposes of the application of this section to a disposition granting, releasing or modifying an easement—

- (a) land shall be taken to be associated with the land over which the easement is granted or to which the benefit of the easement is annexed (in this paragraph referred to as “ the land principally affected ”) if it is land which immediately before the relevant date is held by the grantor with the land principally affected and he is entitled in the same capacity to his interest in that land and to his interest in the land principally affected ; and
- (b) so much of any such associated land as is land in which the value of the grantor’s interest is depreciated by the disposition shall be taken to be land incidentally affected by the disposition.

Levy in
Case F.

35.—(1) Regulations made under this section may specify descriptions of dispositions to which subsection (2), subsection (3) or subsection (4) of this section applies and provide that the making on or after the date of approval by the resolution mentioned in subsection (7) of this section, but not before the first appointed day, of a disposition of any description so specified—

- (a) if notified to the Commission in accordance with the regulations, or
- (b) (in the case of a disposition of any description in relation to which the regulations so provide) whether it is so notified or not,

shall constitute an act or event designated for the purposes of Case F, as mentioned in section 27(2) of this Act.

(2) This subsection applies to any disposition which (not being a disposition to which section 29, section 30 or section 34 of this Act applies) is made for valuable consideration and fulfils either or both of the following conditions, that is to say,—

- (a) that it renews or extends a tenancy ;
- (b) that it varies the terms and conditions of a tenancy by releasing or modifying a covenant or agreement whereby the development of any land comprised in the tenancy is restricted.

(3) This subsection applies to any disposition which (not being a disposition to which section 29, section 30 or section 34 of this Act or the last preceding subsection applies) is made for valuable consideration and is a disposition granting to a government department, statutory undertakers or any other body a right to place, construct or maintain a main, pipe, cable, wire or other apparatus in, on, over or under land ; and for the purposes of this section any instrument whereby such a right is compulsorily acquired by a government department, statutory undertakers or any other body shall be treated as a disposition granting that right for valuable consideration.

(4) This subsection applies to any disposition which (not being a disposition to which section 29, section 30 or section 34 of this Act applies) is made for valuable consideration and fulfils any one or more of the following conditions, that is to say—

- (a) that it waives or modifies an obligation on a vassal imposed by a superior or mid-superior ;
- (b) that it imposes an augmentation of feu-duty ;
- (c) that it conveys the estate or interest of the proprietor of the *dominium directum* or of the creditor in a contract of ground annual.

(5) Regulations made under this section may specify enactments (other than those specified in section 33 of this Act) under which a right to compensation for depreciation of the value of an interest in land can accrue, and provide that the accrual on or after the first appointed day of a right to compensation under an enactment so specified, in so far as it is a right to compensation for such depreciation,—

- (a) if notified to the Commission in accordance with the regulations, or
- (b) (in the case of a right accruing under an enactment in relation to which the regulations so provide) whether it is so notified or not,

shall constitute an act or event designated for the purposes of Case F, as mentioned in section 27(2) of this Act.

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PART III, § (6) Where levy is to be charged in respect of—

- (a) a disposition of a description specified by regulations made in accordance with subsection (1) of this section, or
- (b) a right to compensation under an enactment specified by regulations made in accordance with subsection (5) of this section,

the levy shall be charged at the prescribed rate on an amount determined in such manner as may be prescribed by the regulations.

(7) Regulations made under this section shall be of no effect unless they are approved by a resolution of the Commons House of Parliament.

Liability to pay levy.

36.—(1) Where levy is chargeable in respect of a chargeable act or event, and, in accordance with the following provisions of this Part of this Act, a notice of assessment of levy has been served in respect of that act or event and has resulted in an operative assessment of levy, the following provisions of this section shall have effect for determining the person who is liable to pay levy in respect thereof.

(2) Where the chargeable act or event consists of a disposition falling within Case A, Case B or Case E, then, subject to the next following subsection, the grantor shall be liable to pay the whole of the levy in accordance with the assessment, that is to say, the principal amount of the levy and all interest accruing from time to time on that amount, whether the principal amount is payable as a single capital sum or whether that amount and interest thereon are payable by instalments or otherwise.

(3) If in the case of any such disposition (whether in accordance with a provision contained in the disposition or otherwise) the whole or part of the consideration for the disposition is payable to a person other than the grantor, as being a person with whom the grantor, or a predecessor in title of the grantor, entered into a contract to convey or assign the relevant interest to that person, then—

- (a) on a request in writing made by that person and by the grantor, the Commission may apportion the principal amount of the levy between them in such shares as the Commission may determine to be appropriate, and each of them shall be liable to pay so much of the principal amount as is so apportioned to him, together with interest on that part of the principal amount ;

(b) if no such apportionment is made, that person and the grantor shall be jointly and severally liable to pay the whole of the levy as mentioned in subsection (2) of this section.

(4) Where levy is chargeable in Case C—

(a) the person (if any) who is the developing owner in relation to the relevant project shall be liable to pay the levy in respect of every assessable interest in the relevant land, or in part of that land, by virtue of which he is the developing owner ;

(b) subject to the preceding paragraph, the person who on the relevant date is entitled to any assessable interest in the relevant land, or in part of that land, shall be liable to pay the levy in respect of that interest.

(5) In Case D the person liable to pay the levy is the person to whom the right to compensation accrues.

(6) In Case F the person liable to pay the levy is such person as may be prescribed by the regulations made under section 35 of this Act.

Notification of chargeable acts or events

37.—(1) Where on or after the first appointed day any land is disposed of by way of any such disposition as is mentioned in paragraphs (a) to (c) of section 29(1) of this Act, or in paragraph (a) of section 30(1) of this Act, the grantee shall notify the disposition in accordance with the following provisions of this section. Notification in Cases A and B.

(2) Where on or after the first appointed day any land is disposed of by way of—

(a) an assignment on sale of a tenancy granted, renewed or extended for a term of years certain of less than seven years, or

(b) a disposition granting a tenancy for a term of years certain of less than seven years,

the grantee may, if (having regard to the provisions of Schedule 5 to this Act) he thinks fit, notify the disposition in accordance with the following provisions of this section.

(3) Provision shall be made by regulations as to the manner in which dispositions are to be, or may be, notified under this section.

(4) Without prejudice to the generality of the last preceding subsection, the regulations shall provide that any steps required or authorised by the regulations to be taken in relation to a

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disposition shall be taken within thirty days after the date of the disposition or such extended period as the Commission may in any particular case allow ; and for the purposes of this Part of this Act a disposition shall not be taken to be notified under this section unless those steps have been taken before the end of that period of thirty days or any such extended period.

Notification
in Case C.

38.—(1) No person who is entitled to a material interest in the land comprised in a project of material development, or in part of that land, or who (not being so entitled) is the developing owner in relation to the project, shall—

- (a) begin on or after the first appointed day to carry out the project, or
- (b) (except as provided by the next following section) cause or permit any other person to begin to carry it out on or after that day,

unless the appropriate person has, in accordance with the following provisions of this section, served on the Commission notice of intention to carry out the project.

(2) A notice under this section—

- (a) shall not have effect if it is served more than twelve months before the date on which the carrying out of the project is begun, and
- (b) shall not have effect if it is served less than six weeks before that date, unless planning permission authorising the carrying out of the whole of the project is in force at the time when the notice is served.

(3) The appropriate person to serve a notice under this section in respect of a project of material development is the person (if any) who is the developing owner in relation to the project.

(4) Subject to the last preceding subsection, any person who, on the date on which the carrying out of a project of material development is begun, will be entitled to a material interest in the land comprised in the project, or in part of that land, may apply to the Commission to designate a person to be the appropriate person for the purpose of serving a notice under this section in respect of the project ; and the Commission, if satisfied—

- (a) that on that date no person will be the developing owner in relation to the project, and
- (b) that in the special circumstances of the case it is reasonable for the carrying out of the project to begin without a developing owner,

may designate a person to be the appropriate person accordingly.

(5) Any notice served under this section in respect of a project of material development shall contain the prescribed particulars,

that is to say, such particulars as may be prescribed with respect to all or any of the following matters:—

- (a) any planning permission in accordance with which the project is to be carried out ;
- (b) the land which is intended to be comprised in the project, the nature and scope of the project and the date on which it is proposed to begin to carry it out ;
- (c) (where the person serving the notice is the developing owner in relation to the project) every interest, contract or notice to treat by virtue of which he is the developing owner ;
- (d) any other interests subsisting in the land which is to be comprised in the project and the persons entitled to those interests respectively ;
- (e) any contract for disposing of any interest in that land to which the person serving the notice is a party ; and
- (f) any other matters appearing to the appropriate Minister or Ministers to be relevant for the purpose of assessing levy in Case C.

(6) In this section “ material interest ”, in relation to a project of material development, means an interest which—

- (a) is either the fee simple or a tenancy (not being a minor tenancy), and
- (b) is not in reversion expectant (whether immediately or not) on the termination of a tenancy of which, on the date on which the carrying out of the project is begun, more than ninety-eight years remain unexpired.

39.—(1) Where the carrying out of a project of material development is begun without the service of a notice under the last preceding section, a person who is not the developing owner in relation to the project shall not be taken to have contravened that section by reason only that he caused or permitted the developing owner to begin to carry out the project.

Supplementary provisions as to notification in Case C.

(2) Where under the last preceding section a person serves a notice of intention to carry out a project of material development, then if—

- (a) the notice does not specify any such planning permission as is mentioned in subsection (5)(a) of that section, and
- (b) the Commission are not satisfied that planning permission authorising the carrying out of the project will be granted before the date specified in the notice as the date on which it is proposed to begin to carry it out,

the Commission may, at any time before the end of the period of one month beginning with the date of service of the notice, serve on that person a counter-notice rejecting the notice.

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(3) Where such a counter-notice is served, subsection (1) of the last preceding section shall have effect as if the notice under that section had not been served.

**Notification
in Case D.**

40.—(1) Where on or after the first appointed day there accrues to any person a right to compensation to which section 33 of this Act applies, and the compensation is paid, the authority by whom it is paid shall, within thirty days after the date on which the compensation is paid, serve notice on the Commission in accordance with the next following subsection.

(2) Any notice served under this section in respect of a right to compensation shall contain the prescribed particulars, that is to say, such particulars as may be prescribed with respect to all or any of the following matters:—

- (a) the interest in respect of which the right to compensation has accrued, the land in which that interest subsists, and the person entitled to that interest ;
- (b) the enactment by virtue of which the right to compensation has accrued ;
- (c) the relevant order or decision ;
- (d) the amount of the compensation and the date on which it was paid ;
- (e) how much of the compensation is in respect of depreciation of the value of the interest in land in respect of which the right has accrued ;
- (f) any other matters appearing to the appropriate Minister or Ministers to be relevant for the purpose of assessing levy in Case D.

**Notification
in Case E.**

41.—(1) Where any such disposition as is mentioned in so much of section 34(1) of this Act as precedes the reference to notification is made on or after the first appointed day, the grantee may, if (having regard to the provisions of Part V of Schedule 4 to this Act) he thinks fit, serve notice on the Commission in respect of the disposition.

(2) Any notice served under this section in respect of a disposition shall contain the prescribed particulars, that is to say, such particulars as may be prescribed with respect to all or any of the following matters:—

- (a) the relevant land and the relevant interest ;
- (b) the effect of the disposition and the consideration given for it ;
- (c) in the case of a disposition granting an easement, the land in which at the date of the disposition the grantee had an interest and which was land to which immediately after the disposition the benefit of the easement

was annexed or was land held with land to which that benefit was then annexed ;

- (d) in the case of any other disposition, the land (if any) in which at the date of the disposition the grantee had an interest and which was land which immediately before that date was subject to the easement or restrictive right in question ;
- (e) any other matters appearing to the appropriate Minister or Ministers to be relevant for the purpose of assessing levy in Case E.

(3) A notice under this section in respect of a disposition shall not have effect unless it is served within thirty days after the date of the disposition or such extended period as the Commission may in any particular case allow.

(4) In this section “the relevant land”, in relation to a disposition, means the land which in relation to that disposition constitutes the relevant land (as defined by section 34 of this Act) if notice in respect of the disposition is served under this section, and “the relevant interest” and “the grantee” have corresponding meanings.

42. Any regulations made under section 35 of this Act shall make provision for requiring or enabling notice to be given of any act or event of a description to which the regulations apply, including provision as to—

Notification in Case F.

- (a) the person by whom such a notice is to be or may be served ;
- (b) the manner in which, and the time within which, any such notice is to be or may be served ; and
- (c) any other matters appearing to the appropriate Minister or Ministers to be relevant for the purpose of assessing levy in respect of acts or events of that description.

43.—(1) In any case where (whether in consequence of the service of a notice under this Part of this Act or not) it appears to the Commission that a chargeable act or event has occurred, the Commission may serve a notice under this subsection on any person who appears to them to have been entitled, either immediately before or immediately after that act or event, to an interest in the land which, for the purpose of assessing levy in respect of that act or event, would be the relevant land.

Power for Commission to require further information and documents.

(2) A notice under the preceding subsection shall require the person on whom it is served, within such time as may be specified in the notice, to furnish to the Commission information and documents of any description specified in the notice, as being a description of information or documents appearing

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- (a) whether a chargeable act or event has occurred ;
- (b) if so, whether levy should be assessed in respect of it ; and
- (c) if levy should be so assessed, what would be the amount of the levy and who would be liable to pay it.

(3) Without prejudice to the preceding provisions of this section, where notice of intention to carry out a project of material development, specifying the land which is to be comprised in the project, has been served on the Commission under section 38 of this Act, the Commission may serve on any person appearing to them to be entitled to an interest in that land a notice requiring him—

- (a) to inform the Commission whether his interest in the land is a tenancy, and, if so, to state the name and address of his landlord or the person to whom he pays rent in respect of the tenancy ; and
- (b) to inform the Commission whether his interest in the land is in reversion expectant (whether immediately or not) on the termination of one or more tenancies, and, if so, to give particulars of those tenancies, including the names and addresses of the tenants.

Assessment of levy

Notice of assessment of levy.

44.—(1) Subject to the following provisions of this section, in any case where (whether in consequence of the service of a notice under this Part of this Act or not) it appears to the Commission that a chargeable act or event has occurred, and that levy is or may be chargeable in respect of it, or, in relation to a project of material development falling within Case C, is or may be chargeable in respect of an interest in the land comprised in the project, the Commission may serve a notice under this section (in this Part of this Act referred to as a “notice of assessment of levy”).

(2) Where the Commission serve a notice of assessment of levy, the notice—

- (a) shall be served on the person (or, if more than one, each of the persons) who, if the notice results in an operative assessment of levy, will be liable to pay the levy in accordance with section 36 of this Act, or
- (b) if the notice relates to a part of the levy apportioned in accordance with paragraph (a) of subsection (3) of that section, shall be served on the person who, if the notice results in an operative assessment of levy, will be liable to pay that part of the levy.

(3) Subject to the next following subsection, a notice of assessment of levy in respect of a chargeable act or event shall not have effect if it is served more than six years after the relevant date.

(4) The last preceding subsection shall not have effect in relation to the service of a notice of assessment of levy on any person if it is proved that he, or any other person acting on his behalf and with his knowledge or consent,—

- (a) in any notice served, or information furnished, under this Part of this Act in relation to the chargeable act or event in question, has knowingly or recklessly made a statement which is false in a material particular, or
- (b) in connection with any such notice, or the furnishing of any such information, has produced or furnished to the Commission a document which, to the knowledge of the person producing or furnishing it, has been wilfully falsified,

or if, in a case of omission to notify a chargeable act or event, or to serve notice of intention to carry out a project of material development, the omission was due to wilful default.

45.—(1) A notice of assessment of levy shall—

- (a) indicate the chargeable act or event to which it relates ;
- (b) specify the amount appearing to the Commission to be the principal amount of the levy payable in respect of that act or event, or, where the notice is served in Case C, the principal amount of the levy payable in respect of the interest in land to which the notice relates ; and
- (c) specify a date (not being earlier than two months from the date of service of the notice) as the date on which the levy is charged.

Contents of
notice of
assessment.

(2) A notice of assessment of levy may also, if the Commission think fit, state either or both of the following, that is to say—

- (a) that, if the person on whom the notice is served so requests in writing, collection of the levy or part of it will be postponed to such future time as may be determined in accordance with the notice ;
- (b) that, if that person so requests in writing, the levy (or, if collection of part of it is postponed, the remainder of the levy) will be payable by instalments of capital and interest combined determined in accordance with the provisions of sections 50 and 51 of this Act and (subject to those provisions) in accordance with the provisions of the notice.

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(3) Every notice of assessment of levy shall state that the levy will become chargeable in accordance with the notice unless, before the end of the period of two months beginning with the date of service of the notice or such extended period as the Commission may in any particular case allow, the person on whom the notice is served (or, where in accordance with section 44 of this Act the notice is served on two or more persons, one of those persons) has served on the Commission a counter-notice under the next following section.

Objection to
notice of
assessment.

46.—(1) Any person on whom a notice of assessment of levy is served may serve on the Commission a counter-notice objecting to the notice.

(2) Any such counter-notice shall be served before the end of the period of two months beginning with the date of service of the notice of assessment of levy or such extended period as the Commission may in any particular case allow.

(3) Any such counter-notice shall state the grounds on which the person serving it objects to the notice of assessment of levy.

(4) If those grounds consist of or include a claim that the principal amount of levy properly chargeable is less than the principal amount specified in the notice, the counter-notice shall include a statement of the amount alleged by the person serving the counter-notice to be the principal amount of levy properly chargeable.

Reference of
objection to
Lands
Tribunal.

47.—(1) Where a person (in this Part of this Act referred to as "the objector") has served a counter-notice under section 46 of this Act objecting to a notice of assessment of levy, then, at any time when the notice of assessment of levy has not been withdrawn or otherwise ceased to have effect and before it has resulted in an operative assessment of levy, either the objector or the Commission may require the objection to be referred to the Lands Tribunal.

(2) Subject to the next following section, on any such reference the Lands Tribunal shall consider the matters to which the objection relates and may either uphold or (subject to the next following subsection) vary or discharge the notice of assessment of levy, as the Tribunal may determine to be appropriate.

(3) The Lands Tribunal—

(a) shall not vary a notice of assessment of levy in respect of any matter specified in the notice in accordance with section 45(1)(c) or section 45(2) of this Act; and

(b) subject to the provisions of section 73 of this Act, shall not vary such a notice by increasing the principal amount of levy specified in it.

(4) Where a notice of assessment of levy has been varied by the Lands Tribunal, and the notice does not contain any such provision as is mentioned in subsection (2) of section 45 of this Act, or contains a provision in accordance with one (but not both) of the paragraphs of that subsection, the Commission may, if they think fit, serve on the objector a further notice amending the notice of assessment of levy (as varied by the Tribunal) by adding a provision in accordance with that subsection, or a provision in accordance with the other paragraph of that subsection, as the case may be.

48.—(1) Where a counter-notice objecting to a notice of assessment of levy has been served under section 46 of this Act, the Commission and the objector may, at any time before the objection has been referred to and determined by the Lands Tribunal, agree in writing that the notice of assessment of levy shall be treated as confirmed, or as varied in a particular manner, or as withdrawn. Settling of objection by agreement.

(2) Subject to the following provisions of this section, where an agreement is made as mentioned in the preceding subsection, then—

- (a) notwithstanding anything in the last preceding section, the objection shall not be referred to the Lands Tribunal, or if it has been so referred, it shall not be determined by the Tribunal ;
- (b) if in accordance with the agreement the notice of assessment of levy is to be treated as varied in a particular manner, the notice shall have effect subject to that variation ;
- (c) if in accordance with the agreement the notice of assessment of levy is to be treated as withdrawn, the notice shall cease to have effect.

(3) Where, at any time before the objection has been referred to and determined by the Lands Tribunal, the objector serves on the Commission a notice withdrawing the counter-notice objecting to the notice of assessment of levy—

- (a) the objection, notwithstanding anything in the last preceding section, shall not be referred to the Lands Tribunal, or if it has been so referred, shall not be determined by the Tribunal, and
- (b) the notice of assessment of levy shall be treated as confirmed on the date of service of the notice under this subsection.

PART III
Operative
assessment
of levy.

49.—(1) For the purposes of this Part of this Act a notice of assessment of levy which has not ceased to have effect (whether on being withdrawn or treated as withdrawn or on being discharged by the Lands Tribunal) shall be taken to have resulted in an operative assessment of levy on the occurrence of whichever of the following events last occurs, that is to say—

- (a) the latest time within which a counter-notice objecting to the notice can be served expires ;
- (b) the Commission and the objector, in pursuance of subsection (1) of the last preceding section, make an agreement that the notice shall be treated as confirmed, or as varied in a particular manner ;
- (c) the notice is treated as confirmed in pursuance of subsection (3) of the last preceding section ;
- (d) a reference to the Lands Tribunal relating to an objection to the notice is finally determined.

(2) A reference to the Lands Tribunal shall, for the purposes of this Part of this Act, be taken to be finally determined on the occurrence of whichever of the following events last occurs after the Tribunal has given a decision on that reference, that is to say—

- (a) the time within which the Tribunal may be required to state and sign a case for the decision of the Court of Appeal or the Court of Session with respect to that decision of the Tribunal expires without such a requirement having been made ;
- (b) in pursuance of such a requirement, such a case is stated and signed and the Court of Appeal or the Court of Session, or, if there is an appeal to the House of Lords, that House, gives a decision on that case ;
- (c) the proceedings on a case so stated and signed are abandoned or otherwise disposed of without a decision being given on it ;
- (d) an appeal against the decision of the Court of Appeal or the Court of Session on such a case is abandoned or otherwise ceases to have effect or the time for bringing any such appeal expires without its having been brought ;
- (e) in compliance with any directions given by the Court of Appeal, the Court of Session or the House of Lords in proceedings relating to such a case, the Tribunal varies (or, as the case may be, further varies) the notice of assessment of levy.

(3) Where in accordance with subsection (1) of this section a notice of assessment of levy has resulted in an operative

assessment of levy, any reference in the following provisions of this Part of this Act to the assessment— PART III

- (a) in a case where, on a reference to the Lands Tribunal the notice has been upheld by the Tribunal, is a reference to the provisions of the notice as so upheld ;
- (b) in a case where, on such a reference, the notice has been varied by the Tribunal, is a reference to the provisions of the notice as so varied, together (if the Commission have exercised the power conferred by section 47(4) of this Act) with any provision added in the exercise of that power ;
- (c) in a case where the notice has been varied by agreement in pursuance of the last preceding section, is a reference to the provisions of the notice as so varied ; and
- (d) in any other case, is a reference to the provisions of the notice as served.

Payment of, and security for, levy

50.—(1) Where a notice of assessment of levy has resulted in an operative assessment of levy, then, subject to the following provisions of this section, the principal amount of the levy in accordance with the assessment shall accrue due on the date applicable in accordance with subsection (2) or subsection (3) of this section. When levy accrues due.

(2) Subject to the next following subsection, the date referred to in the preceding subsection is the date specified in the assessment as the date on which the levy is charged.

(3) Where the notice of assessment of levy has resulted in an operative assessment of levy in consequence of its being upheld or varied on a reference to the Lands Tribunal, and the period of thirty days beginning with the date on which that reference is finally determined expires after the date which would be applicable in accordance with the last preceding subsection, the date on which that period expires shall be the date applicable for the purposes of subsection (1) of this section.

(4) Where in pursuance of any provision contained in the assessment by virtue of section 45(2) or section 47(4) of this Act collection of the levy or part of it is postponed, the principal amount of the levy, or of that part of it, as the case may be, shall accrue due at the time determined in accordance with that provision.

(5) Where in accordance with a request made in pursuance of any such provision the levy or part of it is payable by instalments,—

- (a) the period over which the instalments are calculated shall be a period beginning with the date specified in the assessment as the date on which the levy is charged, and

PART III

(b) where subsection (3) of this section applies, any instalments payable in respect of any part of that period which precedes the date applicable in accordance with that subsection shall accrue due on the last-mentioned date, or, if the request is made after that date, shall be taken to have accrued due on that date.

(6) Any sum which, in accordance with this section, accrues due on any date in respect of levy shall on that date become payable to the Commission by the person liable to pay the levy.

Interest on
levy and
payments on
account.

51.—(1) Subject to the following provisions of this section, where a notice of assessment of levy has resulted in an operative assessment of levy, interest shall be payable to the Commission on the principal amount of the levy, or on so much of that amount as remains unpaid from time to time, and—

(a) shall be calculated over the period from the date specified in the assessment as the date on which the levy is charged to the date of payment, and

(b) shall be payable at the rate prevailing from time to time during that period.

(2) The Treasury may by order prescribe the rate of interest for the purposes of this section; and any reference in this section to the rate prevailing at any time is a reference to the rate prescribed by such an order which is in force at that time.

(3) If, in accordance with a request made in pursuance of a provision contained in the assessment by virtue of section 45(2) or section 47(4) of this Act, the levy or part of it is payable by instalments of capital and interest combined, then in calculating those instalments interest on the principal amount of the levy, or on that part of it, as the case may be, shall be calculated from the date specified in the assessment as the date on which the levy is charged, and shall be so calculated at the rate prevailing at that date.

(4) Regulations made for the purposes of this section may provide that, in such cases and subject to such conditions as may be prescribed, interest payable by virtue of this section shall be waived or shall be reduced to such extent as may be determined in accordance with the regulations.

(5) Any person on whom a notice of assessment of levy is served and who has served or intends to serve a counter-notice under this Part of this Act objecting to that notice may, on or before the date specified in the notice as the date on which the levy is charged, pay to the Commission a sum on account of the levy.

(6) The payment of a sum under the last preceding subsection shall be without prejudice to the counter-notice and shall not

affect the determination of any objection to the notice of assessment of levy.

(7) Where a person has paid a sum under subsection (5) of this section—

- (a) no interest shall be payable on so much of the principal amount of the levy as is equal to that sum ;
- (b) if the notice of assessment of levy does not result in an operative assessment of levy, the Commission shall refund that sum to him ;
- (c) if the notice results in an operative assessment of levy, but the sum paid under subsection (5) of this section exceeds the principal amount of the levy in accordance with the assessment, the Commission shall refund to him a sum equal to the amount of the excess.

(8) Where the Commission are required to refund a sum by virtue of the last preceding subsection, they shall refund it with interest, calculated over the period from the date on which the payment under subsection (5) of this section was made to the date of payment by the Commission, at the rate prevailing from time to time during that period.

(9) Any statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

52.—(1) Where a notice of assessment of levy has resulted in an operative assessment of levy, and in pursuance of any provision contained in the assessment by virtue of section 45(2) or section 47(4) of this Act the person on whom the notice was served requests—

Security for levy in case of postponement or payment by instalments.

- (a) that collection of the levy or part of it may be postponed, or
 - (b) that the levy or part of it may be payable by instalments,
- the Commission may require him to give such security as may appear to the Commission reasonably sufficient to ensure the payment with interest of so much of the principal amount of the levy as will remain unpaid, or for the payment of the instalments, as the case may be, and to defray any administrative or other expenses (including stamp duty) incurred by the Commission in connection with the giving of any such security.

(2) If a person who has made such a request as is mentioned in subsection (1) of this section fails to comply with any requirement imposed under that subsection, the Commission may refuse the request ; and in that event the provisions of sections 50 and 51 of this Act shall apply as if the request had not been made.

PART III
Proceedings
for recovery
of levy.

53.—(1) Any sum payable to the Commission by way of levy (including any sum payable by way of interest on the principal amount of any levy) shall be recoverable by the Commission as a simple contract debt in any court of competent jurisdiction.

(2) In the application of the preceding subsection to Scotland, the words “ as a simple contract debt ” shall be omitted.

Provisions for relief and for further assessment

Relief in
respect of
mistake of fact.

54.—(1) Where a notice of assessment of levy has resulted in an operative assessment of levy, and a person who has paid levy payable in accordance with the assessment alleges that the assessment was excessive by reason of some mistake of fact in any document served or produced, or information furnished, in pursuance of this Part of this Act, he may, at any time before the end of the period of six years beginning with the date of service of the notice of assessment of levy, make an application in writing to the Commission for relief.

(2) On any such application the Commission shall inquire into the matter and shall give by way of repayment or otherwise such relief in respect of the mistake as is reasonable and just.

(3) Where the Commission have determined an application under this section, they shall give notice of their decision to the applicant.

(4) At any time before the end of the period of thirty days beginning with the date on which notice of a decision under the last preceding subsection is served on him, the applicant may appeal against the decision to the Lands Tribunal; and, if the Tribunal allows the appeal, the Tribunal shall vary the notice of assessment of levy by reducing the principal amount of the levy to such extent as the Tribunal may determine to be appropriate.

(5) Where the Tribunal varies a notice of assessment of levy as mentioned in the last preceding subsection, the Commission shall give by way of repayment or otherwise such relief as is requisite for giving effect to the decision of the Tribunal.

Further notice
of assessment
of levy.

55.—(1) Subject to the provisions of subsections (3) and (4) of section 44 of this Act, if at any time after the service of a notice of assessment of levy in respect of a chargeable act or event (whether that notice has resulted in an operative assessment of levy or not) it appears to the Commission that by reason of any circumstances to which this section applies the principal amount of levy specified in the notice was less than the principal amount properly chargeable in accordance with this Part of this Act, the Commission may serve a further notice of assessment of levy in respect of that act or event.

(2) This section applies to the following circumstances, that is to say— PART III

- (a) a mistake of fact made in connection with the original notice of assessment of levy ;
- (b) a clerical or mathematical error in any calculation made in connection with that notice ;
- (c) the discovery by the Commission of any fact which was not known to them at the time when that notice was served.

(3) The principal amount of levy specified in a notice served in pursuance of this section shall be the amount appearing to the Commission to be the amount required to make good the deficiency, after taking into account the principal amount specified in the original notice and in any previous notice served under this section and any relief (whether by way of repayment or otherwise) given or required to be given in respect of the levy in question.

(4) Subject to the last preceding subsection, the provisions of this Part of this Act relating to notices of assessment of levy shall have effect in relation to notices served in pursuance of this section as they have effect in relation to notices of assessment of levy served under those provisions apart from this section.

Exemptions

56.—(1) No levy shall be chargeable—

- (a) in Case A, Case B, or Case E, where the grantor is a body to whom this section applies ;
- (b) in Case D, where the person to whom the right to compensation accrues is a body to whom this section applies ; or
- (c) in Case F, where the person prescribed by the regulations as the person liable to pay the levy is a body to whom this section applies.

Local
authorities
and other
bodies.

(2) In connection with any project of material development, no levy shall be chargeable in Case C in respect of—

- (a) any assessable interest in the land comprised in the project, or in part of that land, which on the date on which the carrying out of the project is begun is vested in a body to whom this section applies, or
- (b) any other assessable interest by virtue of which such a body is the developing owner in relation to the project,

but without prejudice to the charging of levy in respect of any other interest in that land or part of that land.

PART III

(3) Where a body to whom this section applies is the developing owner in relation to a project of material development of land, and on the date when the carrying out of the project of material development is begun either—

- (a) no assessable interest in the land is vested in any person other than a body to whom this section applies, or
- (b) if any assessable interest in the land is so vested, that interest is such an interest as is mentioned in paragraph (b) of the last preceding subsection,

the requirements of section 38 of this Act shall not apply in relation to that project.

(4) This section applies to the following bodies, that is to say—

- (a) any local authority ;
- 1965 c. 59. (b) any development corporation established under the New Towns Act 1965 or under the enactments repealed by that Act, or, as respects Scotland, under the New Towns Act 1946 ;
- 1946 c. 68. (c) the Commission for the New Towns ;
- (d) the Highlands and Islands Development Board ;
- (e) the Housing Corporation ;
- 1964 c. 56. (f) any housing society (as defined by section 1(7) of the Housing Act 1964) ;
- (g) the Scottish Special Housing Association ;
- (h) the United Kingdom Atomic Energy Authority.

Charities.

57.—(1) No levy shall be chargeable in respect of a chargeable act or event not falling within Case C, where immediately before the relevant date—

- (a) in Case A, or in any of Cases D to F, the relevant interest, or
- (b) in Case B, the interest out of which the tenancy in question is created,

fulfils one or other of the conditions specified in the next following subsection.

(2) Those conditions, in relation to an interest in land, are—

- (a) that at the time in question the interest is held by or in trust for a charity and forms part of the permanent endowment of the charity ;
- (b) that at the time in question the interest is held by or in trust for a charity and that the land in which the interest subsists has been used wholly or mainly for the purposes of a charity for a period of not less than a year and, if it has ceased to be used wholly or

mainly for the purposes of a charity, it has not since the end of that period been appropriated to non-charitable purposes.

(3) In Case C, where on the date on which the carrying out of the project in question is begun an assessable interest in the land comprised in the project, or in part of that land, is held by or in trust for a charity and either—

- (a) one or other of the conditions specified in the last preceding subsection is fulfilled in relation to that interest, or
- (b) the project is to be carried out wholly or mainly for the purposes of the charity,

no levy shall be chargeable in respect of that interest, but without prejudice to the charging of levy in respect of any other interest in that land or part of that land.

(4) For the purposes of this section land shall be taken to have been appropriated to non-charitable purposes since the end of such a period as is mentioned in subsection (2)(b) of this section if at any time since the end of that period it has been used wholly or mainly for purposes other than those of a charity and that use has continued for more than five years.

(5) For the purposes of this section—

- (a) a charity shall be taken to have a permanent endowment unless all property held for the purposes of the charity may be expended for those purposes without distinction between capital and income; and
- (b) an interest in land held by or in trust for a charity shall be taken to form part of its permanent endowment if, on a sale of that interest, the net proceeds of sale would be subject to a restriction on their being so expended.

(6) In this section “charity” means any institution or other organisation established for charitable purposes only, and “organisation” includes any persons administering a trust; and, as respects Scotland, “charitable” shall be construed in the same way as if it were contained in the Income Tax Acts.

58.—(1) No levy shall be chargeable in respect of a chargeable act or event falling within any of the Cases other than Case C, where—

- (a) in Case A or in any of Cases D to F the relevant interest, or in Case B the interest out of which the tenancy in question is created, is vested in statutory undertakers immediately before the relevant date, and
- (b) the relevant land either is operational land of those undertakers immediately before that date or has for

Statutory
undertakers
and National
Coal Board.

PART III

a period of not less than a year been operational land of those undertakers, or of other statutory undertakers from whom they derive title, and, since it ceased to be such operational land, has not before the relevant date been appropriated to other purposes.

(2) In Case C, where at the relevant date the relevant land is operational land of statutory undertakers, or has for a period of not less than a year been such operational land and, since it ceased to be such operational land, has not before the relevant date been appropriated to other purposes, no levy shall be chargeable in respect of—

- (a) any assessable interest in that land, or in part of that land, which on the relevant date is vested in statutory undertakers, or
- (b) any other assessable interest by virtue of which statutory undertakers are the developing owner in relation to the project,

but without prejudice to the charging of levy in respect of any other interest in that land or part of that land.

(3) For the purposes of this section any question whether any land is or was at any time operational land of statutory undertakers shall be determined by the Minister who, in relation to those undertakers, is the appropriate Minister as defined by section 221(1) of the Act of 1962, or, as respects Scotland, by section 113(1) of the Scottish Act of 1947.

(4) For the purposes of this section land shall be taken to have been appropriated to other purposes if at any time since it ceased to be operational land of statutory undertakers, and before the relevant date, it has been used for any purpose and that use has continued for more than five years.

(5) The preceding provisions of this section shall have effect in relation to the National Coal Board as they have effect in relation to statutory undertakers, but as if in those provisions—

- (a) any reference to statutory undertakers were a reference to that Board ;
- (b) any reference to operational land were a reference to land of any description prescribed for the purposes of this subsection, and
- (c) in subsection (3) of this section, for the words from “ the Minister who ” to the end of the subsection, there were substituted the words “ the Minister of Power ”.

(6) Any regulations made for the purposes of subsection (5)(b) of this section shall be made jointly by the appropriate Minister or Ministers and the Minister of Power

59.—(1) No levy shall be chargeable in respect of a chargeable act or event not falling within Case C, where immediately before the relevant date— PART III
Housing
associations

- (a) in Case A, or in any of Cases D to F, the relevant interest, or
- (b) in Case B, the interest out of which the tenancy in question is created,

is held by or in trust for a housing association, and a certificate under this section is issued in respect of that act or event.

(2) In Case C, where on the date on which the carrying out of the project in question is begun an interest in the land comprised in the project, or in part of that land, is held by or in trust for a housing association, and a certificate under this section is issued in respect of the chargeable act or event to which that project relates, no levy shall be chargeable in respect of that interest, but without prejudice to the charging of levy in respect of any other interest in that land or part of that land.

(3) The power to issue certificates under this section—

- (a) where the relevant land is in England (excluding Monmouthshire), shall be exercisable by the Minister of Housing and Local Government, and
- (b) where the relevant land is in Scotland or in Wales (including Monmouthshire), shall be exercisable by the Secretary of State ;

and any such certificate shall certify that, in the opinion of the Minister issuing the certificate, it is in the circumstances of the case in the public interest that the provisions of subsection (1) or subsection (2) of this section, as the case may be, should have effect in relation to the chargeable act or event to which the certificate relates.

(4) In this section “housing association”, in relation to England and Wales, has the meaning assigned to it by section 189(1) of the Housing Act 1957, and in relation to Scotland has the meaning assigned to it by section 208 of the Housing (Scotland) Act 1966: 1957 c. 56.
1966 c. 49.

Provided that (whether in relation to England and Wales or to Scotland) it does not include any charity as defined by section 57(6) of this Act.

60.—(1) The grantee under a disposition falling within Case A or Case B may apply to the Commission for a direction under this section in respect of any project of material development which is intended to be carried out in accordance with planning permission in force at the date of the disposition. Exemption
from levy in
Case C
shortly after
disposition
falling
within Case A
or Case B.

(2) An application under this section shall be made by the service on the Commission of a notice which shall specify the

PART III

disposition to which it relates and contain the prescribed particulars, that is to say, such particulars as may be prescribed for the purposes of this section with respect to all or any of the matters specified in section 38(5) of this Act; but a notice containing such an application shall not have effect unless it is served within thirty days after the date of the disposition or such extended period as the Commission may in any particular case allow.

(3) Where an application under this section is made with respect to a project of material development, then if it appears to the Commission that the project will have begun to be carried out before the end of the period of two years beginning with the date of the disposition, and that the project will extend to the whole of the land comprised in the disposition, the Commission may, if they think fit, give a direction that if—

- (a) the carrying out of the project is begun before the end of that period, and
 - (b) no project of material development of the land, or part of the land, comprised in the disposition, other than the project to which the application relates, begins to be carried out before the end of that period,
- no levy in Case C will be chargeable in respect of the project to which the application relates.

(4) Where the Commission give a direction under this section, they shall furnish a copy of the direction to the person who made the application; and, if the conditions specified in the direction are fulfilled, no levy in Case C shall be charged in respect of the project to which the direction relates.

(5) Section 38 of this Act shall not have effect in relation to a project of material development in respect of which a direction is given under this section; but, in relation to such a project, the provisions of this Part of this Act, other than that section and this section, shall have effect as if the application were a notice under that section.

Exemption
for single
family
dwelling-
house built
on land
acquired
before 23rd
September
1965.

61.—(1) Where a person (in this section referred to as “the owner”) serves notice under section 38 of this Act in respect of a project of material development, and—

- (a) the project consists exclusively of the building of a single dwelling-house intended as the only or main residence of the owner or of a person specified in the notice who at the date of service of the notice is an adult member of his family, and
- (b) the interest which the owner has at that date in the land to which the notice relates is an interest which immediately before 23rd September 1965 was vested in him, and

- (c) in the notice under section 38 of this Act, the owner claims exemption under this section in respect of the project,

then, subject to the following provisions of this section, no levy shall be charged in connection with that project in respect of the owner's interest, but without prejudice to the charging of levy in respect of any other interest in the land comprised in the project or any part of that land.

(2) At any time after the service of a notice claiming exemption under this section, but before the project in question has begun to be carried out, the owner may by a subsequent notice amend the original notice by substituting another adult member of his family for the person specified in the original notice.

(3) Subsection (1) of this section shall not have effect if—

(a) before the service of the notice referred to in that subsection the owner had previously served a notice under section 38 of this Act claiming exemption under this section in respect of another project of material development, whether of the same land or not, or

(b) the person specified in the notice referred to in subsection (1) of this section (or, if another person is substituted for that person under the last preceding subsection, that other person) is not the first occupier of the dwelling-house built under the project, or, where he is the first occupier of it, he does not continue to occupy it for at least six months or (where he dies after having occupied it for less than six months) until his death.

(4) Where a person serves two or more notices under section 38 of this Act claiming exemption under this section, and those notices are served at the same time, the Commission may give a direction specifying one of those notices and directing that paragraph (a) of the last preceding subsection shall apply as if the other notice or notices had been served after the notice so specified.

(5) For the purposes of this section a person is an adult member of the owner's family at any time if, at that time, that person is—

(a) the owner's wife or husband, or

(b) a son or daughter of the owner, or of the owner's wife or husband, who has attained the age of eighteen, or

(c) the father or mother of the owner, or of the owner's wife or husband ;

and in this subsection any reference to a person's son or daughter includes a reference to any stepson or stepdaughter, any

PART III illegitimate son or daughter, and any adopted son or daughter, of that person.

(6) In this section any reference to the building of a dwelling-house shall be construed as including a reference to the construction or laying out of any garage, outhouse, garden, yard, court, forecourt or other appurtenance for occupation with, and for the purposes of, the dwelling-house.

Limited exemption for builders and developers of residential property.

62.—(1) Where under section 38 of this Act a person who is a builder or developer of residential property (in this section referred to as “the builder or developer”) serves notice of intention to carry out a project of material development to which this section applies, and the land comprised in the project fulfils the conditions as to planning permission specified in subsection (3) of this section, and—

- (a) he is the developing owner in relation to the project, and
- (b) in respect of every part of the land comprised in the project he would have fulfilled one or other of the conditions specified in section 32(5) of this Act if the carrying out of the project had been begun on 23rd September 1965,

then, subject to the following provisions of this section, no levy in Case C shall be charged in connection with the project in respect of any assessable interest by virtue of which he is the developing owner in relation to the project.

(2) This section applies to any project of material development which consists exclusively of the provision of housing accommodation or is a project in respect of which the Commission are satisfied—

- (a) that the principal purpose of the project is the provision of housing accommodation, and
- (b) that, in so far as the project consists of the erection or construction of buildings or works not comprised in the provision of housing accommodation, the erection or construction of those buildings or works is subsidiary to the principal purpose of the project and will be of benefit to persons living in any houses, flats or other dwellings which are to be provided in pursuance of the project.

(3) The conditions as to planning permission referred to in subsection (1) of this section are that in respect of the whole of the land comprised in the project either—

- (a) planning permission for the carrying out of material development was in force immediately before 23rd September 1965, or

(b) such planning permission was granted on or after that date by the planning Minister on an appeal under section 23 of the Act of 1962 or section 14 of the Scottish Act of 1947 from a decision of the local planning authority made (or, for the purposes of the appeal, treated as made) before that date.

(4) For the purposes of the application of the last preceding subsection to planning permission granted on an outline application (that is to say, an application for planning permission subject to subsequent approval on any matters) any requirement as to subsequent approval shall be disregarded.

(5) Regulations made for the purposes of this section may provide that subsection (1) of this section shall not have effect unless, before the end of such period (not being less than six months) from the first appointed day as may be prescribed, the builder or developer serves on the Commission a notice containing such particulars as may be prescribed for the purpose of indicating to the Commission that a question of exemption under this section is likely to arise.

(6) The operation of subsection (1) of this section in relation to any such interest as is therein mentioned in the land comprised in the project, or in any part of that land, shall not affect the charging of levy in respect of any other interest in that land or in any part of that land.

(7) In this section "builder or developer of residential property" means any person who, immediately before 23rd September 1965, was carrying on a business which—

(a) consisted wholly or mainly of the carrying out of building operations, or of building and engineering operations, and included the building of houses, flats or other dwellings, or

(b) consisted wholly or mainly of building, or arranging for the building of, houses, flats or other dwellings and (in the capacity of owner of the fee simple or of holder of a tenancy of the land comprising the houses, flats or other dwellings) of selling, feuing or letting them.

(8) In this section "the provision of housing accommodation" means the building of one or more houses, flats or other dwellings and the execution of all or any of the following works, that is to say—

(a) the provision of roads, drains or other services ancillary to all or any of those houses, flats or other dwellings, including the provision of common services and parts in a building containing two or more flats or other dwellings, and

PART III

(b) the construction or laying out of any garage, outhouse, garden, yard, court, forecourt or other appurtenance for occupation with, or for the purposes of, all or any of those houses, flats or other dwellings ;

and in this section any reference to the building of houses, flats or other dwellings includes a reference to the conversion of the whole or any part of a building into one or more houses, flats or other dwellings.

Provision
for further
exemptions.

63.—(1) The Ministers may by order direct that no levy shall be charged in such circumstances falling within any of Cases A to F as may be specified in the order.

(2) No order shall be made under this section unless a draft of the order has been laid before the Commons House of Parliament and approved by a resolution of that House.

(3) Any exemption conferred by virtue of this section shall be without prejudice to the operation of sections 56 to 62 of this Act.

Special provisions as to projects of material development

Meaning of
“ project of
material
development ”
and provisions
relating
thereto.

64.—(1) In this Part of this Act “ project of material development ” means any project or scheme in pursuance of which any material development is, or is to be, carried out.

(2) Any reference in this Part of this Act to a project of material development of any land is a reference to a project of material development which comprises that land, with or without other land.

(3) In this Part of this Act “ specified operation ” means any of the following, that is to say—

- (a) any work of construction in the course of the erection of a building ;
- (b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building ;
- (c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in the last preceding paragraph ;
- (d) any operation in the course of laying out or constructing a road or part of a road ;
- (e) any change in the use of any land, where that change constitutes material development.

(4) For the purposes of this Part of this Act the carrying out of a project of material development shall be taken to begin, or (as the case may be) to have begun, on the earliest date on which any specified operation comprised in the project begins, or (as the case may be) began, to be carried out.

65.—(1) Subject to the following provisions of this section, in determining for the purposes of this Part of this Act what is at any time comprised in a project of material development—

PART III
What is
comprised in
a project of
material
development.

(a) all the development (whether material development or not) which is to be, or has before that time been, carried out in pursuance of the project, and all operations in the course of the clearing of land which are to be, or have before that time been, so carried out, shall be taken to be comprised in the project, and

(b) all land which is to be, or has before that time been, developed or cleared in pursuance of the project (but no other land) shall be taken to be land comprised in the project.

(2) Notwithstanding anything in the preceding subsection, but subject to the following provisions of this section, where notice of intention to carry out a project of material development has been served under section 38 of this Act, and no counter-notice rejecting that notice has been served under section 39(2) of this Act, then for the purposes of this Part of this Act—

(a) no land which does not form part of the land specified in the notice in accordance with section 38(5)(b) of this Act shall be taken to be land comprised in the project, and

(b) no development which does not fall within the nature and scope of the project as specified in the notice shall be taken to be development comprised in the project.

(3) Where a project of material development consists of or includes the erection of one or more buildings, the land comprised in the project shall be taken to include the site of any garage, outbuilding, garden, yard, court, forecourt or other appurtenance which is to be, or has been, constructed or laid out for occupation with, and for the purposes of, that building or those buildings, as the case may be, if any such site would not be comprised in the project apart from this subsection.

(4) In the case of a project of material development which does not include any development other than a change in the use of the whole or part of a hereditament, the land comprised in the project shall for the purposes of this Part of this Act be taken to be that hereditament.

(5) Subject to the next following subsection, in this section “hereditament”, in relation to a project of material development, means the aggregate of the land which at the relevant date forms the subject of a single entry in the valuation list for the time being in force for a rating area.

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(6) Where any land is on the boundary between two or more rating areas and accordingly—

- (a) different parts of that land form the subject of different entries in the valuation list for the time being in force for those areas respectively, but
- (b) if the whole of the land had been in one of those areas, it would have formed the subject of a single entry in the valuation list for that area,

the Commission may direct that the whole of that land shall be treated for the purposes of the last preceding subsection as if it formed the subject of a single entry in the valuation list for a rating area.

(7) In the application of this section to Scotland, for references to a valuation list and a rating area there shall be substituted respectively references to a valuation roll and a valuation area.

Variation of project.

66.—(1) The provisions of this section shall have effect where a project of material development is carried out with a variation so as to include material development which is not comprised in the project in accordance with the last preceding section (in this section referred to as “the additional development”).

(2) If the variation is such as to include material development of other land not comprised in the project in accordance with the last preceding section, the additional development, including so much of it (if any) as relates to the land comprised in the project in accordance with that section, shall for the purposes of this Part of this Act be taken to constitute a separate project of material development; and the provisions of this Part of this Act applicable to projects of material development shall have effect accordingly.

(3) In any other case, for the purposes of this Part of this Act the additional development shall not be taken to constitute a project of material development unless either—

- (a) notice of intention to carry out the additional development, as constituting a separate project of material development, is served on the Commission under section 38 of this Act, or
- (b) the Commission serve a notice stating that the additional development appears to them to be so substantial as to constitute a separate project of material development.

(4) A notice under paragraph (b) of the last preceding subsection may be served on any person who appears to the Commission to be—

- (a) the developing owner in relation to the project, or

(b) entitled (otherwise than as developing owner) to an interest in the land comprised in the project, or in part of that land, which is either the fee simple or a tenancy (not being a minor tenancy) and is not in reversion expectant (whether immediately or not) on the termination of a tenancy of which, at the date of service of the notice, more than ninety-eight years remain unexpired.

(5) Where notice of intention to carry out the additional development is served as mentioned in paragraph (a) of subsection (3) of this section, then for the purposes of this Part of this Act the additional development shall be taken to constitute a separate project of material development; and where notice in respect of the additional development is served as mentioned in paragraph (b) of that subsection, then—

(a) for the purposes of this Part of this Act the additional development shall be taken to constitute a separate project of material development unless, on an objection to a notice of assessment of levy served in respect of it, it is agreed by the Commission, or it is determined by the Lands Tribunal, that it ought not to be treated as such a separate project, but

(b) no person shall be taken to have contravened section 38 of this Act by reason only that no notice of intention to carry out the additional development was served under that section.

67.—(1) The provisions of this section shall have effect in relation to any project of material development (in this section referred to as “the larger project”) where—

(a) the carrying out of the project was begun before the first appointed day but is not completed before that day;

(b) one or more specified operations comprised in the project (in this section referred to as “the existing operations”) began before the first appointed day to be carried out on part of the land comprised in the project, but no specified operation has before that day begun to be carried out on the remainder of that land; and

(c) the carrying out of the project on the remainder of that land is not authorised by any planning permission in force on that day which authorises any of the existing operations to be carried out.

(2) If the existing operations, or some of those operations, are authorised by one or more planning permissions in force on the

Project of material development begun but not completed before first appointed day.

PART III first appointed day, then for the purposes of this Part of this Act—

- (a) so much of the larger project as relates to land comprised in that planning permission or those planning permissions, together with so much (if any) of that project as relates to any other land on which any of the existing operations began to be carried out before that day, shall be taken to constitute a separate project of material development which began to be carried out before that day, and
- (b) the remainder of the larger project shall be taken to constitute one or more other separate projects of material development which did not begin to be carried out before that day.

(3) If none of the existing operations is authorised by planning permission in force on the first appointed day, then for the purposes of this Part of this Act—

- (a) so much of the larger project as relates to land on which any of those operations began to be carried out before that day shall be taken to constitute a separate project of material development which began to be carried out before that day, and
- (b) the remainder of the larger project shall be taken to constitute one or more other separate projects of material development which did not begin to be carried out before that day.

(4) For the purposes of subsections (2) and (3) of this section no account shall be taken of any planning permission which does not authorise the carrying out of material development.

(5) In relation to any such separate project of material development as is mentioned in paragraph (b) of subsection (2) or paragraph (b) of subsection (3) of this section, the provisions of this Part of this Act (other than this section) shall apply as they apply in relation to any other project of material development which begins to be carried out on or after the first appointed day.

Project of material development begun in contravention of s. 38.

68.—(1) Where it appears to the Commission that the carrying out of a project of material development has been begun in such circumstances as to contravene section 38 of this Act, the Commission may serve a notice under this section on any person who appears to them to have contravened that section in respect of that project.

(2) A notice under this section shall indicate the circumstances in which it appears to the Commission that section 38 of this Act has been contravened.

(3) Where the carrying out of a project of material development is begun without the service of a notice under section 38 of this Act, but a notice in respect of it is served under this section or under section 66(3)(b) of this Act, then, in determining at any time for the purposes of section 65 of this Act what development is to be carried out in pursuance of the project after that time, regard shall be had in particular to—

- (a) the nature and scope of the project as indicated by the development so far as it has proceeded up to that time, on the assumption that the development will be completed in accordance with the way in which it has been begun, and
- (b) any planning permission for the time being in force which authorises any such development to be carried out.

(4) Where a notice relating to any land is served under this section or under section 66(3)(b) of this Act, section 43(3) of this Act shall have effect in relation to that land as if it had been specified in a notice under section 38 of this Act as the land to be comprised in a project of material development.

Relief in respect of estate duty, capital gains tax and corporation tax.

69. The provisions of Schedules 7 and 8 to this Act shall have effect in the cases specified in those Schedules respectively.

Allowance or deduction in certain cases.

70.—(1) Where for the purpose of assessing levy in connection with a chargeable act or event—

Assessment of levy where relief may be applicable.

- (a) an allowance under Schedule 7 to this Act is or may be required to be made, but no certificate relevant to the assessment of the levy has been issued under Part III of that Schedule, or
- (b) the appropriate deduction under Schedule 8 to this Act is or may be required to be made, but no certificate as to the amount of that deduction has been issued under Part IV of that Schedule,

the Commission may serve a notice of assessment of levy which does not take account of that allowance or deduction.

(2) Where an objection to a notice of assessment of levy (on whatever grounds the objection is made) is referred to the Lands Tribunal under section 47 of this Act, the Tribunal—

- (a) shall not postpone a decision on that reference by reason only that the notice does not take account of any such allowance or deduction, if no such certificate as is

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referred to in paragraph (a) or paragraph (b) of the preceding subsection (as the case may be) has been issued as therein mentioned, and

(b) shall not discharge the notice for that reason.

(3) Where the last preceding subsection applies, then if before the Lands Tribunal gives a decision on the reference in question—

(a) a certificate relevant to the assessment of the levy is issued under Part III of Schedule 7 to this Act, or

(b) a certificate under Part IV of Schedule 8 to this Act is issued indicating that a deduction under that Schedule is required to be made,

that certificate, and the application in pursuance of which it was issued, shall, for the purposes of section 47(2) of this Act, be included among the matters which the Tribunal is required to consider on that reference.

(4) In this and the next following section any reference to the issue of a certificate under Part III of Schedule 7 to this Act shall be construed as including a reference to the issue of a certificate in pursuance of any regulations made under Part IV of that Schedule.

Revision of assessment on issue of certificate as to allowance or deduction.

71.—(1) The provisions of this section shall have effect where—

(a) a notice of assessment of levy has resulted in an operative assessment of levy, and

(b) in consequence of the issue of a certificate under Part III of Schedule 7 or Part IV of Schedule 8 to this Act the principal amount of levy specified in the assessment falls to be reconsidered, with a view to its being either reduced or increased.

(2) Any person who has paid, or would be liable to pay, levy payable in accordance with the assessment may, at any time before the end of the period of six years beginning with the date of service of the notice of assessment of levy, make an application in writing to the Commission for relief.

(3) If, on any application under the last preceding subsection, the Commission find that, by reason of the matters to which the application relates,—

(a) an allowance or deduction under one of those Schedules falls to be made and was not taken into account in the assessment, or

(b) such an allowance or deduction taken into account in the assessment falls to be increased,

and that accordingly the assessment was excessive or no levy was properly chargeable, the Commission shall give, by way of repayment or otherwise, such relief as is appropriate in the circumstances.

(4) Subsections (3) to (5) of section 54 of this Act shall have effect in relation to any application under subsection (2) of this section as they have effect in relation to an application under that section, as if in those subsections any reference to varying the notice of assessment of levy by reducing the principal amount of the levy included a reference to discharging that notice and giving such consequential directions as the Lands Tribunal may determine to be appropriate.

(5) If the certificate is a revised certificate issued under paragraph 32 of Schedule 8 to this Act, and in accordance with that certificate a deduction previously taken into account in the assessment falls to be reduced, section 55 of this Act shall apply as if the circumstances in which the deduction falls to be so reduced were circumstances to which that section applies.

(6) In this section any reference to a deduction previously taken into account in the assessment includes a reference to a deduction in respect of which relief has already been given under subsection (3) or subsection (4) of this section ; and any reference to reducing the principal amount of the levy specified in the assessment shall, where the appropriate reduction would be equal to, or would exceed, that principal amount, be construed as a reference to cancelling it.

Other special cases

72.—(1) For the purposes of this Part of this Act any instrument (whether executed before or after the passing of this Act) whereby, on the compulsory acquisition of an interest in land by an authority possessing compulsory purchase powers, the interest became or becomes vested in the acquiring authority (whether immediately on the execution of that instrument or on a date or at the end of a period specified therein)—

Acquisition
under
compulsory
powers.

(a) shall be deemed to have been, or to be, a conveyance on sale (or, if the interest was or is a tenancy, an assignment on sale) of that interest to the acquiring authority by the person in whom, immediately before the execution of the instrument, that interest was vested, and

(b) shall be deemed to have been, or to be, a disposition of that interest made by that person on the date on which, by virtue of that instrument, the interest vested or vests in the acquiring authority ;

and any compensation payable in respect of the acquisition of that interest by the acquiring authority shall, for the purposes of

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PART III this Part of this Act, be deemed to have been, or to be, consideration payable in respect of such a disposition.

(2) Where a disposition of an interest in land to an authority possessing compulsory purchase powers constitutes a chargeable act or event falling within Case A, then, for the purpose of assessing levy in respect of that act or event, the relevant date shall not be the date of the disposition, but—

- (a) in the case of an acquisition in pursuance of a notice to treat, shall be the date of service of that notice, and
- (b) in any other case, shall be the date of the agreement in pursuance of which the disposition is made.

(3) Where, on the compulsory acquisition of an interest in land, the compensation is not paid until after the interest vests in the acquiring authority, section 37(4) and (subject to the next following subsection) section 44(3) of this Act shall apply with the substitution, for any reference to the date of the disposition or to the relevant date, of a reference to the date on which the compensation is paid.

(4) Where any compensation payable in respect of the compulsory acquisition of an interest in land is paid into court, and is subsequently ordered to be paid out of court, section 44(3) of this Act shall apply with the substitution, for the reference to the relevant date, of a reference to the date on which the compensation or a share of it is paid out of court in respect of that interest.

(5) The provisions of Schedule 9 to this Act shall have effect in relation to acquisitions by authorities possessing compulsory purchase powers.

Levy on
acquisitions by
Commission.

73.—(1) In relation to any disposition which is—

- (a) an assignment on sale to the Commission of a tenancy granted, renewed or extended for a term of years certain of less than seven years, or
- (b) a disposition granting to the Commission a tenancy for a term of years certain of less than seven years, or
- (c) a disposition in favour of the Commission granting an easement or releasing or modifying an easement or a restrictive right,

section 29(1)(d), section 30(1)(b) or section 34(1) of this Act (as the case may be) shall have effect as if the reference to notification in accordance with the provisions of this Part of this Act were omitted.

(2) Section 37 of this Act shall not apply to any disposition on the acquisition of an interest in land (whether compulsorily or

by agreement) by the Commission; and for the purpose of assessing levy in Case A in respect of such a disposition "the grantor" means the person in whom the relevant interest is vested on the relevant date (as specified in section 72(2) of this Act).

(3) The provisions of Schedule 10 to this Act shall have effect in relation to any such disposition as is mentioned in the last preceding subsection.

(4) Where a notice of assessment of levy served in respect of the compulsory acquisition of an interest in land by the Commission has resulted in an operative assessment of levy—

- (a) the amount of compensation which would be payable in respect of the acquisition apart from this section shall be determined;
- (b) there shall be deducted from that amount the principal amount of the levy in accordance with the assessment; and
- (c) the amount of compensation payable by the Commission in respect of the acquisition shall be the amount ascertained under paragraph (a) as reduced under paragraph (b) of this subsection.

(5) Where a notice of assessment of levy served in respect of the acquisition by the Commission of an interest in land by agreement has resulted in an operative assessment of levy—

- (a) the purchase price shall first be determined as if this section had not been enacted;
- (b) there shall be deducted from that price as so determined the principal amount of the levy in accordance with the assessment; and
- (c) the price paid by the Commission shall be the purchase price determined under paragraph (a) as reduced under paragraph (b) of this subsection.

(6) If one or more further notices of assessment of levy in respect of the acquisition are served under section 55 of this Act (including that section as applied by Schedule 10 to this Act), or if relief (whether by way of repayment or otherwise) is given or required to be given in respect of the levy in question, any reference in subsection (4)(b) or subsection (5)(b) of this section to the principal amount of the levy in accordance with the assessment shall be construed as a reference to the total principal amount of levy payable in respect of the acquisition as agreed or determined under this Part of this Act.

(7) For the purposes of the provisions of this Part of this Act (except subsections (4) and (5) of this section) in their application to any acquisition of an interest in land by the Commission, any reference to the compensation or purchase price

PART III shall be construed as a reference to the compensation or price determined in accordance with paragraph (a) of subsection (4) or paragraph (a) of subsection (5) of this section, as the case may be.

(8) Subject to the last preceding subsection, the provisions of section 72 of this Act and of Schedule 9 to this Act shall apply in relation to acquisitions by the Commission as they apply in relation to acquisitions by any other authority possessing compulsory purchase powers.

Application of Part III to minerals.

74.—(1) Regulations made for the purposes of this section may provide that in relation to land which has been, or after the passing of this Act is or is to be, the subject of—

- (a) a disposition relating wholly or partly to minerals of any description specified in the regulations, or
- (b) development consisting of or including the winning and working of minerals of any such description, or
- (c) a right to compensation to which section 33 of this Act applies, where that right accrues wholly or partly in respect of minerals of any such description,

the provisions of this Part of this Act shall have effect subject to such exceptions and modifications, and together with any such additional provisions, as may be specified in the regulations.

(2) Regulations made for the purposes of this section shall be of no effect unless they are approved by a resolution of the Commons House of Parliament.

Application of Part III to Crown land.

75.—(1) The provisions of this Part of this Act shall have effect in relation to any private interest in Crown land, and in relation to any person entitled to such an interest, as if the land were not Crown land.

(2) In the application of the preceding subsection to Scotland, “Crown land” has the meaning assigned to it by section 83(1) of the Scottish Act of 1947, and “private interest” means any interest other than such an interest as is described in the said section 83(1).

(3) In relation to Crown land in which there is a Duchy interest, arrangements may be made, with the approval of the Treasury, between the appropriate authority and the Commission for the payment by the appropriate authority to the Commission of such sums as may be determined in accordance with the arrangements to be appropriate, in substitution for any levy which would have been chargeable in respect of the Duchy interest if that interest had been a private interest.

(4) The purposes authorised by section 25 of the Act of the fifty-seventh year of King George the Third, chapter 97, for the application of moneys arising by any such sale of annuities standing in the name or to the account of the Duchy of Lancaster as is therein mentioned shall include the payment of any sums payable, in accordance with arrangements made under this section, in respect of an interest in land belonging to Her Majesty in right of that Duchy.

(5) 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 of any sums payable, in accordance with arrangements made under this section, in respect of an interest in land belonging to the Duchy of Cornwall. 1863 c. 49.

(6) In the application of this section to England and Wales "Crown land", "Crown interest", "Duchy interest" and "the appropriate authority" have the meanings assigned to them by subsection (6) of section 199 of the Act of 1962, and "private interest" means an interest which is neither a Crown interest nor a Duchy interest; and the provisions of that subsection as to the determination of questions shall apply for the purposes of this section as they apply for the purposes of that section.

76. Where in accordance with Part I of Schedule 11 to this Act a credit is to be taken to have arisen from a chargeable act or event, such of the provisions of Parts II and III of that Schedule as are applicable to any subsequent chargeable act or event shall have effect as therein mentioned. Credit carried forward from previous chargeable act or event.

77. The provisions of Schedule 12 to this Act shall have effect in the cases specified in that Schedule. Death, bankruptcy winding up and floating charges.

78. The provisions of Schedule 13 to this Act shall have effect in relation to the matters specified in that Schedule. Groups of companies, connected persons and other special cases.

Supplementary provisions

79. For the purposes of this Part of this Act any exchange of an interest in land for an interest in other land (with or without the payment of any sum for equality of exchange) shall be treated as a disposition of the former interest and a disposition of the latter interest, that is to say, as a conveyance (or, in the case of a tenancy, an assignment) on sale of each of those interests by the person entitled to it to the other party to the exchange. Exchanges.

PART III
Penalties for
contravention
of s. 38.

80.—(1) Any person (in this section referred to as “the offender”) who being the developing owner in relation to a project of material development, or being entitled to a material interest (as defined by section 38 of this Act) in relation to such a project, begins, or causes or permits another person to begin, to carry out the project in contravention of that section shall be guilty of an offence, and shall be liable on summary conviction to the penalty applicable in accordance with the following provisions of this section.

(2) If a notice under section 68 of this Act is served on the offender in relation to the project in question, and a notice of assessment of levy in respect of an assessable interest of his in the land, or part of the land, comprised in the project results in an operative assessment of levy, then the penalty to which the offender is liable under the preceding subsection shall be a penalty not exceeding £500 or twice the principal amount of the levy payable in accordance with the assessment, whichever is the greater.

(3) Any penalty payable in accordance with the last preceding subsection shall be in addition to any liability to pay the levy in accordance with the assessment.

(4) Where subsection (2) of this section does not apply, the penalty to which the offender is liable under subsection (1) of this section shall be a penalty not exceeding £500.

(5) Notwithstanding anything in any other enactment, proceedings against any person for an offence under subsection (1) of this section may be brought at any time before the end of the period of six months beginning with whichever of the following events last occurs, that is to say—

- (a) a notice of assessment of levy having been served on him in respect of that project and having resulted in an operative assessment of levy, the date specified in the assessment as the date on which the levy is charged is reached;
- (b) an objection made by him to such a notice having been referred to the Lands Tribunal, the period of thirty days beginning with the date on which that reference is finally determined expires.

Other offences
and penalties.

81.—(1) Any person who—

- (a) in the case of a disposition which he is required to notify by virtue of subsection (1) of section 37 of this Act, does not notify it in accordance with the requirements of that section and of any regulations made thereunder, or

(b) where he is required to give notice of a chargeable act or event falling within Case F, does not serve notice in accordance with the requirements of the regulations made under section 35 of this Act,

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

(2) Any person who without reasonable excuse fails to comply with any requirement imposed on him by a notice served under section 43 of this Act, which states that it appears to the Commission that a project of material development has begun to be carried out in contravention of section 38 of this Act, shall be guilty of an offence and liable on summary conviction to a penalty not exceeding £100; and if, after he has been convicted of an offence under this subsection, he fails without reasonable excuse to comply with the requirement in respect of which he was so convicted, he shall be guilty of a further offence and liable on summary conviction to a penalty not exceeding £50 for each day following the first conviction on which he so fails to comply with that requirement.

(3) Any penalty to which a person is liable under the last preceding subsection shall be in addition to any penalty to which he may be liable under the last preceding section.

(4) Any person who without reasonable excuse fails to comply with any requirement imposed on him by a notice under section 43 of this Act (other than such a notice as is mentioned in subsection (2) of this section) shall be guilty of an offence and liable on summary conviction to a penalty not exceeding £100.

(5) Any person who, in serving any notice or giving any information which he is required to serve or give under this Part of this Act, or in an application under section 60 of this Act, knowingly or recklessly makes a statement which is false in a material particular shall be guilty of an offence and 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.

82.—(1) This section applies to any offence under section 80 or under any of subsections (1), (2) and (4) of section 81 of this Act.

Proceedings in respect of certain offences.

(2) No proceedings for an offence to which this section applies—

(a) shall be brought in England or Wales except with the consent of the Commission or by, or with the consent of, the Director of Public Prosecutions, or

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(b) shall be brought in Scotland except with the consent of the Commission.

(3) Proceedings against any person for an offence to which this section applies may be brought either—

(a) before the appropriate court in Great Britain having jurisdiction in any place where that person resides or is for the time being, or

(b) before the appropriate court in Great Britain having jurisdiction in the place in which the land to which the offence relates is situated.

(4) The Commission may in their discretion mitigate any penalty in respect of an offence to which this section applies or stay or compound any proceedings for recovery of any such penalty.

1952 c. 55.

(5) Paragraph 3 of Schedule 3 to the Magistrates' Courts Act 1952 (maximum periods of imprisonment in default of payment) shall have effect in relation to offences to which this section applies as it has effect in relation to any offence under an enactment relating to Her Majesty's revenue under the control of the Commissioners of Inland Revenue.

Avoidance of certain contractual provisions.

83.—(1) Any provision to which this section applies which is contained in any agreement made on or after 29th December 1965 or in a disposition made on or after that date shall be void.

(2) This section applies to any provision whereby, apart from this section, a person would—

(a) be precluded from serving a notice which by or under this Part of this Act he is required or authorised to serve, or

(b) be subject to any penalty or liability in consequence of serving such a notice, or

(c) be liable to pay the whole or any part of the levy which, in accordance with this Part of this Act, is payable by some other person, or be liable to indemnify any other person against any expenditure incurred or to be incurred by him in the payment of levy.

Contributions by Postmaster General in lieu of levy.
1961 c. 15.

84.—(1) Where for the purposes of section 2(1) of the Post Office Act 1961 (contributions by Postmaster General in lieu of taxes etc.) it falls to be determined what amounts would be payable by the Postmaster General by way of levy but for the

exemptions which he enjoys as therein mentioned, no account shall be taken of any levy which, apart from those exemptions,—

- (a) would be chargeable in Case A, or in any of Cases D to F, where the relevant interest is an interest to which this section applies, or
- (b) would be chargeable in Case B, where the interest out of which the tenancy in question is created is an interest to which this section applies, or
- (c) would be chargeable in Case C in respect of an interest in land which, on the date on which the carrying out of the project in question is begun, is an interest to which this section applies.

(2) This section applies to any interest for the time being vested in the Postmaster General, where the land in which the interest subsists is land falling within any of such descriptions of land as may for the purposes of this section be agreed between him and the Treasury, as being descriptions of land which, in relation to the functions of the Postmaster General, correspond as nearly as may be to the descriptions of land which are operational land in relation to statutory undertakers.

85.—(1) In this Part of this Act the following expressions have the meanings hereby assigned to them respectively, that is to say:—

- “ assessable interest ”, for the purpose of assessing levy in Case C, has the meaning assigned to it by section 32 of this Act ;
- “ chargeable act or event ” has the meaning assigned to it by section 27(3) of this Act ;
- “ developing owner ” has the meaning assigned to it by section 32 of this Act ;
- “ mining lease ” means a lease or licence for the purpose of winning and working minerals, whether by underground or surface working ;
- “ minor tenancy ” means a tenancy for a year or from year to year or any lesser interest ;
- “ notice of assessment of levy ” has the meaning assigned to it by section 44 of this Act ;
- “ operative assessment of levy ” has the meaning assigned to it by section 49 of this Act ;
- “ project of material development ” has the meaning assigned to it by section 64(1) of this Act ;
- “ restrictive right ” means a covenant or agreement restrictive of the use or development of land, not being a covenant or agreement made between a lessor and

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a lessee or, except as respects Schedule 4 to this Act, an obligation on a vassal imposed by a superior or mid-superior ;

“specified operation” has the meaning assigned to it by section 64(3) of this Act ;

“the relevant Schedules” means Schedules 4, 5, 6, 7, 8, 9, 11 and 13 to this Act and includes any regulations made under any of those Schedules.

(2) In this Part of this Act “contingent local land charge”—

(a) in relation to any land in England or Wales, means a matter registered in respect of that land in the register of local land charges, or specified in a notice so registered, under section 15(4) of the Land Charges Act 1925 or under section 112 of the Act of 1962 (or under that section as applied by any other provision of that Act) or under any other enactment which provides for the registration in that register of, or of notice of, any matter by reference to which, on the occurrence of some future act or event, liability to make a payment will or may accrue, and

(b) in relation to any land in Scotland, means any matter recorded in respect of that land in the General Register of Sasines, or specified in a notice so recorded under section 29 of the Scottish Act of 1954 (or under that section as applied by any other provision of that Act) or under any other enactment which provides for the recording in that register of, or of notice of, any matter by reference to which, on the occurrence of some future act or event, liability to make a payment will or may accrue.

(3) For the purposes of this Part of this Act—

(a) the surrender of a tenancy to a landlord, if made for valuable consideration, shall be treated as an assignment on sale of the tenancy to that landlord ;

(b) the creation of a tenancy by a tenancy agreement or an agreement for a lease shall be treated as a grant of that tenancy by the landlord ;

(c) a term of years specified in a disposition granting, renewing or extending a tenancy shall be taken to be a term of years certain notwithstanding that the tenancy is, or may become, terminable by notice (whether given by the landlord or by the tenant) or by re-entry, forfeiture or otherwise before the end of the term so specified, and in determining whether such a term is a term of less, or not less, than seven years the fact that the tenancy is, or may become, so terminable shall be disregarded ;

1925 c. 22.

and any reference in this Part of this Act (including this subsection) to an assignment or surrender of a tenancy includes a reference to an assignment or (as the case may be) a surrender of the tenancy in respect of part of the land comprised in the tenancy:

Provided that paragraph (a) of this subsection shall not apply to a surrender made in consideration of, or in pursuance of an agreement for, the grant of a new tenancy.

(4) Except in so far as section 72(1) of this Act otherwise provides, for the purposes of this Part of this Act a disposition shall be taken to be made on the date on which it is executed or otherwise effected by or on behalf of the grantor, and any reference to the date of a disposition shall be construed as a reference to the date on which it is so executed or effected.

(5) For the purposes of this Part of this Act a person entitled to two interests in land shall be taken to be entitled to them in the same capacity if, but only if, he is entitled—

(a) to both of them beneficially, or

(b) to both of them as trustee of one particular trust, or

(c) to both of them as personal representative of one particular person.

(6) In this Part of this Act any reference to the purpose of assessing levy in respect of a chargeable act or event shall be construed as including references to the purpose of determining whether any, and (if so) how much, levy is to be charged in respect of that act or event, and to the purpose of serving any notice or doing any other thing preparatory to or in connection with or consequential upon the determination of any such question, including the payment of levy in accordance with such a determination.

(7) In the case of land in Scotland subject to a security constituted by an *ex facie* absolute disposition or assignation the debtor shall, for the purposes of this Part of this Act, be treated as the proprietor of the *dominium utile* except where the creditor is in possession of the land, and “grantor” shall be construed accordingly.

(8) In this Part of this Act (including the provisions of this section other than this subsection) and in the relevant Schedules and Schedules 10 and 12 to this Act any reference to this Part of this Act shall be construed as including a reference to those Schedules.

PART IV

GENERAL AND SUPPLEMENTARY PROVISIONS

Abolition of certain additional compensation for acquisition under compulsory powers.

1961 c. 33.
1963 c. 51.

Amendment of Finance Act 1931.
1931 c. 28.

Rights of entry.

86. In relation to—

- (a) any compulsory acquisition of an interest in land by an authority possessing compulsory purchase powers in pursuance of a notice to treat served on or after 1st January 1967, and
- (b) any sale of an interest in land to such an authority in pursuance of a contract made on or after that date,

Part IV of the Land Compensation Act 1961, or, in the case of land in Scotland, Part V of the Land Compensation (Scotland) Act 1963, shall not have effect.

87.—(1) In relation to any instrument executed on or after the first appointed day, section 28 of the Finance Act 1931 (production to Commissioners of Inland Revenue of instruments transferring land) and Schedule 2 to that Act shall have effect subject to the amendments specified in Schedule 14 to this Act.

(2) In accordance with the preceding subsection, in relation to any instrument executed on or after the first appointed day Schedule 2 to the Finance Act 1931 shall have effect as set out in Schedule 15 to this Act.

88.—(1) Any person duly authorised in writing by the Commission may at any reasonable time enter upon any land for the purpose of surveying it in order to enable the Commission—

- (a) to determine whether to make an application for planning permission for the carrying out of material development of that land, or
- (b) to carry out any function assigned to the Commission by or under this Act.

(2) Any officer of the Valuation Office may at any reasonable time enter upon any land for the purpose of surveying it or making any assessment—

- (a) in connection with any calculation required to be made for the purposes of Part III of this Act, or
- (b) in connection with any proposal of the Commission to acquire that land or any interest in it, or any other land or interest in other land, or in connection with any claim for compensation in respect of any such acquisition, or
- (c) in connection with the carrying out of any other function assigned to the Commission by or under this Act.

(3) Subject to the provisions of the next following section any power conferred by this section to survey land 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.

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89.—(1) A person authorised under the last preceding section to enter upon any land shall, if so required, produce evidence that he is authorised as mentioned in subsection (1) of that section or, as the case may be, that he is an officer of the Valuation Office, and shall not demand admission as of right to any land which is occupied unless seven days' notice of the intended entry has been given to the occupier. Supplementary provisions as to rights of entry.

(2) Any person who wilfully obstructs a person acting in the exercise of his powers under the last preceding section shall be liable on summary conviction to a fine not exceeding £20.

(3) If any person who, in compliance with the provisions of the last preceding section, is admitted into a factory, workshop or workplace discloses to any person any information obtained by him therein as to any manufacturing process or trade secret, he shall, unless the disclosure is made in the course of performing his duty in connection with the survey or assessment for which he was authorised to enter the premises, 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.

(4) Where any land is damaged in the exercise of a right of entry conferred under the last preceding section, or in the making of any survey for the purpose of which any such right of entry has been so conferred, compensation in respect of that damage may be recovered from the Commission by any person interested in the land.

(5) Any question of disputed compensation under the last preceding subsection shall be referred to and determined by the Lands Tribunal ; and, in relation to the determination of any such question, the provisions of sections 2 and 4 of the Land Compensation Act 1961, or, as the case may be, of sections 9 and 11 of the Land Compensation (Scotland) Act 1963, shall apply, subject to any necessary modifications.

(6) Where under the last preceding section a person proposes to execute any works authorised by virtue of subsection (3) of that section—

(a) he shall not execute those works unless notice of his intention to do so was included in the notice required by subsection (1) of this section, and

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- (b) if the land in question is held by statutory undertakers, and those undertakers object to the proposed works on the ground that the execution of them would be seriously detrimental to the carrying on of their undertaking, the works shall not be executed except with the authority of the appropriate Minister, as defined by section 221(1) of the Act of 1962, or, as respects Scotland, by section 113(1) of the Scottish Act of 1947.

(7) The last preceding subsection shall have effect in relation to the National Coal Board as it has effect in relation to statutory undertakers, but as if in that subsection—

- (a) any reference to statutory undertakers were a reference to that Board, and
- (b) for the words from “the appropriate Minister” to the end of the subsection there were substituted the words “the Minister of Power”.

Ecclesiastical property.

90.—(1) Where the fee simple in any ecclesiastical property is in abeyance, then for the purposes of this Act, and of any enactment as applied by any provision of this Act, it shall be treated as being vested in the Church Commissioners.

(2) For the purposes of section 57 of this Act any interest in land which for the time being forms part of the corporate property of an ecclesiastical corporation (including any such interest which by virtue of the preceding subsection is treated as being vested in the Church Commissioners) shall be deemed—

- (a) to be held by a charity having a permanent endowment, and
- (b) to be so held as part of that endowment,

if apart from this subsection it would not be taken to be held by a charity as part of its permanent endowment.

(3) In this section “ecclesiastical property” means land belonging to an ecclesiastical benefice of the Church of England, or being or forming part of a church subject to the jurisdiction of the bishop of any diocese of the Church of England or the site of a church so subject, or being or forming part of a burial ground so subject, and “ecclesiastical corporation” means a corporation in the Church of England, whether sole or aggregate, which is established for spiritual purposes.

Consecrated land, places of religious worship and burial grounds.

91. The provisions of Schedule 16 to this Act shall have effect in relation to land acquired by the Commission under this Act.

92. The purposes authorised for the application of capital moneys—

- (a) by section 73 of the Settled Land Act 1925, and by that section as applied by section 28 of the Law of Property Act 1925 in relation to trusts for sale, and
- (b) by section 26 of the Universities and College Estates Act 1925,

and the purposes authorised by section 71 of the Settled Land Act 1925, by that section as so applied, and by section 30 of the Universities and College Estates Act 1925, as purposes for which moneys may be raised by mortgage, shall include the discharge of any sum payable in respect of levy in accordance with section 50 of this Act, in so far as that sum represents the whole or part of the principal amount of the levy.

PART IV
Settled land
and land of
universities
and colleges
in England
and Wales.
1925 c. 18.
1925 c. 20.
1925 c. 24.

93.—(1) If any person, for the purpose of obtaining for himself or for any other person any compensation in respect of the acquisition by the Commission of an interest in land by virtue of a general vesting declaration under this Act,—

- (a) knowingly or recklessly makes a statement which is false in a material particular, or
- (b) with intent to deceive produces, furnishes, sends or otherwise makes use of any book, account or other document which is false in a material particular, or
- (c) with intent to deceive withholds any material information,

he shall be guilty of an offence.

(2) Any person guilty of an offence under this section shall (without prejudice to the recovery of any sum under section 24 of this Act) 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.

94.—(1) For the purposes of the performance of any of their functions under this Act, the Commission may serve on the occupier of any land, or on any person who, either directly or indirectly, receives rent in respect of any land, a notice requiring him to state in writing the nature of his interest in the land, and the name and address of any other person known to him as having an interest in that land, whether as a freeholder, mortgagee, heritable creditor, lessee, superior or otherwise.

Penalty
for false
information
in claiming
compensation.

Power to
require
information as
to ownership
of interests
in land.

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(2) Any person who, having been required in pursuance of this section to give any information, fails without reasonable excuse to give that information, or knowingly makes any misstatement in respect thereof, shall be liable on summary conviction to a fine not exceeding £50.

(3) This section shall have effect without prejudice to the operation of any provision of Part III of this Act under which the Commission may require a person to give information.

Disclosure of
information
by Inland
Revenue.

95.—(1) No obligation as to secrecy imposed by statute or otherwise on persons employed in relation to Inland Revenue shall prevent the disclosure to the Commission, for the purpose of facilitating the performance of any of their functions under this Act, of the contents of any document to which this section applies.

1931 c. 28.

(2) This section applies to any document which, having (whether before or after the passing of this Act) been produced to the Commissioners of Inland Revenue in pursuance of section 28 of the Finance Act 1931 or furnished to them in pursuance of Schedule 2 to that Act, is for the time being in their possession or under their control.

Service of
documents.

96.—(1) Subject to subsection (6) of this section, subsections (2) to (5) of this section shall have effect in relation to any document required or authorised by or under this Act to be given to or served on any person, other than a document in relation to which provision as to service is made by Schedule 2 to this Act or by the Acquisition of Land (Authorisation Procedure) Act 1946 or the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.

1946 c. 49.

1947 c. 42.

(2) Any such document may be given to or served on the person in question either by delivering it to him, or by leaving it at his proper address, or by sending it by post.

(3) Any such document required or authorised to be given to or served on a body corporate shall be duly given or served if it is given or served on the secretary or clerk of that body.

1889 c. 63.

(4) 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 any person to or on whom any such document is to be given or served shall, in the case of the secretary or clerk of a body corporate, be that of the registered or principal office of that body, and in any other case shall be the last-known address of the person to be served:

Provided that, if the person to or on whom the document to be given or served has, in accordance with arrangements agreed, given an address in the United Kingdom for the giving or service of the document, his proper address for those purposes shall be that address.

(5) If the name or the address of any owner, lessee or occupier of land to or on whom any such document is to be given or served cannot after reasonable inquiry be ascertained by the body or person seeking to give or serve the document, the document may be given or served by addressing it to the person to or on whom it is to be given or served by the description of "owner", "lessee" or "occupier" of the land (describing it) and delivering it to some responsible person resident or appearing to be resident on the land, or, if there is no such person to whom it can be delivered, affixing it, or a copy of it, to some conspicuous part of the land.

(6) Without prejudice to subsections (3) and (4) of section 37 of this Act, provision may be made by regulations as to the manner in which documents required or authorised by or under this Act to be given to or served on the Commission are to be or may be given or served; and, in relation to any such document, the preceding provisions of this section shall have effect subject to any such regulations.

97.—(1) Where an offence under 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 shall be liable to be proceeded against and punished accordingly.

Offences
by bodies
corporate.

(2) In this section "director", in relation to a 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, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

98.—(1) The appropriate Minister or Ministers may make regulations for any purpose for which regulations are authorised or required to be made under this Act:

Regulations
and orders.

Provided that this subsection shall have effect subject to subsection (6) of section 58 of this Act in relation to regulations to which that subsection applies.

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(2) Any power to make regulations under this Act shall be exercisable by statutory instrument; and any statutory instrument containing any regulations under this Act—

(a) if they are made exclusively for the purposes of any provision contained in Part III of this Act (other than sections 35 and 74) or in Schedules 4 to 8 to this Act, shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament, and

(b) in any other case (with the exception of regulations made under section 35 or made for the purposes of section 74 or section 99(2) of this Act) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Any power to make orders under this Act, other than compulsory purchase orders, shall be exercisable by statutory instrument.

(4) Any power to make an order under section 3, section 8, section 28, section 51 or section 63 of this Act shall include power to vary or revoke any such order by a subsequent order made thereunder.

Interpretation.

99.—(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:—

1962 c. 38. “the Act of 1962” means the Town and Country Planning Act 1962;

1845 c. 19. “the Scottish Act of 1845” means the Lands Clauses Consolidation (Scotland) Act 1845;

1945 c. 33. “the Scottish Act of 1945” means the Town and Country Planning (Scotland) Act 1945;

1947 c. 53. “the Scottish Act of 1947” means the Town and Country Planning (Scotland) Act 1947;

1954 c. 73. “the Scottish Act of 1954” means the Town and Country Planning (Scotland) Act 1954;

“the appropriate Minister or Ministers”—

(a) for the purpose of doing anything in relation to the whole of Great Britain, means the Minister of Housing and Local Government and the Secretary of State acting jointly;

(b) for the purpose of doing anything in relation to England and Wales but not Scotland, means the Minister of Housing and Local Government; and

(c) for the purpose of doing anything in relation to Scotland only or in relation to Wales (including Monmouthshire) only, means the Secretary of State;

“disposition” includes the grant of a tenancy, the renewal, extension or other variation of a tenancy, and any other conveyance, assignment, transfer, grant, variation or extinguishment of an interest in or right over land, whether made by an instrument or otherwise;

“the Ministers” means the Minister of Housing and Local Government and the Secretary of State, and, in relation to anything falling to be done by the Ministers, means that Minister and the Secretary of State acting jointly;

“the first appointed day” and “the second appointed day” have the meanings assigned to them respectively by sections 1(1) and 6(4) of this Act;

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

“prescribed” means prescribed by regulations under this Act;

“registered land” has the meaning assigned to it by section 3 of the Land Registration Act 1925.

1925 c. 21.

(2) In this Act “material development” means any development other than—

(a) development for which planning permission is granted by a general development order for the time being in force and which is carried out so as to comply with any condition or limitation subject to which planning permission is so granted;

(b) development falling within any of paragraphs 1, 2, 3 and 5 to 8 of Schedule 3 to the Act of 1962, as read with Part III of that Schedule and with section 1(4) of the Town and Country Planning Act 1963, or, in Scotland, falling within Part I, or within paragraph 1 or any of paragraphs 3 to 7 of Part II of Schedule 3 to the Scottish Act of 1947, as read with Part III of that Schedule, subsections (2) and (3) of section 108 of that Act and section 2(5) of the said Act of 1963; and

1963 c. 17.

(c) development of any class prescribed for the purposes of this subsection;

and in this subsection “general development order” means a development order made as a general order applicable (subject to such exceptions as may be specified therein) to all land in England and Wales, or to all land in Scotland, as the case may be.

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(3) Where for the purposes of any provision of this Act it falls to be determined what development of any land is or was authorised by planning permission at a time when planning permission granted on an outline application (that is to say, an application for planning permission subject to subsequent approval on any matters) is or was in force in respect of that land, any development of that land which at that time—

(a) is or was authorised by that permission without any requirement as to subsequent approval, or

(b) not being so authorised, has or had been approved in the manner applicable to that planning permission,

but no other development, shall for those purposes be taken to be, or (as the case may be) to have been, development authorised by that permission at that time; and any reference in this Act to operations, or the carrying out of a project, authorised by planning permission shall, in relation to planning permission granted on an outline application, be construed in a corresponding way:

Provided that nothing in this subsection shall affect the operation of section 6 or section 62 of this Act.

(4) In this Act “before the first appointed day” means at any time before that day, whether before or after the passing of this Act.

(5) In relation to registered land any reference in this Act to a conveyance or an assignment includes a reference to a transfer, and references to conveying the fee simple or assigning a tenancy shall be construed accordingly.

(6) In this Act any reference to a notice to treat shall be construed as including a reference to a notice to treat which by virtue of any enactment (including sections 10(1) and 21(5) of this Act) is deemed to have been served, and any reference to the service, or the date of service, of a notice to treat shall be construed accordingly.

(7) For the avoidance of doubt it is hereby declared that in this Act “works” includes any operations in the course of the clearing of land.

(8) Subject to the preceding provisions of this section, subsection (1) of section 221 (interpretation) of the Act of 1962, section 113(1) of the Scottish Act of 1947, subsections (1) and (3) of section 69 of the Scottish Act of 1954 and section 54(1) of the Town and Country Planning (Scotland) Act 1959 (interpretation) shall apply for the purposes of this Act as they apply for the purposes of those Acts.

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

(10) Regulations made for the purposes of subsection (2) of this section shall be of no effect unless they are approved by a resolution of each House of Parliament.

100.—(1) The provisions of this section shall have effect for the application of this Act to Scotland. Application to Scotland.

(2) (a) For any reference to an assignment there shall be substituted a reference to an assignation, and for any reference to an easement there shall be substituted a reference to a servitude ;

(b) for any reference to an authority possessing compulsory purchase powers there shall be substituted a reference to a public authority possessing compulsory purchase powers ;

(c) “covenant” means an obligation or agreement and includes a real burden *ad factum praestandum*, and “covenantor” shall be construed accordingly ;

(d) “fee simple” and “freehold interest” mean the estate or interest of the proprietor of the *dominium utile*, and “freeholder” shall be construed accordingly ;

(e) “heritable security” has the same meaning as in the Conveyancing (Scotland) Act 1924, except that it excludes a real burden *ad factum praestandum* but includes a security constituted by *ex facie* absolute disposition or assignation, and “heritable creditor” shall be construed accordingly ; 1924 c. 27.

(f) references to an interest in reversion expectant or in reversion immediately expectant (whether immediately or not), or in reversion immediately expectant shall be construed as references to the interest of the landlord in land subject to a lease, or, as the case may be, to the interest of the lessee of land who is the landlord under a sub-lease ;

(g) references to the Lands Tribunal shall be construed as references to the Lands Tribunal for Scotland :

Provided that until sections 1 to 3 of the Lands Tribunal Act 1949 come into force as regards Scotland this subsection shall have effect as if for the reference to the Lands Tribunal for Scotland there were substituted— 1949 c. 42.

(i) except in the case mentioned in sub-paragraph (ii) below, a reference to an official arbiter appointed in accordance with the provisions of section 2 of the Land Compensation (Scotland) Act 1963, and sections 3 and 5 1963 c. 51.

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of that Act shall apply, subject to any necessary modifications, in relation to the determination of any question under this Act by an arbiter so appointed ;

- (ii) in the case of any question which arises as to whether levy is not chargeable by virtue of section 57 of this Act, a reference to the Court of Session, and in such a case, for the words "require the objection to be referred to the Lands Tribunal" in section 47(1) of this Act there shall be substituted the words "apply to the Court of Session for a decision on the objection".

(3) Any reference in this Act to the *dominium utile* in relation to land which is not held on feudal tenure shall be construed as a reference to the interest in the land of the owner thereof.

Repeals.

101. The enactments specified in Schedule 17 to this Act are hereby repealed to the extent specified in the third column of that Schedule :

Provided that—

- 1931 c. 28. (a) the repeal by this section of any provision contained in the Finance Act 1931 shall not affect the operation of that Act in relation to instruments executed before the first appointed day, and
- 1961 c. 33.
1963 c. 51. (b) the repeal by this section of any provision contained in the Land Compensation Act 1961 or the Land Compensation (Scotland) Act 1963 shall not affect the operation of that provision in relation to any compulsory acquisition or sale in pursuance of a notice to treat served, or contract made, before 1st January 1967.

Short title and extent.

102.—(1) This Act may be cited as the Land Commission Act 1967.

(2) This Act, except section 1(5) thereof, shall not extend to Northern Ireland.

SCHEDULES

SCHEDULE 1

Section 1.

CONSTITUTION AND PROCEEDINGS OF COMMISSION

1. The Land Commission shall by that name be a body corporate having perpetual succession and a common seal.

2. The Commission shall consist of such number of members, not exceeding nine, as the Ministers may from time to time determine.

3. The members shall be appointed by the Ministers, who may appoint one of them to be chairman of the Commission and another to be deputy chairman.

4.—(1) Subject to the provisions of this paragraph, a member of the Commission, and the chairman and deputy 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 Ministers resign his membership, and the chairman or deputy chairman may by the like notice resign his office as such.

(3) The Ministers may remove a person from membership if satisfied that he—

(a) has become bankrupt or made an arrangement with his creditors ; or

(b) is incapacitated by physical or mental illness ; or

(c) has been absent from more than six consecutive meetings of the Commission otherwise than for a reason approved by the Ministers ; or

(d) is otherwise unable or unfit to discharge the functions of a member, or is unsuitable to continue as a member.

(4) If the chairman or deputy chairman ceases to be a member of the Commission he shall also cease to be chairman or deputy chairman.

(5) A person who ceases to be a member, or ceases to be chairman or deputy chairman, shall be eligible for reappointment.

5.—(1) The Commission, with the approval of the Ministers, may appoint a secretary of the Commission, and such other officers and servants as the Commission may, after consultation with the Ministers and with the consent of the Treasury, determine.

(2) A person may hold all or any two of the following offices at the same time, that is to say, as secretary or other officer of the Commission, as a member of the Commission, and as chairman or deputy chairman of the Commission.

6.—(1) The Commission shall pay to the members of the Commission such remuneration and allowances as may be determined by the Ministers with the consent of the Treasury.

(2) In the case of any such person as the Ministers may with the consent of the Treasury determine, the Commission shall pay such pension, allowance or gratuity to or in respect of him on his retirement or death, or make such payments towards the provision of such a pension, allowance or gratuity, as may be so determined.

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(3) If a person ceases to be a member of the Commission, and it appears to the Ministers that there are special circumstances which make it right that that person should receive compensation, the Ministers may, with the consent of the Treasury, require the Commission to pay to that person a sum of such amount as the Ministers may with the consent of the Treasury determine.

(4) As soon as practicable after the making of any determination under sub-paragraph (2) or sub-paragraph (3) of this paragraph the Ministers shall lay a statement thereof before each House of Parliament.

7. The Commission shall pay to their officers and servants such remuneration and allowances as the Commission may, after consultation with the Ministers and with the consent of the Treasury, determine.

8. 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).

9. The quorum at meetings of the Commission shall be four.

10.—(1) A member of the Commission who is in any way directly or indirectly interested in any land which is the subject of a transaction entered into or proposed to be entered into by the Commission shall disclose the nature of his interest at a meeting of the Commission; and the disclosure shall be recorded in the minutes of the Commission, and the member shall not take any part in any deliberation or decision of the Commission with respect to the transaction.

(2) For the purposes of sub-paragraph (1) of this paragraph a general notice given at a meeting of the Commission by a member of the Commission to the effect that he is a member of a specified company or firm and is to be regarded as interested in any transaction which may, after the date of the notice, be entered into in relation to that company or firm, shall be regarded as a sufficient disclosure of his interest in relation to any such transaction.

(3) A member of the Commission need not attend in person at a meeting of the Commission in order to make any disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is brought up and read at the meeting.

(4) The preceding provisions of this paragraph shall have effect in relation to any land in respect of which any functions fall to be performed by the Commission under Part III of this Act as they have effect in relation to land which is the subject of a transaction entered into by the Commission; and, in relation to land in respect of which any such functions fall to be performed, any reference in those provisions to a transaction shall be construed as including a reference to the performance of those functions.

11. The seal of the Commission shall be authenticated by the signature of the secretary or of any person authorised by the Commission to act in that behalf.

12. A certificate signed by the secretary that any instrument purporting to be made or issued by or on behalf of the Commission was so made or issued shall be conclusive evidence of that fact.

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13. Every document purporting—

- (a) to be an instrument made or issued by or on behalf of the Commission and to be sealed with the seal of the Commission authenticated in the manner provided by paragraph 11 of this Schedule, or to be signed or executed by the secretary or any person authorised by the Commission to act in that behalf, or
- (b) to be a certificate such as is mentioned in paragraph 12 of this Schedule,

shall be received in evidence and be deemed without further proof to be so made or issued or to be such a certificate, unless the contrary is shown.

14.—(1) A person dealing with the Commission, or with a person claiming under the Commission, shall not be concerned to inquire—

- (a) whether any directions have been given to the Commission under this Act or whether any directions so given have been complied with, or
- (b) whether the consent or approval of any Minister required for any of the purposes of this Act has been given, or whether any condition or limitation subject to which any such consent or approval was given has been complied with ;

and, in favour of any such person, the validity of anything done by the Commission shall not be affected by anything contained in any such direction, consent or approval or by reason that any such direction, consent or approval has not been given.

(2) Without prejudice to the preceding sub-paragraph, the validity of a compulsory purchase order made by the Commission shall not be affected by anything contained in a direction given under section 1(3) of this Act or by reason that any such direction has not been complied with.

SCHEDULE 2

Section 8.

SPECIAL PROCEDURE FOR COMPULSORY PURCHASE ORDERS

1. The provisions of this Schedule shall have effect in relation to any compulsory purchase order authorising an acquisition to which an order under section 8 of this Act applies.

2.—(1) Paragraph 19 of Schedule 1 to the Acquisition of Land Act (which relates to the service of notice and other documents) shall not apply to any notice relating to such a compulsory purchase order which, by virtue of paragraph 3 of that Schedule, is required to be served on an owner, lessee or occupier of land.

(2) Any such notice shall be taken to be duly served if—

- (a) it is addressed to the owner, lessee or occupier by name, and delivered to him or left at, or sent by registered post or the recorded delivery service to, his usual or last known place of abode, or

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- (b) where he is the owner, lessee or occupier of land which appears to the Commission to be separately occupied, the notice is addressed to "the owner and the occupier" of the land (describing it) and is either delivered to some person on the land or, if there is no person on the land to whom it can be delivered, is affixed to some conspicuous object on the land, or
- (c) where the land appears to the Commission to be unoccupied, it is addressed to "the owners and any occupiers" of the land (describing it) and is affixed to some conspicuous object on the land.

(3) In this paragraph any reference to a particular paragraph of Schedule 1 to the Acquisition of Land Act is a reference to that paragraph as applied by virtue of section 7(1) of this Act.

3.—(1) The provisions of sub-paragraphs (2) to (4) of paragraph 4 of Schedule 1 to the Acquisition of Land Act, as applied by section 7 (2) of this Act, shall have effect in relation to such a compulsory purchase order subject to the following provisions of this paragraph.

(2) Except in so far as sub-paragraphs (3) to (5) of this paragraph otherwise provide, the Minister whose authority is required in accordance with section 7(3) of this Act shall not be required by virtue of the provisions mentioned in the preceding sub-paragraph to cause a public local inquiry to be held, or to afford to an objector an opportunity of appearing before and being heard by a person appointed by that Minister for the purpose, unless in the circumstances of the case that Minister considers it expedient to do so.

(3) Where the land comprised in such a compulsory purchase order as prepared in draft by the Commission consists of a dwelling-house, and the occupier of the dwelling-house duly objects to the order and that objection is not withdrawn, the last preceding sub-paragraph shall not have effect in relation to that objection.

(4) Where the land comprised in such a compulsory purchase order as so prepared includes a dwelling-house together with other land, and the occupier of the dwelling-house duly objects to the order and that objection is not withdrawn, then if the Minister referred to in sub-paragraph (2) of this paragraph—

(a) does not either cause a public local inquiry to be held or afford to the occupier of the dwelling-house an opportunity of appearing before and being heard by a person appointed by that Minister for the purpose, and

(b) authorises the Commission to make the order,

that Minister shall require the Commission to make the order with a modification so as to exclude the dwelling-house from the order.

(5) In this paragraph "dwelling-house" means any building or part of a building in which a person is residing, and includes any other building or part of a building in which a person normally resides but from which he is temporarily absent.

4. Where by virtue of the last preceding paragraph the Minister referred to in that paragraph dispenses with an inquiry or hearing as therein mentioned, then, as soon as may be after he has determined

either to authorise or not to authorise the Commission to make the order, he shall send to any person who— SCH. 2

(a) being such an owner, lessee or occupier as is mentioned in paragraph 3(1)(b) (or as respects Scotland paragraph 3(b)) of Schedule 1 to the Acquisition of Land Act, has duly objected to the order and has not withdrawn his objection, and

(b) has specified an address for the purposes of this paragraph, a notification of his decision, which shall be addressed to that person and sent by registered post or the recorded delivery service to the address so specified.

SCHEDULE 3

Section 10.

SUPPLEMENTARY PROVISIONS AS TO GENERAL VESTING DECLARATIONS

Exclusion of power of entry under Compulsory Purchase Act 1965 or under the Acquisition of Land Act

1. Section 11(1) of the Compulsory Purchase Act 1965 or, as respects Scotland, paragraph 3 of Schedule 2 to the Acquisition of Land Act (power to enter upon land after service of notice to treat) shall not apply to land specified in a general vesting declaration under this Act.

Restriction on withdrawal of constructive notice to treat

2. The power conferred by section 31 of the Land Compensation Act 1961 or by section 39 of the Land Compensation (Scotland) Act 1963 to withdraw a notice to treat shall not be exercisable, in respect of a notice to treat which is deemed to be served under section 10 of this Act, at any time after the interest in respect of which the notice is deemed to be served has vested in the Commission by virtue of subsection (2) of the said section 10.

Objection to severance

3. Section 8(1) of the Compulsory Purchase Act 1965 or, as respects Scotland, paragraph 4 of Schedule 2 to the Acquisition of Land Act shall not apply to land in respect of which a general vesting declaration is made under this Act.

4.—(1) If a general vesting declaration under this Act comprises part only of a house, building or factory, or of a park or garden belonging to a house, any person who is able to sell the whole of the house, building, factory, park or garden may by notice served on the Commission (in this Schedule referred to as a "notice of objection to severance") require them to purchase his interest in the whole.

(2) Except as provided by paragraph 13 of this Schedule, a notice of objection to severance served by any person shall not have effect if it is served more than twenty-eight days after the date on which the notice required by section 9(3) of this Act is served on him.

5. Where a notice of objection to severance is served in respect of a person's interest in any land (in this Schedule referred to as "the land proposed to be severed"), and is so served within the

- SCH. 3 time allowed in accordance with paragraph 4(2) of this Schedule, then, notwithstanding anything in section 10(2) of this Act,—
- (a) that interest shall not vest in the Commission, and
 - (b) if he is entitled to possession of that land, the Commission shall not be entitled to enter upon or take possession of it,

until the notice has been disposed of in accordance with the following provisions of this Schedule.

6. Within three months after a person has served on the Commission a notice of objection to severance, the Commission shall either—

- (a) serve notice on him withdrawing the notice to treat deemed to have been served on him in respect of his interest in the land proposed to be severed, or
- (b) serve notice on him that the general vesting declaration shall have effect, in relation to his interest in the land proposed to be severed, as if the whole of that land had been comprised in the declaration (and in the compulsory purchase order, if part only of that land was comprised in that order), or
- (c) refer the notice of objection to severance to the Lands Tribunal and notify him that it has been so referred.

7. If the Commission do not take action in accordance with the last preceding paragraph within the period allowed by that paragraph, then at the end of that period they shall be deemed to have acted in accordance with sub-paragraph (a) of that paragraph.

8. Where in accordance with paragraph 6 or paragraph 7 of this Schedule the notice to treat deemed to have been served in respect of a person's interest in the land proposed to be severed is withdrawn, or is deemed to have been withdrawn,—

- (a) that interest shall not vest in the Commission by virtue of the general vesting declaration, and
- (b) if he is entitled to possession of that land, the Commission shall not be entitled by virtue of that declaration to enter upon or take possession of it.

9. Where the Commission take action in accordance with sub-paragraph (b) of paragraph 6 of this Schedule, the general vesting declaration (and, where applicable, the compulsory purchase order) shall have effect as mentioned in that sub-paragraph, whether apart from this Schedule the Commission could have been authorised to acquire the interest in question in the whole of the land proposed to be severed or not.

10. Where in accordance with paragraph 6(c) of this Schedule the Commission refer a notice of objection to severance to the Lands Tribunal, and on that reference the Tribunal determines that the part of the land proposed to be severed which is comprised in the general vesting declaration can be taken—

- (a) in the case of a house, building or factory, without material detriment, or
- (b) in the case of a park or garden, without seriously affecting the amenity or convenience of the house,

paragraph 5 of this Schedule shall thereupon cease to have effect in relation to that notice.

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11.—(1) If on such a reference the Lands Tribunal does not make a determination in accordance with the last preceding paragraph, the Tribunal shall determine the area of that land (being the whole of it or a part of it which includes the part comprised in the general vesting declaration) which the Commission ought to be required to take; and the general vesting declaration shall have effect, in relation to the interest in that area of the person who served the notice of objection to severance, as if the whole of that area had been comprised in the general vesting declaration, whether apart from this Schedule the Commission could have been authorised to acquire that interest in the whole of that area or not.

(2) Where the preceding sub-paragraph applies, and part of the area determined by the Lands Tribunal was not comprised in the compulsory purchase order, the general vesting declaration shall have effect as mentioned in the preceding sub-paragraph as if the whole of that area had been comprised in the compulsory purchase order as well as in the declaration.

12. As respects Scotland, where by virtue of paragraph 6(a), 7, 9 or 11 of this Schedule a general vesting declaration is to have effect in relation to a different area of land than that originally comprised in the declaration, the Commission shall alter accordingly the description of the land affected by the declaration.

13.—(1) Where in accordance with paragraph 4(1) of this Schedule a person is entitled to serve a notice of objection to severance, and it is proved—

- (a) that he never received the notice required by section 9(3) of this Act to be served on him, or received that notice less than twenty-eight days before, or on or after, the date on which the period specified in the general vesting declaration expired, and
- (b) that a notice of objection to severance served by him was served not more than twenty-eight days after the date on which he first had knowledge of the execution of the general vesting declaration,

that notice shall have effect notwithstanding that it is served after the time allowed in accordance with paragraph 4(2) of this Schedule has expired.

(2) Where, in the circumstances specified in the preceding sub-paragraph, a person serves a notice of objection to severance after the end of the period specified in the general vesting declaration,—

- (a) paragraphs 5 and 8 of this Schedule shall not have effect in relation to that notice;
- (b) paragraph 6 of this Schedule shall have effect in relation to that notice as if sub-paragraph (a) of that paragraph were omitted;
- (c) paragraph 7 of this Schedule shall have effect in relation to that notice with the substitution, for the words “sub-paragraph (a)”, of the words “sub-paragraph (b)”; and

- SCH. 3 (d) paragraph 10 of this Schedule shall not have effect in relation to that notice, but without prejudice to the making by the Tribunal of any such determination as is mentioned in that paragraph.

Compensation

1965 c. 56. 14. Where any of the land specified in a general vesting declaration under this Act has become vested in the Commission by virtue of section 10 of this Act, the Commission shall be liable to pay the like compensation, and the like interest on the compensation agreed or awarded, as they would have been required to pay if they had taken possession of the land under section 11(1) of the Compulsory Purchase Act 1965, or, as respects Scotland, under paragraph 3 of Schedule 2 to the Acquisition of Land Act.

15. Section 22 of the Compulsory Purchase Act 1965 and sections 117 to 119 of the Scottish Act of 1845 (interests omitted from purchase) and Schedule 2 to the said Act of 1965 and sections 56 to 60 and sections 63 to 66 of the said Act of 1845 (absent and untraced owners) shall not apply to the compensation to be paid for any interest in land in respect of which a notice to treat is deemed to have been served by virtue of section 10 of this Act.

Rentcharges and tenancies

16.—(1) Where land specified in a general vesting declaration under this Act is, together with other land not so specified, charged with a rentcharge, such proportion of the rentcharge as may be apportioned under section 18 of the Compulsory Purchase Act 1965, or under section 109 of the Scottish Act of 1845, to the first-mentioned land shall, subject to sub-paragraph (3) of this paragraph, be treated as having been extinguished by virtue of section 10 of this Act on the vesting of that land in the Commission under that section.

(2) Where by virtue of the preceding sub-paragraph a portion of a rentcharge is treated as having been extinguished, the provisions of section 18 of the said Act of 1965 shall have effect as if the extinguishment had taken place under that section, and, as respects Scotland, sections 108 to 111 of the said Act of 1845 shall have effect as if the extinguishment had taken place under section 110 of that Act.

(3) If, in the circumstances described in sub-paragraph (1) of this paragraph, the person entitled to the rentcharge and the owner of the land subject thereto enter into an agreement to that effect, the said section 18, or, as respects Scotland, the said sections 108 to 111, shall have effect as if, at the time of the vesting of the land in the Commission under section 10 of this Act, the person entitled to the rentcharge had released that land from the rentcharge on the condition mentioned in subsection (2) of the said section 18 or in section 109 of the said Act of 1845; and in that case no part of the rentcharge shall be treated as having been extinguished as regards the remaining part of the land charged therewith.

(4) In this paragraph "rentcharge" has the same meaning as in section 18 of the Compulsory Purchase Act 1965, and, as respects

Scotland, has the same meaning as a charge referred to in paragraph 12 of Schedule 6 to the Scottish Act of 1945.

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17. Where land specified in a general vesting declaration under this Act is, together with other land not so specified, comprised in a tenancy for a term of years unexpired, section 19 of the Compulsory Purchase Act 1965, or, as respects Scotland, section 112 of the Scottish Act of 1845, shall have effect in relation thereto as if for references to the time of the apportionment of rent therein mentioned there were substituted references to the time of the vesting in the Commission of the tenancy. 1965 c. 56.

18. Where any of the land specified in a general vesting declaration under this Act has become vested in the Commission under section 10 of this Act, any person who, in consequence thereof, is relieved from any liability (whether in respect of a rentcharge, feu-duty, ground annual, rent under a tenancy, mortgage interest or any other matter) and makes any payment as in satisfaction or part satisfaction of that liability shall, if he shows that when he made the payment he did not know of the facts which constitute the cause of his being so relieved, or of some one or more of those facts, be entitled to recover the sum paid as money had and received to his use by the person to whom it was paid.

Miscellaneous

19. Where, after land has become vested in the Commission under section 10 of this Act, a person retains possession of any document relating to the title to the land, he shall be deemed to have given to the Commission an acknowledgment in writing of the right of the Commission to production of that document and to delivery of copies thereof and (except where he retains possession of the document as mortgagee, heritable creditor or as trustee or otherwise in a fiduciary capacity) an undertaking for safe custody thereof, and, in relation to land in England and Wales, section 64 of the Law of Property Act 1925 shall have effect accordingly, and on the basis that the acknowledgment and undertaking did not contain any such expression of contrary intention as is mentioned in that section. 1925 c. 20.

20.—(1) The time within which a question of disputed compensation, arising out of an acquisition of an interest in land in respect of which a notice to treat is deemed to have been served by virtue of section 10 of this Act, may be referred to the Lands Tribunal shall be six years from the date at which the person claiming compensation, or a person under whom he derives title, first knew, or could reasonably be expected to have known, of the vesting of the interest by virtue of that section.

(2) Sub-paragraph (1) of this paragraph shall, in relation to England and Wales, be construed as one with Part I of the Limitation Act 1939. 1939 c. 21.

(3) As respects Scotland, in reckoning the period of six years referred to in sub-paragraph (1) of this paragraph, no account shall be taken of any period during which the person claiming compensation or the person from whom he derives title was in minority or less age or was under legal disability.

Sections 29-31,
33, 34, 41, 85(1).

SCHEDULE 4
GENERAL PROVISIONS FOR ASCERTAINING FACTORS
RELEVANT TO ASSESSMENT OF LEVY

PART I

CASE A

Market value

1. For the purpose of assessing levy in respect of a disposition falling within Case A, the market value of the relevant interest shall be taken to be the amount of the consideration which, in accordance with the terms of the disposition or of any contract in pursuance of which the disposition is made, is to be given for the disposition, whether to the grantor or to any other person.

Base value

2. Except in so far as the relevant Schedules otherwise provide, the base value of the relevant interest shall, for the purpose mentioned in the preceding paragraph, be ascertained in accordance with paragraphs 3 to 5 of this Schedule.

3.—(1) There shall first be ascertained what immediately after the disposition is the value of the relevant interest, calculated in accordance with Schedule 6 to this Act and on the assumption that planning permission—

- (a) would be granted for any development of the relevant land which does not constitute material development, but
- (b) would not be granted for any development of that land which constitutes material development.

(2) The value of the relevant interest, calculated as mentioned in the preceding sub-paragraph, is in this Part of this Schedule referred to as the current use value of the relevant interest.

4. It shall also be ascertained whether the value of an interest in any other land held with the relevant land immediately before the disposition, where the grantor was immediately before the disposition entitled in the same capacity to that other interest, is depreciated in consequence of the disposition, and, if so, the amount of the depreciation shall be determined.

5. The base value of the relevant interest shall then be taken to be an amount equal to the aggregate of—

- (a) eleven-tenths of the current use value of the relevant interest, and
- (b) the amount (if any) by which the value of any such other interest as is mentioned in the last preceding paragraph is depreciated in consequence of the disposition.

PART II

CASE B

Introductory

6. In this Part of this Schedule “the tenancy”, in relation to a disposition falling within Case B, means the tenancy granted by the disposition, “the disposition” means that disposition, and “the chargeable interest” means the interest in the relevant land which

the grantor has immediately before the disposition in so far as that interest subsists in that land.

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Amount of consideration

7. For the purpose of assessing levy in respect of the disposition, the amount of the consideration for the disposition shall (subject to the next following paragraph) be taken to be the aggregate of the capital values at the relevant date of—

- (a) the right to receive the rent (if any) which, in accordance with the terms of the disposition or of any contract in pursuance of which the disposition is made, is payable in respect of the tenancy;
- (b) any other consideration (whether by way of premium or otherwise) which in accordance with those terms is given or agreed to be given for the disposition, whether to the grantor or to any other person; and
- (c) any other matter required to be taken into account in accordance with paragraphs 1 to 3 of Schedule 6 to this Act.

8. Where the interest in reversion immediately expectant upon the termination of the tenancy is itself a tenancy (in this paragraph referred to as "the superior tenancy"), then for the purpose of assessing levy in respect of the disposition the amount of the consideration for the disposition shall be taken to be the aggregate specified in the last preceding paragraph, reduced by the capital value at the relevant date of a right, during the period beginning with that date and ending with the termination of the tenancy, to receive the rent (if any) which is payable under the superior tenancy.

9. In calculating, for the purposes of paragraphs 7 and 8 of this Schedule, the capital value at any date of a right to receive rent payable in respect of a tenancy, it shall be assumed that the tenant under that tenancy—

- (a) will always pay that rent when it falls due and will perform his other obligations under the tenancy, and
- (b) will exercise any option to renew that tenancy, and will not exercise any option to terminate it, then or thereafter available to him.

Base value realised

10. Except in so far as the relevant Schedules otherwise provide, the base value realised by the disposition shall, for the purpose of assessing levy in respect of the disposition, be ascertained in accordance with paragraphs 11 to 15 of this Schedule.

11.—(1) There shall first be ascertained what immediately before the disposition is the value of the chargeable interest, calculated in accordance with Schedule 6 to this Act and on the assumption that planning permission—

- (a) would be granted for any development of the relevant land which does not constitute material development, but
- (b) would not be granted for any development of that land which constitutes material development.

(2) The value of the chargeable interest, calculated as mentioned in the preceding sub-paragraph, is in this Part of this Schedule referred to as the current use value of the chargeable interest.

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12.—(1) There shall also be ascertained what, immediately after the disposition, is the value of such prospective right as the grantor then has to possession of the relevant land at the end of the tenancy.

(2) For the purpose of ascertaining that value it shall be assumed that the relevant land will at the end of the tenancy be in the state in which it was immediately before the disposition.

(3) The value referred to in sub-paragraph (1) of this paragraph is in this Part of this Schedule referred to as the reversionary value of the chargeable interest.

13. There shall then be calculated what proportion the amount of the consideration for the disposition bears to the aggregate of—

(a) that amount, and

(b) the reversionary value of the chargeable interest ;

and so much of the current use value of the chargeable interest as bears that proportion to the whole of that current use value is in this Part of this Schedule referred to as the current use value realised by the disposition.

14. It shall also be ascertained whether the value of an interest in any other land held with the relevant land immediately before the disposition, where the grantor was immediately before the disposition entitled in the same capacity to that other interest as that in which he is entitled to the chargeable interest, is depreciated in consequence of the disposition, and, if so, the amount of the depreciation shall be determined.

15. The base value realised by the disposition shall then be taken to be an amount equal to the aggregate of—

(a) eleven-tenths of the current use value realised by the disposition, and

(b) the amount (if any) by which the value of any such other interest as is mentioned in the last preceding paragraph is depreciated in consequence of the disposition.

PART III**CASE C***Market value*

16. For the purpose of assessing levy in Case C there shall first be ascertained what is the annual amount of the rent at which the relevant land might reasonably have been expected to let on a letting in the open market on the relevant date in accordance with paragraphs 17 to 21 of this Schedule.

17.—(1) Except as otherwise provided by the next following sub-paragraph, the letting referred to in the last preceding paragraph shall be taken to be a letting for a term of years certain of ninety-nine years beginning on the relevant date.

(2) Where the nature of the relevant project is such that—

(a) its purpose is the carrying out of the operations comprised in the project, and not the use of the relevant land in the state resulting from the carrying out of those operations, and

- (b) the period within which, in accordance with the project, those operations will be completed is a period less than ninety-nine years,

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the letting referred to in the last preceding paragraph shall be taken to be a letting for a term of years beginning on the relevant date and equal in length to that period.

18.—(1) The letting referred to in paragraph 16 of this Schedule shall be taken to be a letting subject to any of the incumbrances specified in the next following sub-paragraph which are subsisting at the relevant date and affect the relevant land or any part of it, in so far as any such incumbrance would restrict the doing of anything not comprised in the relevant project.

(2) Those incumbrances are—

- (a) any easement ;
- (b) any restrictive right ;
- (c) any covenant or agreement restrictive of the use or development of land which, having been made between a lessor and a lessee, forms part of the terms and conditions of a tenancy which is an assessable interest ;
- (d) any mining lease.

19. That letting shall also be taken to be subject to any of the following incumbrances which are subsisting at the relevant date and affect the relevant land or any part of it, that is to say—

- (a) any order made, or having effect as if made, under the Mines (Working Facilities and Support) Act 1966 ; 1966 c. 4.
- (b) any right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking and consisting of a right of laying down, erecting, continuing or maintaining apparatus on, under or over land ;
- (c) any compulsory rights order made under section 12 of the Pipe-lines Act 1962 ; 1962 c. 58.
- (d) any contingent local land charge ;
- (e) any public right of way or other public right.

20.—(1) The terms and conditions of that letting shall be taken to include a covenant on the part of the tenant to carry out the relevant project.

(2) Subject to the preceding sub-paragraph, it shall be assumed that those terms and conditions would not require either the tenant or the landlord to carry out any material development of the relevant land on or after the relevant date.

(3) It shall be assumed that no consideration other than rent would be given for the letting.

21.—(1) The following provisions of this paragraph as to the effect of, or assumptions to be made with respect to, planning permission shall have effect in calculating the rent referred to in paragraph 16 of this Schedule.

(2) If planning permission for any development comprised in the relevant project is in force at the relevant date, then in calculating that rent account shall be taken of that planning permission.

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(3) In taking account of any planning permission in accordance with the last preceding sub-paragraph,—

- (a) if it is planning permission authorising the erection of one or more houses subject to a condition whereby they are to be occupied only by (or by persons connected with) persons who are or have been employed in agriculture or forestry, account shall be taken of it as if no such condition had been imposed ;
- (b) if it is planning permission granted for a limited period, account shall be taken of it as if the condition, whereby it is planning permission granted for a limited period, had not been imposed.

(4) If planning permission for any development comprised in the relevant project is not in force at the relevant date, that rent shall be calculated as if planning permission for that development were then in force and were not planning permission granted for a limited period.

(5) Subject to the preceding sub-paragraphs, that rent shall be calculated on the assumption that planning permission—

- (a) would be granted for any development of the relevant land which does not constitute material development, but
- (b) would not be granted for any development of that land which constitutes material development and is not comprised in the relevant project.

(6) Subject to the following provisions of this paragraph, in calculating that rent no account shall be taken of any planning permission in force at the relevant date in so far as it would authorise the carrying out of any project of material development, other than the relevant project, to be begun or completed on or after that date.

(7) Where, in pursuance of any planning permission in force at the relevant date, the carrying out of a project of material development of the relevant land, other than the relevant project, has been begun before that date, but has not been completed at that date, and either—

- (a) the carrying out of that project was begun before the first appointed day, or
- (b) where it was begun on or after the first appointed day, notice of intention to carry out that project was served under section 38 of this Act before the relevant date or notice in respect of that project was before that date served under section 66(3)(b) or section 68 of this Act,

then, notwithstanding anything in the last preceding sub-paragraph, in calculating that rent account shall be taken of that planning permission in so far as it authorises the carrying out of that project.

(8) In taking account of any planning permission in accordance with the last preceding sub-paragraph, where it is planning permission granted for a limited period, account shall be taken of it as if the condition whereby it is planning permission granted for a limited period had not been imposed.

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(9) Where the carrying out of a project of material development of the relevant land, other than the relevant project, has been begun before the relevant date in accordance with planning permission granted for a limited period, and that period has expired before the relevant date, and notice relating to that project has been served as mentioned in sub-paragraph (7)(b) of this paragraph, then in calculating that rent account shall be taken of that planning permission in so far as it authorised the carrying out of that project, and shall be so taken as if the condition whereby it was planning permission granted for a limited period had not been imposed.

22. The rent ascertained in accordance with the preceding provisions of this Part of this Schedule is in this Part of this Schedule referred to as the full market rent.

23. Where the relevant interest is a tenancy which is not in reversion expectant on the termination of any other tenancy, the market value of that interest shall (subject to paragraphs 26 and 27 of this Schedule) be taken to be the capital value at the relevant date of a right, during the period beginning with that date and ending with the termination of that tenancy, to receive a rent equal to the amount by which the full market rent exceeds the annual amount of the rent payable under the tenancy.

24. Where the relevant interest is a tenancy (in this paragraph referred to as "the superior tenancy") which is in reversion immediately expectant upon the termination of another tenancy (in this paragraph referred to as "the sub-tenancy"), the market value of that interest shall (subject to paragraphs 26 and 27 of this Schedule) be taken to be the aggregate of—

- (a) the capital value at the relevant date of a right, during the period beginning with that date and ending with the termination of the sub-tenancy, to receive a rent equal to the amount by which the annual amount of rent payable under the sub-tenancy exceeds the annual amount of rent payable under the superior tenancy, and
- (b) the capital value at that date of a right, during the period beginning with the termination of the sub-tenancy and ending with the termination of the superior tenancy, to receive a rent equal to the amount by which the full market rent exceeds the annual amount of rent payable under the superior tenancy.

25.—(1) Where the relevant interest is the fee simple, the market value of that interest shall (subject to the next following sub-paragraph and to paragraph 26 of this Schedule) be taken to be the capital value at the relevant date of a right to receive in perpetuity a rent equal to the full market rent.

(2) Where the relevant interest is the fee simple, but is in reversion immediately expectant upon the termination of a tenancy, the market value of that interest shall (subject to paragraphs 26 and 27 of this Schedule) be taken to be the aggregate of—

- (a) the capital value at the relevant date of a right during the period beginning with that date and ending with the termination of that tenancy to receive the rent payable under that tenancy, and

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(b) the capital value at that date of a right as from the termination of the tenancy to receive in perpetuity a rent equal to the full market rent.

26. Where paragraph 17(2) of this Schedule applies, and in accordance with paragraph 23, paragraph 24 or paragraph 25 of this Schedule the right to receive any such rent as is therein mentioned would (apart from this paragraph) be a right continuing beyond the end of the period referred to in paragraph 17(2)(b) of this Schedule, the capital value of that right shall be calculated as if the right would expire at the end of that period.

27. Where the relevant interest is in reversion immediately expectant upon the termination of a tenancy which (by virtue of section 32(4) of this Act) is not an assessable interest, that tenancy shall be disregarded for the purposes of paragraphs 23 to 25 of this Schedule.

Base value

28. Except in so far as the relevant Schedules otherwise provide, for the purpose of assessing levy in Case C the base value of the relevant interest shall be ascertained in accordance with the following provisions of this Part of this Schedule.

29.—(1) There shall first be ascertained what at the relevant date is the value of the relevant interest, calculated in accordance with Schedule 6 to this Act and on the assumption that planning permission—

- (a) would be granted for any development of the relevant land which does not constitute material development, but
- (b) would not be granted for any development of that land which constitutes material development.

(2) If at the relevant date the carrying out of the relevant project is authorised (wholly or in part) by planning permission then in force, the value referred to in the preceding sub-paragraph shall be ascertained as if no such planning permission were then in force.

(3) Where the nature of the relevant project is such as is described in paragraph 17(2) of this Schedule, the value referred to in sub-paragraph (1) of this paragraph—

- (a) where the relevant interest is the fee simple, shall be calculated as if it were a tenancy expiring at the end of the period mentioned in the said paragraph 17(2), and
- (b) where the relevant interest is a tenancy for a term of years extending beyond the end of that period, shall be calculated as if it were for a term expiring at the end of that period.

30.—(1) For the purpose of calculating the value referred to in the last preceding paragraph, the relevant interest shall, except to the extent provided by the next following sub-paragraph, be treated as if it were free from any incumbrances to which it is subject.

(2) In calculating that value there shall be taken into account—

- (a) any incumbrance of a description specified in paragraph 18(2) of this Schedule which is subsisting at the relevant date and affects the relevant land or any part of it, in so

far as that incumbrance would restrict the doing of anything not comprised in the relevant project, and

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- (b) any incumbrance of a description specified in paragraph 19 of this Schedule which is subsisting at the relevant date and affects the relevant land or any part of it ;

and, if the relevant interest is in reversion expectant upon the termination of one or more tenancies, that interest shall be valued subject to and with the benefit of those tenancies.

31. The value of the relevant interest, calculated in accordance with paragraphs 29 and 30 of this Schedule, is in this Part of this Schedule referred to as the current use value of the relevant interest.

32. It shall also be ascertained whether the value of an interest in any other land held with the relevant land or part of it, where the person entitled to the relevant interest is also entitled in the same capacity to that other interest, has been or will be depreciated in consequence of the carrying out of the relevant project, and, if so, the amount of that depreciation shall be determined.

33. Subject to the next following paragraph, the base value of the relevant interest shall then be taken to be an amount equal to the aggregate of—

- (a) eleven-tenths of the current use value of the relevant interest, and
- (b) the amount (if any) by which the value of any such other interest as is mentioned in the last preceding paragraph has been or will be depreciated in consequence of the carrying out of the relevant project.

34.—(1) Where the relevant land includes a building which is in existence at the relevant date, and the relevant project does not consist of or include any such alteration or change of use of that building as to constitute material development of the existing site, the current use value of the relevant interest shall be apportioned between the interest as it subsists in the existing site and the interest as it subsists in the remainder of the relevant land, and the base value of the relevant interest shall be taken to be an amount equal to the aggregate of—

- (a) the current use value of the relevant interest in so far as it subsists in the existing site, and
- (b) eleven-tenths of the current use value of the relevant interest in so far as it subsists in the remainder of the relevant land, and
- (c) any such amount as is mentioned in paragraph 33(b) of this Schedule.

(2) In this paragraph “ the existing site ” means any such building as is mentioned in the preceding sub-paragraph together with the land covered by that building.

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PART IV

CASES D AND E

Amount of compensation or consideration

35. For the purpose of assessing levy in Case D, the amount of the compensation shall be taken to be the amount notified to the Commission, in pursuance of section 40 of this Act, as being the amount of that compensation in so far as it is compensation in respect of depreciation of the value of the relevant interest.

36. For the purpose of assessing levy in Case E, the amount of the consideration for the disposition shall, subject to the provisions of Schedule 6 to this Act, be taken to be the amount of the consideration which, in accordance with the terms of the disposition or of any contract in pursuance of which the disposition is made, is to be given for the disposition, whether to the grantor or to any other person.

Base value

37. Except in so far as the relevant Schedules otherwise provide, the base value of the relevant interest shall be ascertained in accordance with the next following paragraph.

38.—(1) There shall be ascertained what at the relevant date would have been the value of the relevant interest, calculated in accordance with Schedule 6 to this Act and on the assumptions specified in the next following sub-paragraph, if—

- (a) in Case D, the relevant order or decision had not been made, or
- (b) in Case E, the disposition had not been made.

(2) In calculating that value it shall be assumed that planning permission—

- (a) would be granted for any development of the relevant land which does not constitute material development, but
- (b) would not be granted for any development of that land which constitutes material development.

(3) The value of the relevant interest, calculated as mentioned in the preceding sub-paragraphs, shall then be taken to be, and is in the next following sub-paragraph referred to as, the current use value of the relevant interest.

(4) The base value of the relevant interest shall then be taken to be an amount equal to eleven-tenths of the current use value of the relevant interest.

Restricted value after depreciation or disposition

39. There shall also be ascertained what at the relevant date is the value of the relevant interest, calculated in accordance with Schedule 6 to this Act and on the assumptions specified in paragraph 38(2) of this Schedule, taking into account the effect—

- (a) in Case D, of the relevant order or decision, or
- (b) in Case E, of the disposition.

40. The restricted value of the relevant interest after the depreciation (in Case D) or after the disposition (in Case E) shall then be taken to be an amount equal to the value ascertained under the last preceding paragraph.

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PART V

EXPENDITURE ON IMPROVEMENTS AND ANCILLARY RIGHTS

41.—(1) The provisions of this Part of this Schedule shall have effect for the purpose of assessing levy in any of Cases A to F.

(2) In this Part of this Schedule “the chargeable owner”—

- (a) in any of Cases A, C, D and E, means the person who immediately before the chargeable act or event is entitled to the relevant interest ;
- (b) in Case B, means the grantor ; and
- (c) in Case F, means the person prescribed by the regulations under section 35 of this Act as being the person liable to pay the levy ;

“predecessor” means a predecessor in title of the chargeable owner, not being a person from whom that owner or any other predecessor in title of his derived title under a disposition for valuable consideration ; and “adjacent land”, in relation to any chargeable act or event, means land held with, and contiguous or adjacent to, the relevant land, where the chargeable owner is entitled in the same capacity to his interest in that land and his interest in the relevant land.

42. Subject to the following provisions of this Part of this Schedule, expenditure to which this Part of this Schedule applies is any expenditure which has, on or after 1st July 1948 but before the relevant date, been incurred by the chargeable owner or a predecessor—

- (a) in executing, or defraying (whether voluntarily or otherwise) the whole or any part of the cost of executing, any works in, on, over or under the relevant land or any other land, where in consequence of the execution of those works the market value of the relevant interest, or, in Case B, the amount of the consideration for the disposition, is greater than it would have been if they had not been executed, or
- (b) in the payment of any consideration for a disposition made before 29th December 1965 which consisted either of the grant of an easement for the benefit of the whole or any part of the relevant land or of any adjacent land, or of the release or modification of an easement or restrictive right affecting the whole or any part of the relevant land or of any adjacent land, or
- (c) in the payment of any consideration for a disposition made on or after the first appointed day which constituted a chargeable act or event falling within Case E, where, in the notice served on the Commission in accordance with section 41 of this Act, the whole or any part of the relevant land or of any adjacent land was specified as being the land falling within paragraph (c) or, as the case may be, paragraph (d) of subsection (2) of that section, or

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1925 c. 20,

- (d) in the payment of any compensation required to be paid in pursuance of section 84(1) of the Law of Property Act 1925 (power to discharge or modify restrictive covenants affecting land) where the restriction which was discharged or modified affected the whole or any part of the relevant land or of any adjacent land.

43. In sub-paragraphs (b) to (d) of the last preceding paragraph, any reference to the relevant land or to any adjacent land includes a reference to that land together with any other land.

44.—(1) For the purpose of assessing levy in Case C in connection with a project of material development, the Commission may, if they think fit, direct that any expenditure which has been incurred by the chargeable owner or a predecessor on or after the relevant date, but not more than six years after that date,—

- (a) in the payment of any such consideration as is mentioned in sub-paragraph (c) of paragraph 42 of this Schedule, or
(b) in the payment of any such compensation as is mentioned in sub-paragraph (d) of that paragraph,

shall, to such extent as may be specified in the direction, be taken into account for the purposes of this Part of this Schedule as if it had been incurred on or after 1st July 1948 but before the relevant date.

(2) Where such a direction is given after a notice of assessment of levy has been served, whether that notice has resulted in an operative assessment of levy or not, the provisions of Part III of this Act as to the steps to be taken in consequence of such a notice shall have effect subject to the necessary modifications; and, if the direction is given after the levy has been paid, and in consequence of the direction the principal amount of levy payable is less than the amount paid, the Commission shall repay the excess.

(3) In the following provisions of this Part of this Schedule any reference to expenditure incurred as mentioned in paragraph 42 of this Schedule includes a reference to any expenditure in so far as, by virtue of a direction under this paragraph, it is to be treated as having been so incurred.

45. Notwithstanding anything in paragraph 42 of this Schedule, this Part of this Schedule does not apply—

- (a) to any expenditure incurred in, or in respect of, the carrying out of any work of maintenance, repair or decoration or any similar work of a recurrent nature, or
(b) to any expenditure incurred in the payment of any tax, or
(c) to any expenditure incurred in the payment of any rate or charge levied by virtue of an enactment in respect of a particular year or other period and so levied at a specified rate per pound of annual, rateable or other value assessed in respect of land, or
(d) to any expenditure in respect of which (as being expenditure in respect of work rendered abortive) a right to compensation under section 118 of the Act of 1962 or under that section as applied by section 119 of that Act, or under section 20 of the Scottish Act of 1947, has accrued before the relevant date, or

- (e) to any expenditure which has been or is to be met directly or indirectly by a government department or a local authority, or
- (f) to so much of any expenditure incurred after 29th December 1965 in carrying out any work as exceeded the proper cost of the work (that is to say, such cost as was reasonable, regard being had to the prices of materials and rates of remuneration for services current at the time when the work was carried out), or
- (g) to any expenditure incurred in, or in respect of, the carrying out of any work which constituted an offence under section 62 of the Act of 1962 or section 26(6) or section 27(5) of the Scottish Act of 1947 (which relate to tree and building preservation orders) or under the Ancient Monuments Acts 1913 to 1953.

46. For the purposes of paragraph 42 of this Schedule, any sum which a person has (whether in pursuance of an enactment or otherwise) become liable to pay in respect of any of the matters specified in sub-paragraphs (a) to (d) of that paragraph shall, whether that sum has been paid (wholly or in part) or not, be treated—

- (a) as expenditure incurred by that person in respect of that matter, and
- (b) as expenditure so incurred on the date on which that liability accrued, or, if the sum was or is payable by instalments, on the date on which the first of the instalments accrued due.

47. Where any expenditure incurred as mentioned in paragraph 42 of this Schedule did not relate exclusively to the relevant land—

- (a) the expenditure shall be divided into two parts, in proportion to the extent to which it enured for the benefit of the relevant land and for the benefit of other land respectively, and
- (b) one of those parts (that is to say, the part representing the proportion to which it enured for the benefit of the relevant land) shall, subject to the following provisions of this Schedule, be treated as expenditure to which this Part of this Schedule applies, and the other part shall be treated as not being such expenditure.

48.—(1) Provision may be made by regulations for disallowing the whole or part of any expenditure incurred as mentioned in paragraph 42 of this Schedule, in so far as that expenditure has been taken into account, in accordance with the provisions of Part III of this Act, in connection with any other chargeable act or event.

(2) So much of any expenditure as is disallowed in accordance with any regulations under this paragraph shall not be taken to be expenditure to which this Part of this Schedule applies.

49. Where in consequence of any expenditure to which this Part of this Schedule applies the current use value of the relevant interest (ascertained in accordance with Part I, Part III or Part IV of this Schedule, as the case may be) or, in Case B, the current use

SCH. 4 value of the chargeable interest (ascertained in accordance with paragraph 11 of this Schedule) is greater or less than it would have been if the expenditure had not been incurred,—

- (a) the amount of the difference (whether it is an excess or a deficiency) shall be determined, and
- (b) the amount of the expenditure shall, for the purposes of the following provisions of this Part of this Schedule, be treated as reduced by the amount of the excess, or as increased by the amount of the deficiency, as the case may be.

50. Where in connection with any chargeable act or event not falling within Case B the amount of any expenditure to which this Part of this Schedule applies has been ascertained in accordance with the preceding provisions of this Part of this Schedule, any reference in Part III of this Act to the amount of any expenditure on improvements or ancillary rights in so far as it has increased the development value of the relevant interest shall be construed as a reference to the amount so ascertained.

51. Where in connection with a disposition falling within Case B the amount of any expenditure to which this Part of this Schedule applies has been ascertained in accordance with the preceding provisions of this Part of this Schedule, then for the purpose of assessing levy in respect of that disposition—

- (a) there shall be calculated what amount bears to the total amount of that expenditure so ascertained the proportion specified in paragraph 13 of this Schedule, and
- (b) the reference in section 30(4) of this Act to the amount of any expenditure on improvements or ancillary rights in so far as it has increased the development value realised by the disposition shall be construed as a reference to the amount calculated in accordance with the preceding subparagraph.

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SCHEDULE 5

BASE VALUE DERIVED FROM PREVIOUS TRANSACTION

PART I

BASE VALUE DERIVED FROM PREVIOUS DISPOSITION

Introductory

1. The provisions of this Part of this Schedule shall have effect for the purpose of assessing levy in respect of any chargeable act or event (in this Part of this Schedule referred to as “the chargeable act or event”) where immediately before the relevant date the chargeable owner derives title to the chargeable interest under one or more relevant dispositions of that interest.

2.—(1) In this Part of this Schedule “the chargeable interest”—

- (a) in any of Cases A, C, D and E, means the interest which, in relation to the chargeable act or event, constitutes the relevant interest ;
- (b) in Case B, means the interest in the relevant land which the grantor has immediately before the disposition in so far as that interest subsists in that land ; and

(c) in Case F, means such interest as may be prescribed by the regulations made under section 35 of this Act, and "the chargeable owner" means the person who immediately before the chargeable act or event is entitled to the chargeable interest.

(2) In this Part of this Schedule "disposition falling within the antecedent period" means a disposition which either—

- (a) was made within the period beginning on 1st July 1948 and ending with 22nd September 1965, or
- (b) was made after the end of that period but before the first appointed day, and was so made in pursuance of an enforceable contract made before the end of that period, other than a contract granting an option which was not exercised before the end of that period.

(3) Any reference in this Part of this Schedule to a previous disposition of the chargeable interest shall be construed as including a reference to any previous disposition which—

- (a) comprised the whole or part of the relevant land together with other land, and
- (b) would (apart from this sub-paragraph) have been a previous disposition of the chargeable interest if it had been limited to the relevant land.

3. For the purposes of this Part of this Schedule a previous disposition of the chargeable interest shall (subject to paragraphs 4 and 5 of this Schedule) be taken to have been a relevant disposition of that interest if it was a disposition for valuable consideration under which the chargeable owner or a predecessor in title of his became entitled to the chargeable interest, and either—

- (a) it was a disposition falling within the antecedent period, or
- (b) it was made on or after the first appointed day and constituted a chargeable act or event which was or is notified in accordance with the provisions as to notification contained in Part III of this Act.

4. A previous disposition of the chargeable interest (whether made before, on or after the first appointed day) shall not be taken for the purposes of this Part of this Schedule to have been a relevant disposition of that interest if, after that disposition was made but before the relevant date,—

- (a) the carrying out of a project of material development of the whole or part of the relevant land was begun, and
- (b) the beginning of the carrying out of that project constituted a chargeable act or event and notice in respect of that project was or is served under section 38, section 66(3)(b) or section 68 of this Act.

5.—(1) A previous disposition of the chargeable interest (whether made before, on or after the first appointed day) shall not be taken for the purposes of this Part of this Schedule to have been a relevant disposition of that interest if, after that disposition was made but before the relevant date, there has occurred a chargeable act or event to which this paragraph applies.

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(2) This paragraph applies to any chargeable act or event falling within Case D or Case E in such circumstances that the interest which, for the purpose of assessing levy in respect of that act or event, constituted the relevant interest was the chargeable interest in so far as it subsisted in the land which for that purpose was the relevant land.

(3) For the purposes of this paragraph a chargeable act or event to which this paragraph applies shall be taken to have occurred on the date which was the relevant date for the purpose of assessing levy in respect of it.

(4) Regulations made for the purposes of this Schedule may provide that, in such circumstances as may be specified in the regulations and subject to such exceptions and modifications as may be so specified, the preceding provisions of this paragraph shall have effect in relation to a previous chargeable act or event which fell within Case F and consisted of—

(a) such a disposition as is mentioned in subsection (3) of section 35 of this Act, or

(b) the accrual of such a right to compensation as is mentioned in subsection (5) of that section,

as those provisions have effect in relation to a chargeable act or event to which this paragraph applies.

6. In the following provisions of this Part of this Schedule “the last relevant disposition” means that disposition of the chargeable interest which was the last relevant disposition of that interest made before the relevant date.

Consideration taken as base value

7. Subject to the following provisions of this Schedule and to such other provisions of the relevant Schedules as are applicable to this paragraph, if the amount of the consideration given for the last relevant disposition exceeded the value which would be the base value of the relevant interest ascertained apart from this Part of this Schedule, then for the purpose of assessing levy in respect of that act or event the amount of that consideration (instead of the value so ascertained) shall be taken to be the base value of the relevant interest.

Adjustment in case of last relevant disposition falling within antecedent period

8. Where the last relevant disposition was a disposition falling within the antecedent period, and by virtue of the last preceding paragraph the amount of the consideration given for that disposition is taken to be the base value of the relevant interest for the purpose of assessing levy in respect of the chargeable act or event, then the provisions of Part V of Schedule 4 to this Act shall have effect for that purpose as if paragraph 49 of that Schedule were omitted.

Adjustment for change in current use value

9.—(1) The provisions of this paragraph shall have effect where the last relevant disposition was a disposition falling within paragraph 3(b) of this Schedule.

(2) After the current use value of the relevant interest has been ascertained in accordance with those provisions of Schedule 4 to this Act which are applicable to the chargeable act or event, it

shall be determined whether the amount of that current use value (so ascertained) is greater or less than it would have been if it had fallen to be ascertained as at the date of the last relevant disposition, and, if so, the amount of the difference (whether it is an excess or a deficiency) shall be determined.

(3) For the purpose of determining under the last preceding sub-paragraph what would have been the current use value of the relevant interest if ascertained as at the date of the last relevant disposition, where that disposition constituted a chargeable act or event falling within Case A, the reference in that sub-paragraph to the date of that disposition shall be construed as a reference to the time immediately after that disposition was made.

(4) If the determination under sub-paragraph (2) of this paragraph shows an excess or a deficiency, then, for the purposes of paragraph 7 of this Schedule, the amount of the consideration given for the last relevant disposition shall be treated as increased by the amount of the excess, or as reduced by the amount of the deficiency, as the case may be.

Dispositions by exempted bodies during interim period

10.—(1) Subject to paragraphs 4 and 5 of this Schedule, a previous disposition of the chargeable interest, which was a disposition for valuable consideration made after 1st July 1948 under which the chargeable owner or a predecessor in title of his became entitled to the chargeable interest, shall for the purposes of this Part of this Schedule be taken to have been a relevant disposition of that interest, notwithstanding that it was made before the first appointed day and was not a disposition falling within the antecedent period, if any of the conditions specified in the next following sub-paragraph was fulfilled in relation to the disposition.

(2) Those conditions are—

- (a) that the person in whom, immediately before the disposition was made, the chargeable interest was vested was a body to whom section 56 of this Act applies ;
- (b) that, immediately before the disposition was made, the chargeable interest fulfilled one or other of the conditions specified in section 57(2) of this Act ;
- (c) that, immediately before the disposition was made, the chargeable interest was vested in statutory undertakers and the relevant land fulfilled one or other of the conditions specified in paragraph (b) of subsection (1) of section 58 of this Act, or the chargeable interest was vested in the National Coal Board and the relevant land fulfilled one or other of the conditions specified in that paragraph as modified by subsection (5) of that section ;
- (d) that, immediately before the disposition was made, the chargeable interest was a Crown interest or a Duchy interest (as defined by section 75(6) of this Act) or such an interest as is described in section 83(1) of the Scottish Act of 1947.

Dispositions to builders or developers on or after 1st August 1966

11.—(1) For the purpose of assessing levy in Case C in respect of a project of material development where the conditions specified in

SCH. 5 sub-paragraph (3) of this paragraph are fulfilled, a disposition to which this paragraph applies shall, subject to paragraphs 4 and 5 of this Schedule, be taken to have been a relevant disposition of the chargeable interest, notwithstanding that it does not fall within paragraph 3 of this Schedule.

(2) This paragraph applies to any disposition which (not being a disposition falling within the antecedent period by virtue of paragraph 2(2)(b) of this Schedule)—

(a) was made on or after 1st August 1966 and before the first appointed day, and

(b) was a disposition for valuable consideration under which the chargeable owner or a predecessor in title of his became entitled to the chargeable interest.

(3) The conditions referred to in sub-paragraph (1) of this paragraph are—

(a) that the project of material development in question is one to which section 62 of this Act applies ;

(b) that the carrying out of that project is begun before the end of the period of six months beginning with the first appointed day ;

(c) that the chargeable owner is the developing owner in relation to that project and the chargeable interest is the assessable interest, or one of the assessable interests, by virtue of which he is the developing owner in relation to it ; and

(d) that the chargeable owner is a builder or developer of residential property (as defined by section 62(7) of this Act).

(4) This paragraph shall have effect without prejudice to any exemption conferred by section 62 of this Act.

Adjustment where paragraph 10 or paragraph 11 applies

12. Where by virtue of paragraph 10 or paragraph 11 of this Schedule a previous disposition of the chargeable interest was a relevant disposition of that interest, and it was the last relevant disposition, paragraph 8 of this Schedule shall apply as if it had been a disposition falling within the antecedent period.

Application of this Part of this Schedule to Case B

13. The provisions of paragraphs 14 to 17 of this Schedule shall have effect where the chargeable act or event is a disposition granting a tenancy.

14.—(1) If the last relevant disposition was a disposition falling within paragraph 3(b) of this Schedule, then, after the current use value of the chargeable interest has been ascertained in accordance with paragraph 11 of Schedule 4 to this Act, it shall be determined whether the amount of that current use value (so ascertained) is greater or less than it would have been if it had fallen to be ascertained as at the date of the last relevant disposition, and, if so, the amount of the difference (whether it is an excess or a deficiency) shall be determined.

(2) If the determination under the preceding sub-paragraph shows an excess or a deficiency, then for the purposes of this Part of this

Schedule the amount of the consideration given for the last relevant disposition shall be adjusted by increasing it by the amount of the excess, or by reducing it by the amount of the deficiency, as the case may be.

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15. There shall then be calculated what amount bears to the amount of the consideration given for the last relevant disposition (or, where the last preceding paragraph applies, bears to the amount of that consideration as adjusted under that paragraph) the proportion specified in paragraph 13 of Schedule 4 to this Act; and that amount so calculated is in the next following paragraph referred to as the apportioned part of the consideration.

16. Subject to the following provisions of this Schedule and to such other provisions of the relevant Schedules as are applicable to this paragraph, if the apportioned part of the consideration exceeds the value which would be the base value realised by the disposition ascertained apart from this Part of this Schedule, then for the purpose of assessing levy in respect of the chargeable act or event the apportioned part of the consideration (instead of the value so ascertained) shall be taken to be the base value realised by the disposition.

17. Where the last relevant disposition was a disposition falling within the antecedent period, and the last preceding paragraph has effect for the purpose of assessing levy in respect of the chargeable act or event, then the provisions of Part V of Schedule 4 to this Act shall have effect for that purpose as if paragraph 49 of that Schedule were omitted.

PART II

BASE VALUE DERIVED FROM CONTRACT (CASE C)

18. The provisions of this Part of this Schedule shall have effect for the purpose of assessing levy in Case C where a person is the developing owner in relation to the relevant project and—

- (a) at the relevant date he is under an enforceable contract to purchase the relevant interest, or
- (b) the relevant interest is such a tenancy as is mentioned in section 32(2) of this Act and he is under a contract to take that tenancy as therein mentioned.

19. In the following provisions of this Part of this Schedule "the contract" means the contract referred to in sub-paragraph (a) or sub-paragraph (b) of the last preceding paragraph, as the case may be.

20.—(1) Subject to the following provisions of this Schedule and to such other provisions of the relevant Schedules as are applicable to this paragraph, if—

- (a) the consideration to be given under the contract for the relevant interest is a sum specified in the contract or (if not so specified) is a sum of which the actual amount has been determined before the date mentioned in the next following sub-paragraph, and

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- (b) the amount of that consideration exceeds the value which would be the base value of the relevant interest ascertained apart from this Part of this Schedule,

then for the purpose of assessing levy in respect of that interest that amount (instead of the value so ascertained) shall be taken to be the base value of the relevant interest.

(2) The date referred to in sub-paragraph (1)(a) of this paragraph is the latest date on which, in accordance with section 46(2) of this Act, a counter-notice could be served objecting to a notice of assessment of levy served in respect of the relevant interest.

(3) For the purposes of the application of this paragraph to a contract falling within paragraph 18(b) of this Schedule—

- (a) any reference in sub-paragraph (1) of this paragraph to the consideration to be given under the contract for the relevant interest shall be construed as a reference to so much of that consideration as does not consist of rent to be paid under the tenancy ; and

- (b) if that consideration consists of or includes any periodical payment, other than rent, the requirement imposed by sub-paragraph (1)(a) of this paragraph shall, in relation to that payment, be construed as a requirement that the amount of the payment, and the times at which, and the period during which, it is to be paid are specified in the contract or (if not so specified) have been determined before the date mentioned in the last preceding sub-paragraph.

21. Where by virtue of the last preceding paragraph the amount of the consideration to be given under the contract for the relevant interest is taken to be the base value of that interest, then for the purpose of assessing levy in Case C in respect of that interest the provisions of Part V of Schedule 4 to this Act shall have effect as if paragraph 49 of that Schedule were omitted.

PART III

RELATED TENANCIES

22.—(1) The provisions of this Part of this Schedule shall have effect for the purpose of assessing levy in respect of a chargeable act or event (in this Part of this Schedule referred to as “the chargeable act or event”) where by a relevant disposition there was assigned to the chargeable owner, or to a predecessor of his, a related tenancy which, whether by merger on being assigned to him or by merger after it was assigned to him, has ceased to exist before the relevant date.

(2) In this Part of this Schedule “related tenancy” means a tenancy which either—

- (a) was created out of the chargeable interest, or
 (b) was a tenancy such that, immediately before it was assigned as mentioned in the preceding sub-paragraph, the chargeable interest was in reversion expectant (whether immediately or not) on its termination.

(3) For the purposes of this Part of this Schedule, paragraph 2 of this Schedule shall have effect in relation to a chargeable act or event falling within sub-paragraph (1) of this paragraph as for the purposes of Part I of this Schedule that paragraph has effect in relation to a chargeable act or event falling within paragraph 1 of this Schedule.

(4) In this paragraph "predecessor" means a predecessor in title of the chargeable owner, not being a person from whom that owner or any other predecessor in title of his derived title under a disposition for valuable consideration.

23. For the purposes of this Part of this Schedule a disposition assigning a related tenancy shall be taken to have been a relevant disposition of that tenancy if it was a disposition for valuable consideration and either—

- (a) it was a disposition falling within the antecedent period, or
- (b) it was made on or after the first appointed day and constituted a chargeable act or event which was or is notified in accordance with the provisions as to notification contained in Part III of this Act :

Provided that paragraphs 4 and 5 of this Schedule shall have effect in relation to any disposition assigning a related tenancy, as if in those paragraphs any reference to the chargeable interest were a reference to that tenancy.

24. Where the last relevant disposition of a related tenancy was a disposition falling within the antecedent period,—

- (a) the amount of the consideration given for that disposition shall be ascertained, and
- (b) the amount of the base value of the relevant interest (ascertained apart from this Part of this Schedule) shall be adjusted by adding to it the amount of that consideration.

25. Where the last relevant disposition of a related tenancy was a disposition falling within paragraph 23(b) of this Schedule, there shall be ascertained—

- (a) the amount of the consideration given for that disposition, and
- (b) the value (in this paragraph referred to as "the previous current use value") which, for the purpose of assessing levy in respect of that disposition, was or is taken to be the current use value of that tenancy,

and the amount of the base value of the relevant interest (ascertained apart from this Part of this Schedule) shall be adjusted by adding to it the amount (if any) by which the consideration given for the last relevant disposition of the related tenancy exceeded the previous current use value.

26. The provisions of paragraph 27 or (as the case may be) paragraph 28 of this Schedule shall have effect (instead of paragraph 24 or paragraph 25 of this Schedule) where the chargeable act or event is a disposition falling within Case B.

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27. Where the last relevant disposition of a related tenancy was a disposition falling within the antecedent period,—

- (a) there shall be ascertained what amount bears to the amount of the consideration given for that last relevant disposition the proportion specified in paragraph 13 of Schedule 4 to this Act, and
- (b) the amount of the base value realised by the disposition constituting the chargeable act or event (ascertained apart from this Part of this Schedule) shall be adjusted by adding to it the amount ascertained under the preceding sub-paragraph.

28. Where the last relevant disposition of a related tenancy was a disposition falling within paragraph 23(b) of this Schedule, there shall be ascertained—

- (a) the amount of the consideration given for that last relevant disposition ;
- (b) the value (in this paragraph referred to as “the previous current use value”) which, for the purpose of assessing levy in respect of that disposition, was or is taken to be the current use value of that tenancy ;
- (c) the amount by which the consideration given for the last relevant disposition of the related tenancy exceeded the previous current use value ; and
- (d) what amount bears to the amount referred to in the last preceding sub-paragraph the proportion specified in paragraph 13 of Schedule 4 to this Act ;

and the amount of the base value realised by the disposition which constitutes the chargeable act or event (ascertained apart from this Part of this Schedule) shall be adjusted by adding to it the amount ascertained in accordance with sub-paragraph (d) of this paragraph.

29. The provisions of this Part of this Schedule shall apply where there were two or more related tenancies, as well as where there was only one related tenancy ; and, where there were two or more related tenancies, any adjustment required by this Part of this Schedule shall be made separately in relation to each of the tenancies, and those adjustments shall have effect cumulatively.

PART IV

SUPPLEMENTARY PROVISIONS

Mortgages

30. For the purposes of Parts I and III of this Schedule a mortgage, or, in Scotland, a heritable security, shall not be taken to have been a relevant disposition, whether the mortgage has been foreclosed or not, or, as the case may be, whether the power of sale conferred by the heritable security has been exercised or not.

Previous disposition not duly notified

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31. Where a disposition, which was made on or after the first appointed day, would for the purposes of Part I of this Schedule have been a relevant disposition of the chargeable interest, or would for the purposes of Part III of this Schedule have been a relevant disposition of a related tenancy, if it had been notified in accordance with the provisions as to notification contained in Part III of this Act, but it was not so notified, then, if the Commission are satisfied that the omission to notify it was due to inadvertence, the Commission may direct either—

- (a) that the preceding provisions of this Schedule shall have effect as if it had been so notified, or
- (b) that those provisions shall have effect as mentioned in the preceding sub-paragraph, but as if the amount of the consideration given for the disposition were such part of the consideration actually given for it as may be specified in the direction.

Related tenancy assigned on or after relevant date

32.—(1) The provisions of this paragraph shall have effect for the purpose of assessing levy in Case C where—

- (a) by a disposition made for valuable consideration on or after, but not more than six years after, the relevant date a tenancy which was subsisting on the relevant date is assigned to the chargeable owner and thereupon merges in the chargeable interest, and
- (b) that assignment constitutes a chargeable act or event which is notified in accordance with the provisions as to notification contained in Part III of this Act.

(2) Where the preceding sub-paragraph applies, paragraphs 25 and 29 of this Schedule shall apply as if the tenancy had been a related tenancy within the meaning of Part III of this Schedule and the assignment of the tenancy had been the last relevant disposition of it for the purposes of that Part of this Schedule.

(3) If, in a case where sub-paragraph (1) of this paragraph applies, the assignment is notified after a notice of assessment of levy in Case C has been served and has resulted in an operative assessment of levy, any person who has paid, or would be liable to pay, levy payable in accordance with the assessment may make an application in writing to the Commission for relief; and the Commission, having regard to the preceding provisions of this paragraph, shall give by way of repayment or otherwise such relief as is appropriate in the circumstances.

(4) Subsections (3) to (5) of section 54 of this Act shall have effect in relation to any application under the last preceding sub-paragraph as they have effect in relation to an application under that section, as if in those subsections any reference to varying the notice of assessment of levy by reducing the principal amount of the levy included a reference to discharging that notice and giving such consequential directions as the Lands Tribunal may determine to be appropriate.

SCHEDULE 6

Section 85(1). SUPPLEMENTARY PROVISIONS RELATING TO SCHEDULES 4 AND 5

Consideration

1. In determining, for the purposes of Part III of this Act, what was or is the amount of the consideration given or to be given for a disposition (whether made before or after the passing of this Act) there shall, subject to the following provisions of this Schedule, be taken into account, in addition to the purchase price (if any),—

- (a) the value of any property which, in accordance with the terms of the disposition or of any contract in pursuance of which the disposition was or is made, was or is given or agreed to be given in exchange ;
- (b) the amount of any capital sum charged on the land, or on the interest in land, comprised in the disposition and constituting an incumbrance subject to which the disposition was or is made, whether that incumbrance subsisted before the disposition or was or is created by it ;
- (c) the capital value of the right of the grantor or any other person, other than the grantee, to receive any rent, rentcharge, feu-duty, ground annual or other periodical payment, not being rent or a payment arising under a tenancy, where the disposition was or is made subject to that rent, rentcharge, feu-duty, ground annual or payment, or where that rent, rentcharge, feu-duty, ground annual or payment was or is payable in accordance with the terms of the disposition or of any contract in pursuance of which the disposition was or is made ;
- (d) the amount of any debt (not falling within sub-paragraph (b) of this paragraph) which, in accordance with those terms, was or is released or agreed to be released, or paid or agreed to be paid by a person other than the debtor, or against which the debtor, in accordance with those terms, was or is indemnified or agreed to be indemnified ;
- (e) any other thing representing money or money's worth which, in accordance with those terms, was or is done or agreed to be done.

2. Notwithstanding anything in paragraph 1 of this Schedule, in calculating the consideration given or to be given for a disposition of an interest in land, there shall be left out of account so much of the purchase price, or of any other matter falling within any of sub-paragraphs (a) to (e) of that paragraph, as related or relates to payment for chattels, or, in Scotland, corporeal moveables.

3. For the avoidance of doubt it is hereby declared that the matters to be taken into account as mentioned in paragraph 1 of this Schedule do not include any contingent local land charge.

Calculation of value

4.—(1) Where for any of the purposes of Schedules 4 and 5 to this Act the value of any interest in land, or any depreciation of the value of such an interest, falls to be calculated, it shall, subject to the following provisions of this paragraph, be calculated by reference

to the price, or, as the case may be, the depreciation of the price, which that interest might reasonably be or have been expected to fetch on a sale in the open market at the time by reference to which the value or depreciation falls to be calculated.

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(2) In calculating any such value or depreciation in accordance with the preceding sub-paragraph, the interest in question shall be treated as being offered for sale—

- (a) free from any such capital sum as is mentioned in paragraph 1(b) of this Schedule (not being a contingent local land charge), and
- (b) free from any rent, rentcharge, feu-duty, ground annual or other periodical payment falling within paragraph 1(c) of this Schedule.

(3) Sub-paragraph (1) of this paragraph shall have effect for the purpose of calculating the value of anything which in accordance with sub-paragraph (a) or sub-paragraph (e) of paragraph 1 of this Schedule is to be taken into account in determining the amount of the consideration given or to be given for a disposition, as it has effect for the purpose of calculating the value of an interest in land; but, with that exception, sub-paragraph (1) of this paragraph does not apply to the calculation of market value in accordance with paragraph 1 or any of paragraphs 23 to 26 of Schedule 4 to this Act.

(4) The preceding provisions of this paragraph shall have effect subject to any special provision made by any of the provisions of the relevant Schedules as to—

- (a) assumptions to be made with respect to planning permission in calculating the value or depreciation in question, or
- (b) matters to be taken into account, or left out of account, in calculating that value or depreciation, or
- (c) any adjustment to be made after the amount of the value or depreciation in question has been initially calculated.

5. Where for the purposes of paragraph 7 or paragraph 8 or any of paragraphs 23 to 26 of Schedule 4 to this Act, or for the purposes of paragraph 1(c) of this Schedule, account has to be taken of the capital value of a right to receive a rent or other periodical payment, that value shall be calculated by reference to the price which that right might reasonably be or have been expected to fetch on a sale in the open market at the time by reference to which the value falls to be calculated.

Current use value and depreciation of other interests

6. In determining in any Case the base value of the relevant interest or, in Case B, the base value realised by the disposition, the provisions of the next following paragraph shall apply in calculating—

- (a) the value of the relevant interest referred to in paragraph 3 of Schedule 4 to this Act, or
- (b) the value of the chargeable interest referred to in paragraph 11 of that Schedule, or

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- (c) the value of the relevant interest referred to in paragraph 29 of that Schedule, or
- (d) the value of the relevant interest referred to in paragraph 38 of that Schedule ;

and any reference in the next following paragraph to the value is a reference to the value mentioned in the sub-paragraph of this paragraph which is appropriate to the Case in question.

7.—(1) Subject to the following provisions of this paragraph, in calculating the value no account shall be taken of any planning permission in force at the relevant date, in so far as it would authorise the carrying out of any project of material development of the relevant land to be begun or completed after that date.

(2) Where, in pursuance of any planning permission in force at the relevant date, the carrying out of a project of material development of the relevant land has been begun before that date, but has not been completed at that date, and either—

- (a) the carrying out of that project was begun before the first appointed day, or
- (b) where it was begun on or after the first appointed day, notice in respect of that project was served under section 38, section 66(3)(b) or section 68 of this Act before the relevant date,

then notwithstanding anything in the preceding sub-paragraph (but subject to paragraph 8 of this Schedule where that paragraph applies) in calculating the value account shall be taken of that planning permission in so far as it relates to the land comprised in that project.

(3) In taking account of any planning permission in accordance with the last preceding sub-paragraph,—

- (a) if it is planning permission authorising the erection of one or more houses subject to a condition whereby they are to be occupied only by (or by persons connected with) persons who are or have been employed in agriculture or forestry, account shall be taken of it as if no such condition had been imposed ;
- (b) if it is planning permission granted for a limited period, account shall be taken of it as if the condition whereby it is planning permission granted for a limited period had not been imposed.

(4) Where the carrying out of a project of material development has been begun before the relevant date in accordance with planning permission granted for a limited period, and that period has expired before the relevant date, and notice relating to that project has been served as mentioned in sub-paragraph (2)(b) of this paragraph, then in calculating the value account shall be taken of that planning permission in so far as it related to the land comprised in that project, and shall be so taken as if the condition whereby it was planning permission granted for a limited period had not been imposed.

(5) In calculating the value, no account shall be taken of any depreciation of the value of any interest in land other than the relevant land which is attributable to the chargeable act or event.

(6) For the purpose of assessing levy in Case C in connection with a project of material development—

- (a) references in the preceding sub-paragraphs to projects of material development shall be construed as not including that project, and
- (b) those sub-paragraphs shall have effect without prejudice to the operation of paragraph 29(2) of Schedule 4 to this Act.

8.—(1) The provisions of this paragraph shall have effect for the purpose of assessing levy in Case A or Case B in respect of a disposition where—

- (a) the grantee is a person who was the developing owner in relation to a project of material development in respect of which notice was served under section 38 of this Act before the date of the disposition, and
- (b) the relevant interest is an interest to which the grantee was not entitled on the date on which the carrying out of the project was begun, but is an interest by virtue of which he was the developing owner in relation to that project in accordance with paragraph (b) or paragraph (c) of section 32(7) of this Act.

(2) Where, in the circumstances specified in the preceding sub-paragraph and for the purpose therein mentioned, the value referred to in paragraph 3 or paragraph 11 of Schedule 4 to this Act falls to be determined,—

- (a) notwithstanding anything in paragraph 7 of this Schedule, in calculating that value no account shall be taken of any planning permission authorising the project in question to be carried out, and
- (b) that value shall be calculated as if the relevant land were in the state in which it was, and were being used in the manner in which it was being used, immediately before the date on which the carrying out of the project was begun.

9.—(1) The provisions of this paragraph shall apply in calculating, for the purposes of paragraph 4, paragraph 14 or, as the case may be, paragraph 32 of Schedule 4 to this Act, the value of the other interest referred to in that paragraph and any depreciation of that value; and any reference in the following provisions of this paragraph to the other land is a reference to the land in which the other interest subsists.

(2) In calculating any value for the purposes referred to in the preceding sub-paragraph, it shall be assumed that planning permission—

- (a) would be granted for any development of the other land which does not constitute material development, but
- (b) would not be granted for any development of that land which constitutes material development.

(3) Subject to the last preceding sub-paragraph, in calculating any value for the purposes referred to in sub-paragraph (1) of this

SCH. 6 paragraph the provisions of paragraph 7 of this Schedule shall apply as if—

- (a) any reference in that paragraph to the value were a reference to the value in question ;
- (b) any reference to the relevant land were a reference to the other land ; and
- (c) sub-paragraphs (5) and (6)(b) of that paragraph were omitted.

(4) Sub-paragraphs (2) to (4) of paragraph 21 of Schedule 4 to this Act shall apply in calculating, for the purposes of paragraph 32 of that Schedule, the value of the other interest and any depreciation of that interest, as those sub-paragraphs apply in calculating the rent referred to in paragraph 16 of that Schedule.

10.—(1) For the purpose of assessing levy in Case A or Case B, where there is a tenancy of the relevant land together with other land and that tenancy, in so far as it subsists in the relevant land, constitutes (in Case A) the relevant interest or (in Case B) the chargeable interest, paragraph 4 or (as the case may be) paragraph 14 of Schedule 4 to this Act shall apply as if the tenancy, in so far as it subsists in that other land, were a separate interest to which immediately before the disposition the grantor was entitled in the same capacity.

(2) For the purpose of assessing levy in Case C, where there is a tenancy of the whole or part of the relevant land together with other land and that tenancy, in so far as it subsists in the relevant land, constitutes the relevant interest, paragraph 32 of Schedule 4 to this Act shall apply as if the tenancy, in so far as it subsists in that other land, were a separate interest to which the person entitled to the relevant interest is entitled in the same capacity.

11. Regulations may provide that development of any description specified in the regulations, which does not constitute material development in accordance with section 99(2) of this Act, shall be treated as material development for the purposes of paragraphs 3, 11, 21(5), 29 and 38(2) of Schedule 4 to this Act, and for the purposes of paragraph 9(2) of this Schedule.

Tenancies and reversions

12.—(1) Regulations made under this paragraph may provide that any provisions of the relevant Schedules specified in the regulations shall have effect subject to such exceptions and modifications, and together with any such additional provisions, as may be so specified for the purpose of assessing levy in respect of a chargeable act or event where—

- (a) the relevant interest (or, in Case B, the interest of the grantor) is a tenancy or a reversion, or
- (b) any disposition of which account has to be taken in accordance with Schedule 5 to this Act (other than a disposition which constitutes the chargeable act or event) is or was a disposition assigning a tenancy, or is or was a disposition of a reversion, or
- (c) there has been a disposition granting, or a disposition renewing, extending or otherwise varying, a tenancy, in such circumstances that, in accordance with Schedule 5

to this Act, account would have been taken of that disposition if it had been a disposition assigning that tenancy, or

- (d) a tenancy for a term of years certain has been terminated by notice (whether given by the landlord or by the tenant) or has been terminated by the landlord otherwise than by notice, whether by re-entry, forfeiture or in any other way, and (in any such case) has been so terminated in such circumstances that, in accordance with Schedule 5 to this Act, account would have been taken of that termination if it had been a surrender of the tenancy to the landlord for valuable consideration.

(2) In this paragraph "reversion" means any interest in land (being either the fee simple or a tenancy) which is in reversion expectant on the termination of a tenancy of that land.

Apportionment

13. For the purpose of assessing levy in Case C where the relevant interest is an interest in part (but not the whole) of the relevant land—

- (a) the full market rent, ascertained in accordance with paragraphs 16 to 21 of Schedule 4 to this Act, shall be apportioned as between that part of the relevant land and the remainder of that land, and
- (b) any reference in paragraphs 23 to 25 of that Schedule to the full market rent shall be construed as a reference to so much of that rent as is apportioned to that part of the relevant land.

14.—(1) Where for the purpose of assessing levy in respect of any chargeable act or event account has (in accordance with any of the provisions of the relevant Schedules) to be taken—

- (a) of the rent payable under a tenancy comprising the whole or part of the relevant land together with other land, or
- (b) of the consideration given or to be given for a disposition of, or under a contract comprising, the whole or part of the relevant land together with other land,

the amount of the rent or consideration shall be apportioned, and the provisions in question shall have effect subject to that apportionment accordingly.

(2) For the purposes of the application of paragraph 25 or paragraph 28 of Schedule 5 to this Act to a related tenancy which was a tenancy of the whole or part of the relevant land together with other land—

- (a) the previous current use value (as defined by that paragraph) shall be apportioned, and
- (b) any reference in that paragraph to that value shall be construed as a reference to so much of that value as is apportioned to the relevant land or that part of the relevant land, as the case may be,

and the provisions of that paragraph shall have effect subject to that apportionment in addition to any apportionment required by sub-paragraph (1) of this paragraph.

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(3) The preceding sub-paragraphs shall have effect without prejudice to any apportionment which, for the purpose of assessing levy in respect of any chargeable act or event, is required by reason that an interest subsisting in the whole or part of the relevant land together with other land constitutes the relevant interest (or, in Case B, the chargeable interest) only in so far as it subsists in the relevant land.

(4) In this paragraph "apportioned" means apportioned as between the relevant land or part of it and other land and "apportionment" shall be construed accordingly, and "other land" means land not comprised in the relevant land.

15. Where any apportionment is required by paragraph 13 or paragraph 14 of this Schedule, or is required for any such reason as is mentioned in paragraph 14(3) of this Schedule, the apportionment shall be made in such manner as may be appropriate in the circumstances.

*Modification of Schedule 5, Part I, in relation to certain
previous dispositions*

16.—(1) The provisions of this paragraph shall have effect for the purposes of the application of Part I of Schedule 5 to this Act to a previous disposition of the whole or part of the relevant land, with or without other land (in this paragraph referred to as "the previous disposition"), where either—

- (a) the previous disposition would, but for paragraph 4 of that Schedule, have been the last relevant disposition for the purposes of that Part of that Schedule and the project of material development referred to in that paragraph comprised part (but not the whole) of the land comprised in that disposition, or
- (b) the previous disposition would, but for paragraph 5 of that Schedule, have been the last relevant disposition for the purposes of that Part of that Schedule and the land which was the relevant land for the purpose of assessing levy in Case D or Case E as mentioned in that paragraph (in this paragraph referred to as "the Case D or Case E land") comprised part (but not the whole) of the land comprised in that disposition.

(2) Where sub-paragraph (1)(a) of this paragraph applies, the previous disposition shall for the purposes of Part I of Schedule 5 to this Act be treated as if it had been two or more separate dispositions, that is to say—

- (a) a disposition of so much of the relevant land as was comprised in the previous disposition and was also comprised in the project of material development ;
- (b) a disposition of so much of the relevant land as was comprised in the previous disposition but was not comprised in that project ;

(c) a disposition of such other land (if any) as was comprised in the previous disposition but is not comprised in the relevant land.

(3) Where sub-paragraph (1)(b) of this paragraph applies, the previous disposition shall for the purposes of Part I of Schedule 5 to this Act be treated as if it had been two or more separate dispositions, that is to say—

(a) a disposition of so much of the relevant land as was comprised in the previous disposition and was also comprised in the Case D or Case E land ;

(b) a disposition of so much of the relevant land as was comprised in the previous disposition but was not comprised in the Case D or Case E land ;

(c) a disposition of such other land (if any) as was comprised in the previous disposition but is not comprised in the relevant land.

(4) Where in accordance with sub-paragraph (2) or sub-paragraph (3) of this paragraph the previous disposition is treated as if it had been two or more separate dispositions, the consideration given for the previous disposition shall be apportioned as between the lands taken to be comprised in those separate dispositions, and any reference in Part I of Schedule 5 to this Act to the consideration given for a previous disposition shall be construed accordingly.

Modification of Schedule 5, paragraph 9, in relation to certain projects of material development

17. Where paragraph 9 of Schedule 5 to this Act has effect for the purpose of assessing levy in Case C, and the circumstances of the relevant project are such that paragraph 29(3) of Schedule 4 to this Act has effect in ascertaining the current use value of the relevant interest, the comparison to be made under sub-paragraph (2) of the said paragraph 9 shall be between—

(a) the current use value of that interest ascertained in accordance with paragraphs 29 and 30 of Schedule 4 to this Act, and

(b) the value which would have been the current use value of that interest if paragraph 29(3) of Schedule 4 to this Act had been omitted and that value had fallen to be ascertained in accordance with those paragraphs (subject to that omission) as at the date of the last relevant disposition or (where so required by sub-paragraph (3) of the said paragraph 9) at the time immediately after that disposition was made.

Separate ascertainment of base value in relation to different parts of relevant land

18.—(1) The provisions of this paragraph shall have effect for the purpose of assessing levy in respect of a chargeable act or event where—

(a) there was a previous disposition of part (but not the whole) of the chargeable unit, with or without other land not comprised in that unit, and

(b) that disposition would have been the last relevant disposition for the purposes of Part I of Schedule 5 to this Act if the chargeable unit had been limited to that part of it.

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(2) In the circumstances specified in the preceding sub-paragraph, the base value of the relevant interest (or, in Case B, the base value realised by the disposition which constitutes the chargeable act or event) shall be ascertained in two ways, that is to say, it shall first be ascertained apart from the provisions of this paragraph, and it shall then be ascertained separately—

(a) in relation to each part of the chargeable unit in respect of which the conditions specified in the preceding sub-paragraph are fulfilled, as if the chargeable unit had been limited to that part of it, and

(b) in relation to the remainder of the chargeable unit in respect of which those conditions are not fulfilled, as if the chargeable unit had been limited to that remainder of it.

(3) If in those circumstances, otherwise than in Case B, the aggregate of the base values as so ascertained separately is greater than the base value as first ascertained, that aggregate (instead of the base value as first ascertained) shall for the purpose mentioned in sub-paragraph (1) of this paragraph be taken to be the base value of the relevant interest.

(4) If in those circumstances, in Case B, the aggregate of the base values realised by the disposition which constitutes the chargeable act or event, when ascertained separately as mentioned in the last preceding sub-paragraph, is greater than the base value so realised as first ascertained, that aggregate (instead of the base value realised as first ascertained) shall for the purpose mentioned in sub-paragraph (1) of this paragraph be taken to be the base value realised by the disposition.

(5) In this paragraph “the chargeable unit”, except in Case C, means the relevant land, and in Case C means so much of the relevant land as is land in which the relevant interest subsists.

Allowance for costs of valuation or apportionment

19.—(1) For the purpose of assessing levy in respect of a chargeable act or event—

(a) if it falls within Case A or Case C, the market value of the relevant interest (ascertained apart from this paragraph), or

(b) if it consists of a disposition falling within Case B, Case E or Case F, the amount of the consideration for the disposition (ascertained apart from this paragraph), or

(c) if it consists of the accrual of a right to compensation falling within Case D or Case F, the amount of the compensation (ascertained apart from this paragraph),

shall be reduced by the amount of any costs to which this paragraph applies.

(2) In relation to a chargeable act or event, this paragraph applies to any costs which are reasonably incurred by an appropriate person in connection with that act or event and are costs so incurred in making any valuation or apportionment required for the purposes of the computation under the relevant Schedules.

(3) In this paragraph "appropriate person", in relation to a chargeable act or event, means a person who, if— SCH. 6

- (a) a notice of assessment of levy has been or were to be served in respect of it, and
 - (b) that notice resulted in an operative assessment of levy,
- would be liable to pay levy in respect of that chargeable act or event.

SCHEDULE 7

Section 69.

ALLOWANCE IN RESPECT OF ESTATE DUTY

PART I

GENERAL PROVISIONS AS TO ALLOWANCE

1.—(1) The provisions of this Part of this Schedule shall have effect for the purpose of assessing levy in respect of a chargeable act or event (in this Schedule referred to as "the chargeable act or event") where—

- (a) a person (in this Schedule referred to as "the deceased") who was a predecessor of the chargeable owner died before, but not more than six years before, the relevant date ;
- (b) an interest in land (in this Schedule referred to as "the dutiable interest") passed on the death of the deceased and estate duty was leviable in respect of that interest ;
- (c) that interest either was the chargeable interest or was an interest in part of the land in which the chargeable interest subsists and would have been the chargeable interest if it had extended to the whole of that land ; and
- (d) there has not before the relevant date been any previous chargeable act or event in connection with which an allowance under this Schedule fell or falls to be made in respect of that interest.

(2) For the purposes of this Schedule an interest in land shall be taken to have passed on a person's death if at his death it passed, or is deemed to have passed, for the purposes of the enactments relating to estate duty.

(3) In this paragraph "predecessor", in relation to the chargeable owner, means a predecessor in title, not being a person from whom the chargeable owner or any other predecessor in title of his derived title under a disposition for valuable consideration.

2. Subject to paragraph 4 and to Part III of this Schedule, the appropriate allowance shall be made for the purpose of assessing levy where, in the circumstances specified in the preceding paragraph, the gross principal value of the dutiable interest exceeds the modified value of that interest in accordance with the provisions of Part II of this Schedule.

3. Where in accordance with the last preceding paragraph the appropriate allowance falls to be made, then for the purpose of assessing levy in respect of the chargeable act or event—

- (a) if it falls within Case A or Case C, the market value of the relevant interest (ascertained apart from this Schedule) shall be reduced by the allowance ;

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- (b) if it consists of a disposition falling within Case B, Case E or Case F, the amount of the consideration for the disposition (ascertained apart from this Schedule) shall be reduced by the allowance ;
- (c) if it consists of the accrual of a right to compensation falling within Case D or Case F, the amount of the compensation (ascertained apart from this Schedule) shall be reduced by the allowance.

4. Notwithstanding anything in paragraph 2 of this Schedule, that paragraph shall not have effect for the purpose of assessing levy in Case C in respect of a project of material development where the chargeable interest is an assessable interest by virtue of which a person is the developing owner in relation to that project in accordance with paragraph (b) or paragraph (c) of section 32(7) of this Act.

PART II

CALCULATION OF APPROPRIATE ALLOWANCE

Gross principal value

5.—(1) Subject to the following provisions of this paragraph, for the purposes of this Schedule the gross principal value of the dutiable interest shall be taken to be an amount equal to the principal value of that interest as, for the purposes of estate duty leviable on the death of the deceased, that value was or is—

- (a) agreed between the person accountable for estate duty in respect of that interest and the Commissioners of Inland Revenue, or
- (b) determined in proceedings between them.

(2) Where the principal value of the dutiable interest has not been so agreed or determined, but for the purposes of estate duty leviable on the death of the deceased the principal value—

- (a) of the whole of his estate, or
- (b) of a part of his estate which includes the dutiable interest,

has been agreed between the person accountable for the duty and the Commissioners of Inland Revenue, or has been determined in proceedings between them, that value as so agreed or determined shall be apportioned, in such manner as may be appropriate in the circumstances, as between the dutiable interest and the remainder of the estate or of that part of the estate, as the case may be ; and so much of that value as is apportioned to the dutiable interest shall for the purposes of this Schedule be taken to be the gross principal value of the dutiable interest.

(3) Where for the purposes of estate duty leviable on the death of the deceased the principal value of the dutiable interest was or is reduced under section 64 of the Finance Act 1960, any reference in the preceding sub-paragraphs to the value as agreed or determined shall be construed as a reference to that value as agreed or determined apart from any reduction under that section.

Modified value

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6. The modified value of the dutiable interest shall be ascertained in accordance with paragraphs 7 to 10 of this Schedule.

7. Where the dutiable interest was the chargeable interest, and for the purpose of assessing levy in respect of the chargeable act or event the base value of the relevant interest (or, in Case B, the base value realised by the disposition which constitutes the chargeable act or event) does not fall to be ascertained separately in relation to different parts of the chargeable unit in accordance with paragraph 18 of Schedule 6 to this Act, then (subject to paragraph 8 of this Schedule)—

- (a) if the chargeable act or event falls within Case A, or within any of Cases C to E, and paragraph 7 of Schedule 5 to this Act has effect for the purpose of assessing levy in respect of it, the modified value of the dutiable interest shall be taken to be an amount equal to the amount of the consideration given for the last relevant disposition ;
- (b) if the chargeable act or event falls within any of those Cases, but paragraph 7 of Schedule 5 to this Act does not have effect for the purpose of assessing levy in respect of it, the modified value of the dutiable interest shall be taken to be an amount equal to eleven-tenths of the current use value of the relevant interest, as ascertained under Schedule 4 to this Act ;
- (c) if the chargeable act or event falls within Case B, and paragraph 16 of Schedule 5 to this Act has effect for the purpose of assessing levy in respect of it, the modified value of the dutiable interest shall be taken to be an amount equal to the amount of the consideration given for the last relevant disposition ;
- (d) if the chargeable act or event falls within Case B, but paragraph 16 of Schedule 5 to this Act does not have effect for the purpose of assessing levy in respect of it, the modified value of the dutiable interest shall be taken to be an amount equal to eleven-tenths of the current use value of the chargeable interest, as ascertained under Part II of Schedule 4 to this Act.

8.—(1) The references in sub-paragraphs (a) and (c) of the last preceding paragraph to the amount of the consideration given for the last relevant disposition shall be construed subject to the following provisions of this paragraph.

(2) Where, in the circumstances specified in either of those sub-paragraphs, the amount of the consideration given for the last relevant disposition falls to be adjusted in accordance with paragraph 9 or paragraph 14 of Schedule 5 to this Act, any such reference to the amount of that consideration shall be construed as a reference to that amount as so adjusted.

(3) In so far as any regulations made under paragraph 12 of Schedule 6 to this Act require any adjustment to be made for the purposes of Schedule 5 to this Act, those regulations may provide that

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SCH. 7 references in sub-paragraphs (a) and (c) of the last preceding paragraph to the amount of the consideration given for the last relevant disposition shall be construed subject to such modifications as may be specified in the regulations.

9. Where either of the following conditions is fulfilled, that is to say—

- (a) in accordance with paragraph 18 of Schedule 6 to this Act the base value of the relevant interest (or, in Case B, the base value realised by the disposition constituting the chargeable act or event) falls to be ascertained separately in relation to different parts of the land in which the chargeable interest subsists, or
- (b) the dutiable interest was an interest in part (but not the whole) of that land,

or where both of those conditions are fulfilled, paragraphs 7 and 8 of this Schedule shall have effect subject to such modifications for securing the separate ascertainment of the matters referred to in those paragraphs in relation to different parts of that land, and subject to such provisions (if any) as to apportionment and as to aggregation of amounts apportioned, as are appropriate in the circumstances.

10. Where the chargeable act or event falls within Case F, the modified value of the dutiable interest shall be ascertained in such manner as may be prescribed by regulations made under this Schedule.

Excess gross value

11. There shall then be ascertained the amount (if any) by which the gross principal value of the dutiable interest exceeds the modified value of that interest; and that amount is in the following provisions of this Schedule referred to as the excess gross value of the dutiable interest.

Net principal value

12. For the purposes of this Schedule the net principal value of the dutiable interest shall be ascertained in accordance with paragraphs 13 to 19 of this Schedule.

13. Where at the death of the deceased the dutiable interest was subject to a mortgage or heritable security, and for the purposes of estate duty leviable on that death the sum secured by that mortgage or heritable security, or part of that sum, fell or falls to be deducted from the value of the dutiable interest, then for the purpose of ascertaining the net principal value of the dutiable interest that sum, or that part of it, as the case may be, shall be deducted from the gross principal value of that interest.

14.—(1) There shall also for that purpose be deducted from the gross principal value of the dutiable interest so much (if any) of the funeral expenses and (subject to the next following sub-paragraph) so much of the debts and liabilities of the deceased (other than debts secured by a mortgage or heritable security to which the dutiable interest was subject) as for the purposes of estate duty leviable on his death was or is allowable as a deduction from the value of the dutiable interest.

(2) The preceding sub-paragraph does not apply to any liability in respect of capital gains tax chargeable on chargeable gains deemed to accrue on the death of the deceased or otherwise chargeable in consequence of his death.

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15.—(1) The provisions of this paragraph shall have effect where, by virtue of section 24 of the Finance Act 1965, a taxable disposal of the dutiable interest is deemed to have occurred on the death of the deceased and a gain deemed to have accrued on that disposal (in this paragraph referred to as “the gain attributed to the disposal”) is included among the gains accruing to the deceased in the year of assessment in which he died. 1965 c. 25.

(2) Subject to paragraph 17 of this Schedule, for the purpose of ascertaining the net principal value of the dutiable interest—

- (a) there shall be deducted from the gross principal value of that interest so much of the capital gains tax (if any) chargeable in respect of chargeable gains accruing to the deceased in that year as would not have been chargeable if the gain attributed to the disposal had not been deemed to accrue ; and
- (b) if the whole or any part of the gain attributed to the disposal was not chargeable to capital gains tax in that year because of relief for losses accruing in that year or in any earlier year of assessment, there shall also be deducted the amount of capital gains tax which would have been charged on the gain attributed to the disposal or that part of it if that gain, or that part of it, as the case may be, had been the only gain accruing to the deceased in that year and had all been chargeable to tax.

16.—(1) The provisions of this paragraph shall have effect where, by virtue of section 25 of the Finance Act 1965, a taxable disposal of settled property is deemed to have occurred on the death of the deceased and a gain deemed to have accrued on that disposal (in this paragraph referred to as “the gain attributed to the disposal”) is included among the gains accruing to the trustees of the settlement in the year of assessment in which the deceased died.

(2) Subject to the next following paragraph, for the purpose of ascertaining the net principal value of the dutiable interest—

- (a) there shall be deducted from the gross principal value of that interest so much of the capital gains tax (if any) chargeable in respect of chargeable gains accruing to the trustees in that year as would not have been chargeable if the gain attributed to the disposal had not been deemed to accrue ; and
- (b) if the whole or any part of the gain attributed to the disposal was not chargeable to capital gains tax in that year because of relief for losses accruing in that year or in any earlier year of assessment, there shall also be deducted the amount of capital gains tax which would have been charged on the gain attributed to the disposal or that part of it if that gain, or that part of it, as the case may be, had been the only gain accruing to the trustees of the settlement in that year and had all been chargeable to tax.

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SCH. 7 17.—(1) Subject to the following provisions of this paragraph, where—

- (a) for the purpose of assessing levy in respect of a chargeable act or event paragraph 15 or paragraph 16 of this Schedule has effect by reference to a taxable disposal deemed to have occurred on the death of the deceased (in this paragraph referred to as “the first taxable disposal”), and
- (b) for the purpose of assessing levy in respect of a subsequent chargeable act or event that paragraph falls to be applied by reference to another taxable disposal deemed to have occurred on that death,

any reference in that paragraph to the tax chargeable in respect of gains accruing to the deceased or to the trustees of the settlement in the year of assessment in which the deceased died shall be construed as a reference to the tax which would have been so chargeable if the gain deemed to accrue on the first taxable disposal had not been deemed to accrue.

(2) Where there is a series of three or more chargeable acts or events, and three or more taxable disposals are deemed to have occurred on the death of the deceased, the preceding sub-paragraphs shall have effect in relation to each chargeable act or event of the series successively, so that, for the purpose of assessing levy in respect of each subsequent chargeable act or event, there is excluded from the calculation of capital gains tax the chargeable gain deemed to accrue on any of those taxable disposals taken into account in ascertaining the net principal value of the dutiable interest in relation to a previous chargeable act or event of the series.

18. Subject to the next following paragraph, the gross principal value of the dutiable interest, reduced by the deductions (if any) required to be made by paragraphs 13 to 17 of this Schedule, shall for the purposes of this Schedule be taken to be the net principal value of that interest.

1960 c. 44.

19. Where under section 64 of the Finance Act 1960 the principal value of the dutiable interest was or is reduced by a percentage specified in that section, then, for the purpose of ascertaining the net principal value of the dutiable interest, the gross principal value of that interest, or, if one or more deductions fall to be made under paragraphs 13 to 17 of this Schedule, so much of it as remains after those deductions have been made, shall be reduced by the like percentage; and the amount resulting from that reduction shall for the purposes of this Schedule be taken to be the net principal value of that interest.

Amount of estate duty attributable to net principal value

20. There shall be ascertained the rate at which estate duty leviable on the death of the deceased would have been payable on the dutiable interest if the following conditions had been fulfilled (whether any of those conditions was in fact fulfilled or not), that is to say—

1925 c. 36.

- (a) section 23 of the Finance Act 1925 (which relates to agricultural property) did not apply to the estate of the deceased;

- (b) section 28 of the Finance Act 1954 (reduced rate of duty on certain business assets) did not apply to that estate; 1954 c. 44. but
- (c) in a case where subsection (1) of section 13 of the Finance Act 1914 (which relates to marginal relief) applied to that estate, the rate of estate duty payable was the lower rate referred to in that subsection,

and in all other respects the circumstances relevant for ascertaining the rate of duty leviable were those which actually existed.

21. There shall then be calculated what amount of estate duty would have been payable in respect of the dutiable interest if—

- (a) the amount on which the duty fell to be charged in respect of the dutiable interest had been the net principal value of that interest, and
- (b) the rate of duty chargeable in respect of that interest had been the rate ascertained under paragraph 20 of this Schedule,

and in all other respects the circumstances relevant for computing the duty were those which actually existed.

22. For the purposes of the following provisions of this Schedule the amount of estate duty attributable to the net principal value of the dutiable interest shall be taken to be the amount calculated under paragraph 21 of this Schedule.

Effective rate of duty and appropriate allowance

23.—(1) There shall be calculated what proportion the amount of estate duty attributable to the net principal value of the dutiable interest bears to the gross principal value of that interest.

(2) That proportion, expressed as a percentage, is in this Schedule referred to as the effective rate of duty.

24. The appropriate allowance shall then be the amount which bears to the excess gross value of the dutiable interest the proportion which constitutes the effective rate of duty.

PART III

PROCEDURE

Notice of claim

25.—(1) For the purpose of assessing levy no allowance under this Schedule shall be made in respect of an interest in land, as being the dutiable interest for the purposes of this Schedule, unless the chargeable owner, or a successor in title of his in whom the chargeable interest has become vested by operation of law, has served on the Commission a notice (in this Part of this Schedule referred to as a "notice of claim") specifying that interest and stating—

- (a) that a person specified in the notice died on a date so specified, and that a grant of probate or of letters of administration in respect of his estate was obtained on a date and at a registry so specified;

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- (b) that estate duty was leviable on the death of the person specified in the notice ; and
- (c) that the person so specified was a predecessor (as defined by paragraph 1(3) of this Schedule) of the chargeable owner.

(2) A notice of claim may be served either before or after the service of a notice of assessment of levy in respect of the levy in question, but shall not have effect if served after such a notice of assessment of levy has resulted in an operative assessment of levy.

(3) In the application of this paragraph to Scotland, for the reference to a grant of probate or of letters of administration there shall be substituted a reference to confirmation, and for the reference to a registry there shall be substituted a reference to the sheriff court.

(4) The preceding provisions of this paragraph shall have effect subject to any regulations made under Part IV of this Schedule in cases to which those regulations apply.

Certificate of Commissioners of Inland Revenue

26.—(1) Where a person (in this Part of this Schedule referred to as “the claimant”) serves on the Commission a notice of claim, then if the Commission have served, or intend to serve, a notice of assessment of levy in respect of a chargeable act or event, in such circumstances that for the purpose of assessing levy in respect of it—

- (a) the chargeable interest (or an interest in part of the land in which the chargeable interest subsists, which would have been the chargeable interest if it had extended to the whole of that land) is the interest specified in the notice of claim, and
- (b) the relevant date is a date not more than six years after the date specified in the notice of claim as the date of the death to which it relates,

the Commission shall apply to the Commissioners of Inland Revenue for a certificate under this Part of this Schedule.

(2) An application under this paragraph shall set out the matters stated in the notice of claim and the name and address of the claimant.

27.—(1) For the purpose of dealing with an application under this Part of this Schedule, the Commissioners of Inland Revenue shall assume that a chargeable act or event has occurred in the circumstances specified in paragraph 1 of this Schedule and that, in relation to that chargeable act or event,—

- (a) the person specified in the notice of claim was a predecessor of the chargeable owner as mentioned in paragraph 1(1)(a) of this Schedule, and
- (b) the interest specified in the notice of claim is the dutiable interest for the purposes of this Schedule.

(2) On those assumptions the Commissioners of Inland Revenue shall issue to the Commission a certificate stating—

- (a) the gross principal value of the dutiable interest ;

- (b) whether that value was ascertained under sub-paragraph (1) or under sub-paragraph (2) of paragraph 5 of this Schedule ;
- (c) if it was ascertained under sub-paragraph (2) of that paragraph, what was agreed or determined, as mentioned in that sub-paragraph, as being the principal value of the estate of the deceased, or, as the case may be, what was so agreed or determined as being the principal value of such a part of the estate as is mentioned in that sub-paragraph and what was that part of the estate ; and
- (d) the effective rate of duty,

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and shall send a copy of the certificate to the person specified in the application as the claimant at the address so specified.

28. Subject to paragraph 30 of this Schedule, a certificate issued under this Part of this Schedule shall be conclusive evidence of the matters stated in the certificate, except that, if it states that the gross principal value of the dutiable interest was ascertained under sub-paragraph (2) of paragraph 5 of this Schedule, the certificate shall not be conclusive evidence of that value.

29.—(1) If, in a case where a certificate under this Part of this Schedule states that the gross principal value of the dutiable interest was ascertained under sub-paragraph (2) of paragraph 5 of this Schedule, the claimant wishes to dispute that value, on the grounds that it represents an incorrect apportionment of the value specified in the certificate in accordance with paragraph 27(2)(c) of this Schedule, he may, within such time as may be allowed by the rules, appeal on those grounds against the certificate to the Lands Tribunal ; and, if the Tribunal allows the appeal, it shall either discharge the certificate or vary it in such manner as the Tribunal may determine.

(2) In this paragraph "the rules" means any rules made for the purposes of this paragraph under section 3 of the Lands Tribunal Act 1949, or, in the case of proceedings in Scotland before an official arbiter, under section 3 of the Land Compensation (Scotland) Act 1963 c. 51. 1949 c. 42. 1963 c. 51.

30.—(1) A certificate issued by the Commissioners of Inland Revenue under this Part of this Schedule shall be construed as having been issued on the assumptions specified in paragraph 27(1) of this Schedule and shall have effect without prejudice to any question whether those assumptions are correct or not.

(2) In relation to a certificate which is varied on or in consequence of an appeal under paragraph 29 of this Schedule, the preceding sub-paragraph shall have effect in relation to the certificate as so varied.

PART IV

SUPPLEMENTARY PROVISIONS

31.—(1) Provision may, in accordance with the following provisions of this Part of this Schedule, be made by regulations so as to require or enable an allowance to be made under this Schedule for the purpose of assessing levy in respect of a chargeable act or event where one or more of the conditions specified in paragraph 1(1) of

SCH. 7 this Schedule are not fulfilled, but the following conditions are fulfilled, that is to say—

- (a) property consisting of the land in which the chargeable interest subsists or of part of that land or of an interest in that land or part of that land (whether subsisting at law or only as an equitable interest) passed on the death of a person and estate duty was leviable in respect of that property ;
- (b) that person died not more than six years before the relevant date or, where the property was an interest in expectancy and estate duty in respect of it was not paid until it fell into possession, the interest fell into possession not more than six years before the relevant date ; and
- (c) there has not before the relevant date been any previous chargeable act or event in connection with which an allowance under this Schedule fell or falls to be made in respect of the passing of that property on that death.

(2) In this paragraph any reference to property passing on a death is a reference to its passing, or being deemed to pass, on that death for the purposes of the enactments relating to estate duty.

32. Regulations made in pursuance of paragraph 31 of this Schedule may provide that, in such cases where the conditions specified in that paragraph are, or are claimed to be, fulfilled as may be specified in the regulations, the preceding provisions of this Schedule shall apply, subject to such exceptions and modifications, and together with any such additional provisions, as may be so specified.

33.—(1) Regulations made in pursuance of paragraph 31 of this Schedule may provide that in such cases where the conditions specified in that paragraph are, or are claimed to be, fulfilled as may be specified in the regulations (not being cases in relation to which the regulations make provision in accordance with the last preceding paragraph) the Commission may make such allowance under this Schedule as, after consultation with the Commissioners of Inland Revenue, they determine to be appropriate.

(2) Any regulations made in accordance with the preceding subparagraph may provide that, where it is claimed that the power conferred on the Commission by the regulations is or may be exercisable, the provisions of Part III of this Schedule shall apply, subject to such exceptions and modifications, and together with any such additional provisions, as may be specified in the regulations.

34.—(1) Where for the purpose of assessing levy in respect of a chargeable act or event there are two or more deaths to which the preceding provisions of this Schedule are applicable, those provisions shall have effect in relation to those deaths cumulatively so as to require or enable the appropriate allowance to be made by reference to each of them.

(2) In this paragraph any reference to the preceding provisions of this Schedule shall be construed as including a reference to any regulations made under this Part of this Schedule.

35. In this Schedule, in relation to a chargeable act or event, “the chargeable interest” and “the chargeable owner” have the meanings assigned to them by paragraph 2(1) of Schedule 5 to this Act, and “the last relevant disposition” has the meaning assigned to it by paragraph 6 of that Schedule.

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SCHEDULE 8

Section 69.

DEDUCTIONS FROM LEVY IN RESPECT OF CAPITAL GAINS TAX
AND CORPORATION TAX

PART I

CHARGEABLE ACT OR EVENT CONSTITUTING TAXABLE DISPOSAL

Cases in which chargeable act or event constitutes taxable disposal

1. For the purposes of this Schedule a disposition falling within Case A, Case B, Case E or Case F shall be taken to constitute a taxable disposal if—

- (a) for the purposes of Part III of the Finance Act 1965 it constitutes a disposal of an asset on which chargeable gains accrue to a person, or would so have accrued if the assumed tax condition had been fulfilled in relation to that disposal, or
- (b) for the purposes of that Part of that Act as applied to corporation tax by Part IV of that Act it constitutes a disposal of an asset on which chargeable gains accrue to a company, or would so have accrued if the assumed tax condition had been fulfilled in relation to that disposal.

1965 c. 25.

2. For the purposes of this Schedule the accrual of a right to compensation falling within Case D or Case F shall be taken to constitute a taxable disposal if—

- (a) for the purposes of Part III of the Finance Act 1965 the receipt of compensation in pursuance of that right constitutes a disposal of an asset on which chargeable gains accrue to a person, or would so have accrued if the assumed tax condition had been fulfilled in relation to that disposal, or
- (b) for the purposes of that Part of that Act as applied to corporation tax by Part IV of that Act the receipt of that compensation constitutes a disposal of an asset on which chargeable gains accrue to a company, or would so have accrued if the assumed tax condition had been fulfilled in relation to that disposal.

Chargeable act or event fulfilling relevant conditions as to Schedule 5

3. For the purposes of this Schedule a chargeable act or event shall be taken to fulfil the relevant conditions as to Schedule 5 if, for the purpose of assessing levy in respect of it,—

- (a) the last relevant disposition was a disposition falling within the antecedent period, and
- (b) paragraph 7 or (in Case B) paragraph 16 of Schedule 5 to this Act has effect.

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4. For the purposes of this Schedule a chargeable act or event to which the last preceding paragraph does not apply shall be taken to fulfil the relevant conditions as to Schedule 5 if, for the purpose of assessing levy in respect of it,—

(a) a disposition would have been the last relevant disposition, and would have been a disposition falling within the antecedent period, and

(b) paragraph 7 or (in Case B) paragraph 16 of Schedule 5 to this Act would have had effect,

if the antecedent period had extended to the first appointed day.

5. For the purposes of this Schedule a chargeable act or event shall be taken to fulfil the relevant conditions as to Schedule 5 if, for the purpose of assessing levy in respect of it,—

(a) in accordance with paragraph 18 of Schedule 6 to this Act, the base value of the relevant interest (or, in Case B, the base value realised by the disposition constituting the chargeable act or event) falls to be ascertained separately in relation to different parts of the land in which the chargeable interest subsists, or would have fallen to be so ascertained if the antecedent period had extended to the first appointed day, and

(b) for the purposes of any such separate ascertainment the conditions specified in sub-paragraphs (a) and (b) of paragraph 3 of this Schedule are fulfilled (or would, if the antecedent period had extended to the first appointed day, have been fulfilled) in relation to every part of that land.

Chargeable act or event partly fulfilling relevant conditions as to Schedule 5

6. For the purposes of this Schedule a chargeable act or event shall be taken to be a chargeable act or event partly fulfilling the relevant conditions as to Schedule 5 if, for the purpose of assessing levy in respect of it,—

(a) in accordance with paragraph 18 of Schedule 6 to this Act the base value of the relevant interest (or, in Case B, the base value realised by the disposition constituting the chargeable act or event) falls to be ascertained separately in relation to different parts of the land in which the chargeable interest subsists, or would have fallen to be so ascertained if the antecedent period had extended to the first appointed day, and

(b) for the purposes of any such separate ascertainment the conditions specified in sub-paragraphs (a) and (b) of paragraph 3 of this Schedule are fulfilled (or would, if the antecedent period had extended to the first appointed day, have been fulfilled) in relation to one or more parts of that land (in this Schedule referred to as “the part or parts fulfilling the relevant conditions”) but are not, or (as the case may be) would not have been, fulfilled in relation to the remainder of that land.

Provisions for making appropriate deduction

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7. The appropriate deduction shall be made for the purpose of assessing levy in respect of any chargeable act or event which—

- (a) constitutes a taxable disposal, and
- (b) fulfils the relevant conditions as to Schedule 5.

8. The appropriate deduction shall also be made for the purpose of assessing levy in respect of any chargeable act or event which—

- (a) constitutes a taxable disposal, and
- (b) is a chargeable act or event partly fulfilling the relevant conditions as to Schedule 5.

PART II

TAXABLE DISPOSAL PRECEDING CHARGEABLE ACT OR EVENT

Introductory

9. For the purposes of this Schedule an act or event (whether actual or one which by virtue of any provision of Part III or Part IV of the Finance Act 1965 is deemed to have occurred) shall be taken to have constituted a taxable disposal if— 1965 c. 25.

- (a) for the purposes of Part III of the Finance Act 1965 it constituted a disposal of an asset on which chargeable gains accrued to a person, or would so have accrued if the assumed tax condition had been fulfilled in relation to that disposal, or
- (b) for the purposes of that Part of that Act as applied to corporation tax by Part IV of that Act it constituted a disposal of an asset on which chargeable gains accrued to a company, or would so have accrued if the assumed tax condition had been fulfilled in relation to that disposal, or
- (c) for the purposes of section 82 of that Act it constituted a disposal of an asset on which chargeable gains accrued to a company in the circumstances specified in subsection (1) of that section, or would so have accrued if the assumed tax condition had been fulfilled in relation to that disposal.

10.—(1) For the purposes of this Part of this Schedule a previous chargeable act or event shall be taken to have been a chargeable act or event affecting the chargeable interest if that interest was the chargeable interest for the purpose of assessing levy in respect of that chargeable act or event.

(2) For the purposes of this Part of this Schedule a previous chargeable act or event shall be taken to have been notified if it was or is notified in accordance with the provisions as to notification contained in Part III of this Act.

Disposal by way of gift

11. The appropriate deduction shall (subject to paragraph 15 of this Schedule) be made for the purpose of assessing levy in respect of a chargeable act or event where—

- (a) before the first appointed day, but not more than six years before the relevant date, there was a disposal of the

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1965 c. 25.

- chargeable interest to a person by way of gift (including any such gift in settlement as is mentioned in section 25(2) of the Finance Act 1965) and that disposal constituted a taxable disposal ;
- (b) after that disposal and before the first appointed day there was not any disposition for valuable consideration under which the chargeable owner or a predecessor in title of his became entitled to the chargeable interest ; and
 - (c) there has not before the relevant date been any previous notified chargeable act or event affecting the chargeable interest.

Disposal deemed to have occurred on death

12. The appropriate deduction shall (subject to paragraph 15 of this Schedule) be made for the purpose of assessing levy in respect of a chargeable act or event where—

- (a) by virtue of section 24(1) of the Finance Act 1965 a disposal of the chargeable interest is deemed to have occurred on a person's death before the first appointed day but not more than six years before the relevant date and that disposal constituted a taxable disposal ;
- (b) after that person's death and before the first appointed day there was not any disposition for valuable consideration under which the chargeable owner or a predecessor in title of his became entitled to the chargeable interest ; and
- (c) there has not before the relevant date been any previous notified chargeable act or event affecting the chargeable interest.

Disposal deemed to have occurred in relation to settled property

13. The appropriate deduction shall (subject to paragraph 15 of this Schedule) be made for the purpose of assessing levy in respect of a chargeable act or event where—

- (a) by virtue of subsection (3) or subsection (4) of section 25 of the Finance Act 1965 (which relate respectively to settled property to which a person becomes absolutely entitled and settled property in which a life interest terminates) a disposal of the chargeable interest is deemed to have occurred before the first appointed day but not more than six years before the relevant date and that disposal constituted a taxable disposal ;
- (b) after the occasion on which that disposal is deemed to have occurred and before the first appointed day there was not any disposition for valuable consideration under which the chargeable owner or a predecessor in title of his became entitled to the chargeable interest ; and
- (c) there has not before the relevant date been any previous notified chargeable act or event affecting the chargeable interest.

*Application of paragraphs 11, 12 and 13 to disposal of interest
in part of chargeable unit*

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14.—(1) The provisions of this paragraph shall have effect for the purpose of assessing levy in respect of a chargeable act or event where a disposal has occurred, or by virtue of any provision of the Finance Act 1965 referred to in paragraph 11, paragraph 12 or paragraph 13 of this Schedule is deemed to have occurred, in relation to an interest (in this Schedule referred to as “the interest comprised in the disposal”) which, being an interest in part of the land in which the chargeable interest subsists, would have been the chargeable interest if it had extended to the whole of that land, and that disposal constituted a taxable disposal. 1965 c. 25.

(2) If the conditions specified in sub-paragraphs (a), (b) and (c) of any of those paragraphs would be fulfilled if, in sub-paragraphs (a) and (b) of that paragraph, any reference to the chargeable interest were a reference to the interest comprised in the disposal, then that paragraph shall have effect as if those conditions were fulfilled.

Exclusion of certain chargeable interests in Case C

15.—(1) Notwithstanding anything in paragraphs 11 to 14 of this Schedule, none of those paragraphs shall have effect for the purpose of assessing levy in Case C in respect of a project of material development where the chargeable interest is an assessable interest by virtue of which a person is the developing owner in relation to the project in accordance with paragraph (b) or paragraph (c) of section 32(7) of this Act.

(2) Where the preceding sub-paragraph has effect in relation to the chargeable interest, then, for the purpose of assessing levy in respect of any subsequent chargeable act or event in relation to which that interest is the chargeable interest, the chargeable act or event referred to in the preceding sub-paragraph shall be disregarded in determining whether the condition specified in paragraph 11(c), paragraph 12(c) or paragraph 13(c) of this Schedule is fulfilled.

PART III

CALCULATION OF APPROPRIATE DEDUCTION

Introductory

16.—(1) Where any of the operative provisions of Part I or Part II of this Schedule requires the appropriate deduction to be made, it shall be construed as requiring the principal amount of levy payable apart from that provision to be reduced by an amount determined in accordance with this Part and Part IV of this Schedule.

(2) Where two or more of those provisions are applicable to the same chargeable act or event, they shall have effect cumulatively and the deduction appropriate to each of them shall be made in accordance with the preceding sub-paragraph.

(3) In this Part and in Part IV of this Schedule any reference to an operative provision of Part I or Part II of this Schedule is a reference to any of the following, that is to say—

(a) paragraphs 7, 8, 11, 12 and 13 of this Schedule, and

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- (b) paragraphs 11, 12 and 13 of this Schedule, as each of those paragraphs has effect by virtue of paragraph 14 of this Schedule.

17. Where in accordance with paragraph 1, paragraph 2 or paragraph 9 of this Schedule an act or event is taken to constitute or to have constituted a taxable disposal, then in the following provisions of this Schedule, in their application to that taxable disposal,—

- (a) “the taxpayer” means the person or company to whom chargeable gains accrue or accrued on that disposal or would so have accrued if the assumed tax condition had been fulfilled in relation to that disposal ;
- (b) “the relevant year or period” means the year of assessment or accounting period in which those chargeable gains accrue or accrued or would so have accrued ; and
- (c) “tax” means capital gains tax or corporation tax, as the case may be.

18.—(1) In this Part of this Schedule “the increase (if any) in the current use value of the chargeable interest”, in relation to a taxable disposal, means the amount (if any) by which the value of the chargeable interest immediately before that disposal, calculated on the assumption specified in sub-paragraph (3) of this paragraph, exceeded the value of that interest at the relevant earlier time, calculated on the like assumption.

(2) For the purposes of the preceding sub-paragraph—

- (a) where the gain accruing on the disposal in question, or the gain which would so have accrued if the assumed tax condition had been fulfilled, is, was or would have been treated as a chargeable gain by virtue only of section 17(15) or section 82(3) of the Finance Act 1965, the relevant earlier time is the time immediately after the acquisition of the chargeable interest by the taxpayer, and
- (b) in any other case, the relevant earlier time is the time of the acquisition of that interest by the taxpayer or 6th April 1965, whichever was the later.

(3) The assumption referred to in sub-paragraph (1) of this paragraph, in relation to the calculation of value at any time referred to in that sub-paragraph, is that, at any time subsequent to the time in question, planning permission—

- (a) would be granted for any development of the relevant land which does not constitute material development, but
- (b) would not be granted for any development of that land which constitutes material development.

(4) Sub-paragraphs (1) and (2) of paragraph 4 of Schedule 6 to this Act and (without prejudice to the assumption specified in the last preceding sub-paragraph) paragraph 7 of that Schedule shall have effect for calculating value for the purposes of this paragraph.

(5) For the purposes of the application of this paragraph to a chargeable act or event, the definition of “material development” in section 99(2) of this Act, and any regulations made for the purposes of that definition which are in force at the relevant date, shall be deemed always to have had effect.

General provisions for calculating appropriate deduction where assumed tax condition fulfilled

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19.—(1) For the purpose of assessing levy in respect of a chargeable act or event which fulfils the relevant conditions as to Schedule 5, where the assumed tax condition is fulfilled in relation to the taxable disposal in question, the appropriate deduction (whether required by virtue of Part I or by virtue of Part II of this Schedule) shall, subject to paragraph 24 of this Schedule, be calculated in accordance with the following provisions of this paragraph.

(2) There shall be ascertained how much of the tax (if any) to which the taxpayer is or was chargeable for the relevant year or period would not have been so chargeable if any chargeable gain which accrued on that taxable disposal had not accrued.

(3) If the whole or part of any chargeable gain which accrued on the taxable disposal in question was not chargeable to tax in the relevant year or period because of relief for losses accruing in that year or period or in any earlier year or period, there shall be ascertained how much tax would have been chargeable in the relevant year or period on that gain, or that part of it, as the case may be, if—

(a) that gain, or that part of it, as the case may be, had been the only gain accruing to the taxpayer in the relevant year or period, and

(b) the whole of that gain, or the whole of that part of that gain, as the case may be, had been chargeable to tax.

(4) The appropriate deduction shall then be calculated as follows, that is to say—

(a) where amounts are ascertained under both of sub-paragraphs (2) and (3) of this paragraph, it shall be the aggregate of the amounts ascertained under those sub-paragraphs ;

(b) in any other case, it shall be the amount ascertained under one or other of those sub-paragraphs.

20.—(1) For the purpose of assessing levy in respect of a chargeable act or event which neither fulfils nor partly fulfils the relevant conditions as to Schedule 5, where the assumed tax condition is fulfilled in relation to the taxable disposal in question, the appropriate deduction required by any provision of Part II of this Schedule shall, subject to paragraph 24 of this Schedule, be calculated in accordance with the following provisions of this paragraph.

(2) There shall be ascertained how much of the tax (if any) to which the taxpayer is or was chargeable for the relevant year or period would not have been so chargeable if any chargeable gain accruing on the taxable disposal in question had been limited to the increase (if any) in the current use value of the chargeable interest.

(3) There shall then be ascertained how much of any chargeable gain accruing on the taxable disposal in question would not so have accrued if that gain had been limited as mentioned in sub-paragraph (2) of this paragraph ; and the part of that gain which in those circumstances would not have accrued is in the following provisions of this paragraph referred to as “the excess gain”.

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(4) If the whole or part of the excess gain would not have been chargeable to tax in the relevant year or period because of relief for losses accruing in that year or period or in any earlier year or period, there shall be ascertained how much tax would have been chargeable in the relevant year or period on the excess gain, or that part of it, as the case may be, if—

- (a) the excess gain or that part of it, as the case may be, had been the only gain accruing to the taxpayer in the relevant year or period, and
- (b) the whole of the excess gain, or the whole of that part of it, as the case may be, had been chargeable to tax.

(5) The appropriate deduction shall then be calculated as follows, that is to say—

- (a) where amounts are ascertained under both of sub-paragraphs (2) and (4) of this paragraph, it shall be the aggregate of the amounts ascertained under those sub-paragraphs ;
- (b) in any other case, it shall be the amount ascertained under one or other of those sub-paragraphs.

General provisions for calculating appropriate deduction where assumed tax condition not fulfilled

21.—(1) For the purpose of assessing levy in respect of a chargeable act or event which fulfils the relevant conditions as to Schedule 5, where the assumed tax condition is not fulfilled in relation to the taxable disposal in question, the appropriate deduction (whether required by virtue of Part I or by virtue of Part II of this Schedule) shall, subject to paragraph 24 of this Schedule, be calculated in accordance with the following provisions of this paragraph.

(2) There shall be ascertained how much of the tax (if any) to which the taxpayer would have been chargeable for the relevant year or period if the assumed tax condition had been fulfilled in relation to that disposal would not have been so chargeable if any chargeable gain which, in those circumstances, would have been taken to accrue on that disposal were treated as not having accrued.

(3) If the whole or part of any such chargeable gain would not have been chargeable to tax in the relevant year or period because of relief for losses accruing in that year or period or in any earlier year or period, there shall be ascertained how much tax would have been chargeable in the relevant year or period on that gain, or that part of it, as the case may be, if—

- (a) that gain, or that part of it, as the case may be, had been the only gain accruing to the taxpayer in the relevant year or period, and
- (b) the whole of that gain, or the whole of that part of that gain, as the case may be, had been chargeable to tax.

(4) The appropriate deduction shall then be calculated as follows that is to say—

- (a) where amounts are ascertained under both of sub-paragraphs (2) and (3) of this paragraph, it shall be the aggregate of the amounts ascertained under those sub-paragraphs ;
- (b) in any other case, it shall be the amount ascertained under one or other of those sub-paragraphs..

22.—(1) For the purpose of assessing levy in respect of a chargeable act or event which neither fulfils nor partly fulfils the relevant conditions as to Schedule 5, where the assumed tax condition is not fulfilled in relation to the taxable disposal in question, the appropriate deduction required by any provision of Part II of this Schedule shall, subject to paragraph 24 of this Schedule, be calculated in accordance with the following provisions of this paragraph.

(2) There shall be ascertained how much of the tax (if any) to which the taxpayer would have been chargeable for the relevant year or period if the assumed tax condition had been fulfilled in relation to that disposal would not have been so chargeable if any chargeable gain which, in those circumstances, would have been taken to accrue on that disposal had been limited to the increase (if any) in the current use value of the chargeable interest.

(3) There shall then be ascertained how much of any chargeable gain which, if the assumed tax condition had been fulfilled in relation to that disposal, would have been taken to accrue on it would not have been taken so to accrue if that gain had been limited as mentioned in sub-paragraph (2) of this paragraph; and the part of that gain which in those circumstances would not be taken to have accrued is in the following provisions of this paragraph referred to as "the excess gain".

(4) If the whole or part of the excess gain would not have been chargeable to tax in the relevant year or period because of relief for losses accruing in that year or period or in any earlier year or period, there shall be ascertained how much tax would have been chargeable in the relevant year or period on the excess gain, or that part of it, as the case may be, if—

- (a) the excess gain or that part of it, as the case may be, had been the only gain accruing to the taxpayer in the relevant year or period, and
- (b) the whole of the excess gain, or the whole of that part of it, as the case may be, had been chargeable to tax.

(5) The appropriate deduction shall then be calculated as follows, that is to say—

- (a) where amounts are ascertained under both of sub-paragraphs (2) and (4) of this paragraph, it shall be the aggregate of the amounts ascertained under those sub-paragraphs;
- (b) in any other case, it shall be the amount ascertained under one or other of those sub-paragraphs.

Chargeable act or event partly fulfilling relevant conditions as to Schedule 5

23.—(1) Where in accordance with any operative provision of Part I or Part II of this Schedule the appropriate deduction is required to be made for the purpose of assessing levy in respect of a chargeable act or event partly fulfilling the relevant conditions as to Schedule 5 (as defined by paragraph 6 of this Schedule), the taxable disposal to which that provision relates (in this paragraph referred to as "the relevant taxable disposal") shall, for the purposes of this Part of this

SCH. 8 Schedule, be treated as if it had been two separate taxable disposals, that is to say—

- (a) a taxable disposal limited to the part or parts fulfilling the relevant conditions (in this paragraph referred to as “the first separate disposal”), and
- (b) a taxable disposal limited to the remainder of the land in which the chargeable interest subsists (in this paragraph referred to as “the second separate disposal”).

(2) If the operative provision in question is paragraph 8, then for the purpose of calculating the appropriate deduction paragraph 19 or, as the case may be, paragraph 21 of this Schedule shall apply as if the taxable disposal which occurred had been the first separate disposal and not the relevant taxable disposal, and accordingly as if—

- (a) in paragraph 19 of this Schedule (where that paragraph is applicable) any reference to the chargeable gain which accrued on the taxable disposal in question were a reference to so much of the chargeable gain which accrued on the relevant taxable disposal as is properly attributable to the first separate disposal, and
- (b) in paragraph 21 of this Schedule (where that paragraph is applicable) any reference to the chargeable gain which would have been taken to accrue on the taxable disposal in question if the assumed tax condition had been fulfilled in relation to it were a reference to so much of the chargeable gain which in those circumstances would have been taken to accrue on the relevant taxable disposal as is properly attributable to the first separate disposal.

(3) If the operative provision in question is any provision of Part II of this Schedule, then the appropriate deduction shall be the aggregate of two deductions calculated separately as follows, that is to say—

- (a) a deduction calculated in relation to the first separate disposal in accordance with sub-paragraph (2) of this paragraph, and
- (b) a deduction calculated in relation to the second separate disposal in accordance with the next following sub-paragraph.

(4) For the purpose of calculating the deduction in relation to the second separate disposal, paragraph 20 or, as the case may be, paragraph 22 of this Schedule shall apply as if in that paragraph any reference to any chargeable gain which would have accrued on the taxable disposal in question in any circumstances specified in that paragraph were a reference to so much of any chargeable gain which in those circumstances would have accrued on the relevant taxable disposal as is properly attributable to the second separate disposal.

(5) For the purpose of determining how much of any chargeable gain which accrued, or would in any particular circumstances have accrued, on the relevant taxable disposal is properly attributable to the first separate disposal or the second separate disposal, as mentioned in sub-paragraph (2) or sub-paragraph (4) of this paragraph,

that gain shall be treated as apportioned as between those separate disposals in accordance with the principles applicable to any apportionment required by the provisions of the enactments relating to the tax.

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Successive chargeable acts or events

24.—(1) Subject to the following provisions of this paragraph, where—

- (a) in accordance with any operative provision of Part I or Part II of this Schedule the appropriate deduction is required to be made by reference to a taxable disposal (in this paragraph referred to as “the first taxable disposal”) for the purpose of assessing levy in respect of a chargeable act or event (in this paragraph referred to as “the previous chargeable act or event”), and
- (b) in accordance with any such provision the appropriate deduction is required to be made by reference to another taxable disposal on which chargeable gains accrue or accrued to the same person or company in the same year of assessment or accounting period, or would so have accrued if the assumed tax condition had been fulfilled, and that deduction is so required to be made for the purpose of assessing levy in respect of a subsequent chargeable act or event (in this paragraph referred to as “the subsequent chargeable act or event”),

any reference in paragraphs 19 to 22 of this Schedule to the tax to which the taxpayer is or was, or would in any specified circumstances have been, chargeable for the relevant year or period shall be construed as a reference to the tax to which the taxpayer would (or would in those circumstances) have been chargeable for the relevant year or period if any chargeable gain which accrued on the first taxable disposal, or would have accrued on that disposal if the assumed tax condition had been fulfilled, had not or would not have so accrued.

(2) Where there is a series of three or more chargeable acts or events, and three or more taxable disposals on which chargeable gains accrue or accrued to the same person or company in the same year of assessment or accounting period or would so have accrued if the assumed tax condition had been fulfilled, the preceding subparagraph shall have effect in relation to each chargeable act or event of the series successively, so that, for the purpose of assessing levy in respect of each subsequent chargeable act or event, there is excluded from the calculation the chargeable gain which accrues or accrued (or, as the case may be, would have accrued) on any of those taxable disposals taken into account in calculating the appropriate deduction in relation to a previous chargeable act or event of the series.

(3) For the purposes of this paragraph it is immaterial in what order of time any taxable disposals occur, if they occur in the same year of assessment or accounting period.

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PART IV

CERTIFICATION OF APPROPRIATE DEDUCTION

25. It shall be the duty of the Commission to apply to the inspector appearing to them to be the appropriate inspector for a certificate under this Part of this Schedule in any case where—

- (a) it appears to the Commission that for the purpose of assessing levy in respect of a chargeable act or event the appropriate deduction is required to be made, or
- (b) the person on whom a notice of assessment of levy is served has, whether before or after the service of that notice but before that notice has resulted in an operative assessment of levy, served on the Commission a notice claiming that the appropriate deduction is so required to be made.

26. A notice under paragraph 25(b) of this Schedule need not specify the amount of the deduction claimed and shall have effect if (however expressed) it indicates—

- (a) whether the appropriate deduction is claimed by virtue of Part I or by virtue of Part II of this Schedule ;
- (b) if it is claimed by virtue of Part II of this Schedule, the name of the taxpayer, the date of the act or event which constitutes the taxable disposal in question, the name of the person to whom chargeable gains accrued, or if the assumed tax condition had been fulfilled would have accrued, on that disposal and his address at that date and (in general terms) the nature of that disposal ; and
- (c) such particulars as are sufficient to identify the inspector to whom the person serving the notice made his last return of income for the purposes of the Income Tax Acts.

27. Any application under paragraph 25 of this section which is made in pursuance of a notice served in accordance with subparagraph (b) of that paragraph shall set out the matters indicated in that notice.

28. Without prejudice to the last preceding paragraph, any application under paragraph 25 of this Schedule shall indicate the circumstances, and the operative provision of Part I or Part II of this Schedule, appearing to the Commission to be those by virtue of which, for the purpose of assessing levy in respect of the chargeable act or event in question, the appropriate deduction is or may be required to be made ; and, where paragraph 7 or paragraph 8 of this Schedule is so indicated, the application shall state the date of the act or event which constitutes the taxable disposal and the name and address of the person or company to whom chargeable gains accrued, or if the assumed tax condition had been fulfilled would have accrued, on that disposal.

29.—(1) For the purpose of dealing with an application under paragraph 25 of this Schedule, the inspector shall assume that the opinion of the Commission indicated in the application as to any matter specified therein is correct in so far as it relates to any question arising under Part I or Part II of this Schedule, except

any question whether an act or event constitutes a taxable disposal in accordance with paragraph 1, paragraph 2 or paragraph 9 of this Schedule.

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(2) On that assumption, the inspector shall issue to the Commission a certificate stating the amount of the appropriate deduction required to be made for the purpose of assessing levy in respect of the chargeable act or event in question, or (as the case may be) stating that no deduction under this Schedule is required to be made for that purpose.

30.—(1) Where a certificate is issued to the Commission under the last preceding paragraph—

- (a) if that certificate is received by the Commission before they serve a notice of assessment of levy in respect of the levy to which the certificate relates, they shall send a copy of it with that notice to the person on whom that notice is served ;
- (b) in any other case, the Commission shall, within thirty days after receiving the certificate, send a copy of it to the appropriate person.

(2) For the purposes of the preceding sub-paragraph—

- (a) if the application for a certificate was made in pursuance of a notice served under paragraph 25(b) of this Schedule, the appropriate person is the person who served that notice ;
- (b) in any other case, the appropriate person is the person appearing to the Commission to be the person who is liable to pay the levy or who, if a notice of assessment of levy in respect of the chargeable act or event in question resulted in an operative assessment of levy, would be liable to pay the levy.

(3) Where the Commission send a copy of a certificate in pursuance of sub-paragraph (1) of this paragraph, they shall send with it a copy of the application under paragraph 25 of this Schedule in pursuance of which the certificate was issued.

31.—(1) A certificate issued by an inspector under this Part of this Schedule shall be construed as having been issued on the assumption specified in paragraph 29(1) of this Schedule and shall have effect without prejudice to any question whether that assumption is correct or not.

(2) Subject to the preceding sub-paragraph, any such certificate shall be conclusive evidence of the matter stated in the certificate.

32.—(1) If, after a certificate under this Part of this Schedule has been issued,—

- (a) any change (whether in consequence of an appeal, re-assessment or otherwise) is made in the computation of any capital gains tax or corporation tax by reference to which the inspector calculated the deduction specified in the certificate, or, as the case may be, stated in the certificate that no deduction under this Schedule was required to be made, and

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(b) by reason of that change the certificate needs to be revised, the inspector may withdraw the certificate and issue a revised certificate in its place.

(2) Paragraphs 29(1), 30 and 31 of this Schedule shall have effect in relation to such a revised certificate as they have effect in relation to a certificate issued under paragraph 29(2) of this Schedule.

PART V

SUPPLEMENTARY PROVISIONS

1965 c. 25.

33.—(1) In this Schedule “year of assessment” has the same meaning as in Part III of the Finance Act 1965 and “company” and “accounting period” have the same meanings as in Part IV of that Act.

(2) Any reference in this Schedule to chargeable gains which accrue or accrued, or would (if any specified conditions had been fulfilled) have accrued, to a person or company shall be construed as including a reference—

(a) to chargeable gains which, by virtue of any provisions of the enactments relating to capital gains tax or corporation tax, are deemed so to accrue or to have accrued, or which by virtue of any such provisions would (if the specified conditions had been fulfilled) have been deemed so to accrue, and

(b) to chargeable gains which, in the case of a person who has died, were by virtue of any provision of those enactments included in the gains accruing to him, or to the trustees of a settlement under which he was a beneficiary, in the year of assessment in which he died or would (if the specified conditions had been fulfilled) have been so included.

34.—(1) In this Schedule “the assumed tax condition”, in relation to a disposal, means the condition that neither of the provisions of the Finance Act 1965 specified in the next following sub-paragraph has or had effect in relation to that disposal or in relation to the corresponding acquisition.

(2) The provisions of the Finance Act 1965 referred to in the preceding sub-paragraph are section 33 (replacement of business assets) and paragraph 20 of Schedule 7 (which relates to disposals between husband and wife).

(3) In this paragraph “disposal” means any act or event which for the purposes of any provisions of Part III or Part IV of the Finance Act 1965 constitutes a disposal, and “the corresponding acquisition”, in relation to a disposal, means the act or event whereby the person or company making, or deemed to make, the disposal acquired the interest in land to which the disposal relates or related.

35.—(1) In this Schedule “inspector” has the same meaning as in the Income Tax Acts, and “the appropriate inspector”— SCH. 8

(a) in relation to any act or event appearing to the Commission to be a taxable disposal in accordance with paragraph 1 or paragraph 2 of this Schedule, means the inspector for the district in which the chargeable gains (if any) which accrue on that disposal, or would so have accrued if the assumed tax condition had been fulfilled, would be assessable to capital gains tax or corporation tax, as the case may be, and

(b) in relation to any act or event appearing to the Commission to be such as is described in paragraph 9 of this Schedule, means the inspector for the district in which the chargeable gains (if any) of the taxpayer for the relevant year or period are or were, or if the assumed tax condition had been fulfilled would have been, assessable to tax.

(2) Section 3(3) of the Income Tax Management Act 1964 (which relates to the functions of inspectors) shall have effect in relation to matters arising under this Schedule as it has effect in relation to income tax. 1964 c. 37.

36.—(1) In this Schedule, in relation to a chargeable act or event, “the chargeable interest” and “the chargeable owner” have the meanings assigned to them by paragraph 2(1) of Schedule 5 to this Act.

(2) In this Schedule “disposition falling within the antecedent period” has the meaning assigned to it by paragraph 2(2) of that Schedule, and “if the antecedent period had extended to the first appointed day” means if in paragraph 2(2)(b) of that Schedule the words from “and was so made” to the end had been omitted.

37. Nothing in this Schedule shall be construed as indicating an intention to exclude the operation of section 19 of the Interpretation Act 1889 (whereby, unless the contrary intention appears, “person” includes any body of persons corporate or unincorporate) in relation to any provisions of this Act. 1889 c. 63.

38. In relation to any chargeable act or event falling within Case F, regulations made under this Schedule may provide that the provisions of this Schedule shall have effect subject to such modifications of any of those provisions (except paragraphs 1, 2 and 9) as may be specified in the regulations.

SCHEDULE 9

Section 72.

SPECIAL PROVISIONS AS TO ACQUISITION UNDER COMPULSORY POWERS

Acquisitions pending on first appointed day

1. No levy shall be chargeable in Case A in respect of a disposition of an interest in land to an authority possessing compulsory purchase powers if the disposition, notwithstanding that it falls within that Case, is made in pursuance of a notice to treat served, or contract of sale made, before the first appointed day.

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Modifications of Schedule 4, Part I

2.—(1) The provisions of this paragraph shall have effect where an interest in land is compulsorily acquired by, or is sold to, an authority possessing compulsory purchase powers, and—

- (a) on the date of service of the notice to treat, or the contract of sale, as the case may be, the person entitled to that interest is also entitled in the same capacity to an interest (in this paragraph referred to as “the other interest”) in other land held with the land to which the notice to treat or contract relates ;
- (b) the compensation or purchase price includes an amount in respect of severance of the land comprised in the acquisition or sale from that other land or in respect of that other land as being injuriously affected ; and
- (c) the disposition of the first-mentioned interest to the acquiring authority constitutes a chargeable act or event falling within Case A.

(2) There shall be ascertained what would have been the appropriate deduction to be made for the purposes of section 33(2) of this Act if—

- (a) the amount included in the compensation or purchase price as mentioned in sub-paragraph (1)(b) of this paragraph had been compensation for depreciation of the value of the other interest which was payable by virtue of a right to compensation to which section 33 of this Act applied (that right being assumed to have accrued on the date of service of the notice to treat or of the contract of sale, as the case may be), and
- (b) the accrual of that right had constituted a chargeable act or event falling within Case D in respect of which levy fell to be assessed.

(3) For the purpose of assessing levy in Case A in respect of the disposition to the acquiring authority, the market value of the relevant interest (ascertained in accordance with Part I of Schedule 4 to this Act) shall be reduced by the amount of the deduction ascertained under the last preceding sub-paragraph.

3. For the purpose of assessing levy in Case A in respect of a disposition made to an authority possessing compulsory purchase powers in the circumstances specified in paragraph 2(1) of this Schedule, Part I of Schedule 4 to this Act shall apply as if paragraph 4 of that Schedule, and in paragraph 5 the words “the aggregate of” and sub-paragraph (b), were omitted.

Calculation of value

4.—(1) Where, for the purpose of assessing levy in Case A in respect of a disposition of an interest in land to an authority possessing compulsory purchase powers, the current use value of that interest falls to be calculated, it shall, subject to the following provisions of this paragraph, be calculated in accordance with rules (2)

to (4) of the rules set out in section 5 of the Land Compensation Act 1961, or, as respects Scotland, in accordance with rules (2) to (4) of the rules set out in section 12 of the Land Compensation (Scotland) Act 1963. SCH. 9
1961 c. 33.
1963 c. 51.

(2) In calculating that value, the interest in question shall be treated as being offered for sale—

- (a) free from any such capital sum as is mentioned in paragraph 1(b) of Schedule 6 to this Act (not being a contingent local land charge), and
- (b) free from any rent, rentcharge, feu-duty, ground annual or other periodical payment falling within paragraph 1(c) of that Schedule.

(3) If the consideration for the acquisition of the relevant interest (calculated in accordance with paragraph 1 of Schedule 6 to this Act) includes the payment by the acquiring authority of any legal, professional or other incidental expenses incurred by the person entitled to that interest, those expenses shall be excluded in calculating the market value of the relevant interest.

(4) Where immediately before the relevant date the relevant land, or part of it, had an unexpended balance of established development value for the purposes of Part VI of the Act of 1962 or for the purposes of the Scottish Act of 1954, then, in calculating the current use value of the relevant interest for the purpose specified in subparagraph (1) of this paragraph, that balance shall be treated as not having been extinguished or reduced by the operation, in relation to the disposition in question, of section 96 of the Act of 1962 or, as the case may be, of paragraph 1 of Schedule 6 to the Town and Country Planning (Scotland) Act 1959. 1959 c. 70.

Derivation of base value from previous disposition

5. In relation to any case where the chargeable act or event, within the meaning of Part I of Schedule 5 to this Act, is the disposition of an interest in land to an authority possessing compulsory purchase powers, that Schedule shall have effect as if, for the words “the relevant date”, in paragraphs 1, 4, 5 and 6 thereof, there were substituted the words “the disposition which constitutes the chargeable act or event”.

6.—(1) For the purposes of the application of Part I of Schedule 5 to this Act to a chargeable act or event (in this paragraph referred to as “the subsequent chargeable act or event”) where a previous disposition of the chargeable interest would apart from this paragraph have been a relevant disposition of that interest for those purposes, but there has been a compulsory acquisition by, or sale to, an authority possessing compulsory purchase powers in the circumstances specified in paragraph 2(1) of this Schedule, and—

- (a) that acquisition or sale was effected in pursuance of a notice to treat served, or contract made, before the date which is the relevant date in relation to the subsequent chargeable act or event, and

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(b) the interest which in relation to the subsequent chargeable act or event constitutes the relevant interest is an interest in the whole or part of the land referred to in paragraph 2(1) of this Schedule as the other land,

that previous disposition shall not be taken for those purposes to have been a relevant disposition of the chargeable interest.

(2) In this paragraph "the chargeable interest" has the meaning assigned to it by paragraph 2(1) of Schedule 5 to this Act.

7.—(1) Where apart from this paragraph a previous disposition of a related tenancy would be a relevant disposition of that tenancy for the purposes of the application of Part III of Schedule 5 to this Act to a chargeable act or event, paragraph 6 of this Schedule shall have effect for those purposes as it has effect for the purposes of the application of Part I of that Schedule, as if in that paragraph any reference to the chargeable interest were a reference to that tenancy.

(2) In this paragraph "related tenancy" has the meaning assigned to it by paragraph 22(2) of Schedule 5 to this Act.

Modification of Schedule 6, paragraph 8

8. Where a disposition of an interest in land to an authority possessing compulsory purchase powers constitutes a chargeable act or event falling within Case A, and is made in the circumstances specified in sub-paragraph (1) of paragraph 8 of Schedule 6 to this Act, sub-paragraph (2)(b) of that paragraph shall apply as if, for the reference to the date on which the carrying out of the project was begun, there were substituted a reference to the date of service of the notice to treat, or (as the case may be) the date of the contract, in pursuance of which the disposition is made.

Derivation of base value from compensation for acquisition (Case C)

9.—(1) The provisions of this paragraph shall have effect for the purpose of assessing levy in Case C where an authority possessing compulsory purchase powers is the developing owner in relation to the relevant project and has served notice to treat, or has entered into an agreement, for the acquisition of the relevant interest.

(2) After the current use value of the relevant interest has been ascertained in accordance with Part III of Schedule 4 to this Act, it shall be determined whether the amount of that current use value (so ascertained) is greater or less than it would have been if it had fallen to be ascertained as at the date of the notice to treat or agreement, and, if so, the amount of the difference (whether it is an excess or a deficiency) shall be determined.

(3) If the amount of the compensation to be paid for the acquisition of the relevant interest has been agreed or determined before the latest date on which, in accordance with section 46(2) of this Act, a counter-notice could be served objecting to a notice of assessment of levy served in respect of the relevant interest, and that amount—

- (a) increased by the amount of any excess determined under the last preceding sub-paragraph, in a case where the determination under that sub-paragraph shows an excess, or
- (b) reduced by the amount of any deficiency determined under that sub-paragraph, in a case where that determination shows a deficiency,

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exceeds the value which would be the base value of the relevant interest apart from this paragraph, then for the purpose of assessing levy in Case C in respect of the relevant interest that amount, as so increased or reduced, shall be taken to be the base value of the relevant interest.

Base value to include additional factor for disturbance

10.—(1) For the purpose of assessing levy in Case A in respect of a disposition of an interest in land to an authority possessing compulsory purchase powers, the base value of the relevant interest (ascertained apart from this paragraph) shall be increased by adding to it an amount calculated in accordance with the following provisions of this paragraph.

(2) For the purpose of calculating that amount regard shall be had to the compensation which would have been payable by the acquiring authority in respect of the acquisition of the relevant interest if the following circumstances had existed, that is to say—

- (a) no planning permission for the carrying out of any material development of the relevant land were in force on the relevant date, and
- (b) it were to be assumed that no such planning permission would be granted ;

and the amount referred to in the preceding sub-paragraph is so much of that compensation as would have been attributable to disturbance.

(3) If the disposition referred to in sub-paragraph (1) of this paragraph is a disposition in pursuance of an agreement, and not in pursuance of a notice to treat, the last preceding sub-paragraph shall apply as if it were a disposition in pursuance of a notice to treat served on the date of the agreement.

Additional requirements as to notification in certain cases

11. Where by a disposition made on or after the first appointed day an interest in land is compulsorily acquired by, or is sold to, an authority possessing compulsory purchase powers, other than the Commission, and the compensation or purchase price includes an amount in respect of severance of the land comprised in the acquisition or sale from other land or in respect of other land as being injuriously affected, the acquiring authority shall serve notice on the Commission under this paragraph.

12.—(1) Where by a disposition made on or after the first appointed day an interest in land is compulsorily acquired by, or is sold to, an authority possessing compulsory purchase powers, other

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than the Commission, and, in calculating the compensation or purchase price, a deduction falls to be made on account of betterment of an interest in other land, the acquiring authority shall serve notice on the Commission under this paragraph.

(2) In this paragraph "betterment" means any increase in the value of an interest in other land which—

1961 c. 33.
1963 c. 51.

(a) for the purpose of assessing compensation in respect of a compulsory acquisition, falls to be taken into account by virtue of section 7 of the Land Compensation Act 1961 or of section 14 of the Land Compensation (Scotland) Act 1963 (effect of certain actual or prospective development of adjacent land in same ownership) or by virtue of any such local enactment as is mentioned in subsection (5), or of any such enactment as is mentioned in subsection (7), of section 8 of the said Act of 1961, or by virtue of any such local enactment as is mentioned in subsection (5), or of any such enactment as is mentioned in subsection (7), of section 15 of the said Act of 1963, or

(b) in the case of a sale (not being a compulsory acquisition) is an increase which would have fallen to be so taken into account if the sale had been a compulsory acquisition.

13.—(1) Any notice required to be served under paragraph 11 or paragraph 12 of this Schedule in respect of a disposition shall be served within thirty days after the date of the disposition or such extended period as the Commission may in any particular case allow.

(2) Any requirement imposed by either of those paragraphs shall be in addition to any requirement imposed by or under section 37 of this Act.

14.—(1) Any notice served under paragraph 11 of this Schedule shall specify the land in respect of which an amount is included in the compensation or purchase price as mentioned in that paragraph and the interest in that land in respect of which that amount is so included.

(2) Any notice served under paragraph 12 of this Schedule shall specify the other land referred to in that paragraph and the interest in that land in respect of which a deduction falls to be made as therein mentioned.

(3) A notice under either of those paragraphs shall, if necessary to enable the other land in question to be identified, have annexed to it a map on which that land is delineated.

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SCHEDULE 10

ASSESSMENT OF LEVY ON ACQUISITION BY COMMISSION

1. For the purpose of assessing levy in Case A in respect of a disposition of an interest in land to the Commission (in this Schedule referred to as "the disposition") the provisions of sections 43 to 55 of this Act shall have effect subject to the following provisions of this Schedule.

2. For the purposes of the application of those sections and of the following provisions of this Schedule in relation to any time on or after—

- (a) the date on which an agreement for making the disposition has been made, or
- (b) the date which (whether by virtue of the execution of a general vesting declaration or otherwise) is the date of service of a notice to treat for the acquisition of the relevant interest by the Commission,

but before the disposition is made, it shall be assumed that the disposition will be made on the date on which subsequently it is in fact made.

3. In relation to any such time as is mentioned in paragraph 2 of this Schedule, sections 43 and 44 of this Act shall have effect as if, for the words "has occurred", in subsections (1) and (2)(a) of section 43 and in subsection (1) of section 44, there were substituted the words "is about to occur".

4. Section 45 of this Act shall have effect as if subsection (1)(c) of that section were omitted.

5.—(1) If, in any proceedings relating to the compensation payable by the Commission for the compulsory acquisition of the relevant interest, the Lands Tribunal determines the amount of that compensation, and—

- (a) before that decision of the Tribunal is made a notice of assessment of levy has (whether before, on or after the date of the disposition) been served in respect of the disposition and a counter-notice objecting to it has been served under section 46 of this Act, and the objection has been referred to the Tribunal but that reference has not been finally determined, and
- (b) the principal amount of levy specified in the notice of assessment of levy was calculated on the assumption that the amount of the compensation would be less than the amount determined by the Tribunal,

the increase in the amount of the compensation shall, for the purposes of section 47(2) of this Act, be included among the matters which the Tribunal is required to consider on that reference.

(2) Where the preceding sub-paragraph applies, then, notwithstanding anything in section 47(3) of this Act, the Lands Tribunal may vary the notice of assessment of levy by increasing the principal amount of levy specified in it, in so far as the Tribunal determines that it is appropriate to do so in consequence of the decision of the Tribunal as to the amount of the compensation.

6. If, in any proceedings relating to the compensation payable by the Commission for the compulsory acquisition of the relevant interest, the Lands Tribunal determines the amount of that compensation, and—

- (a) that decision of the Tribunal is made after a notice of assessment of levy has (whether before, on or after the date

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of the disposition) been served in respect of the disposition and has resulted in an operative assessment of levy, and

- (b) the principal amount of levy specified in the notice of assessment of levy was calculated on the assumption that the amount of the compensation would be less than the amount determined by the Tribunal,

section 55 of this Act shall apply as if such a decision of the Tribunal were included among the circumstances to which that section applies.

7. Sections 50 to 53 of this Act shall not have effect in relation to a notice of assessment of levy served in respect of the disposition, whether it is served before, on or after the date of the disposition.

Section 76.

SCHEDULE 11

CREDIT CARRIED FORWARD FROM PREVIOUS CHARGEABLE
ACT OR EVENT

PART I

CASES IN WHICH CREDIT ARISES

Introductory

1. For the purpose of assessing levy in respect of a chargeable act or event (in this Schedule referred to as a "subsequent chargeable act or event") a credit shall be taken to have arisen from a previous chargeable act or event (in this Schedule referred to as "the previous chargeable act or event") in the cases specified in paragraphs 2 to 4 of this Schedule.

Credit carried forward from Case C

2. Such a credit shall be taken to have arisen where the previous chargeable act or event consisted of beginning to carry out a project of material development in respect of which notice was served under section 38, section 66(3)(b) or section 68 of this Act, and, for the purpose of assessing levy in respect of an assessable interest in the land, or part of the land, comprised in the project,—

- (a) paragraph 7 or paragraph 20 of Schedule 5 to this Act had effect, and
- (b) the base value of that interest, ascertained in accordance with that paragraph, together with any amount which was allowable in accordance with Part V of Schedule 4 to this Act, exceeded the market value of that interest.

Credit carried forward from Cases D and E

3. Such a credit as is referred to in paragraph 1 of this Schedule shall be taken to have arisen where the previous chargeable act or event fell within Case D or Case E and notice in respect of it was served under section 40 or section 41 of this Act and, for the purpose of assessing levy in respect of it, the appropriate deduction for the purposes of section 33(2) or section 34(2) of this Act exceeded the amount of the compensation or consideration.

Credit carried forward from acquisition under compulsory powers

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4.—(1) Such a credit as is referred to in paragraph 1 of this Schedule shall be taken to have arisen where the previous chargeable act or event was a disposition whereby an interest in land was compulsorily acquired by, or was sold to, an authority possessing compulsory purchase powers and—

- (a) the circumstances of the disposition were such that a notice in respect of it was required to be served under paragraph 11 or paragraph 12 (or under both of those paragraphs) of Schedule 9 to this Act or, where the acquiring authority was the Commission, would have been required to be so served if the acquiring authority had been a body other than the Commission, and
- (b) the aggregate of the amounts specified in the next following sub-paragraph exceeded the value which, for the purpose of assessing levy in respect of the disposition, constituted the market value of the relevant interest.

(2) The amounts referred to in sub-paragraph (1)(b) of this paragraph are those amounts which, for the purpose of assessing levy in respect of the disposition in question, constituted—

- (a) the base value of the relevant interest ;
- (b) any amount which was allowable in accordance with Part V of Schedule 4 to this Act ; and
- (c) where the disposition was made in the circumstances specified in sub-paragraph (1) of paragraph 2 of Schedule 9 to this Act, the amount ascertained in accordance with sub-paragraph (2) of that paragraph.

Provisions as to interpretation of Schedule

5.—(1) In the following provisions of this Schedule, in their application to a case falling within paragraph 2 of this Schedule, “the credit” means the amount of the excess referred to in sub-paragraph (b) of that paragraph, “the original chargeable interest” means the assessable interest referred to in that paragraph, “the original chargeable unit” means the land in which that interest subsisted, and “the original chargeable owner” means the person who either was the developing owner in relation to the project in question by virtue of that interest (or by virtue of that interest together with one or more other assessable interests) or (if he was not the developing owner) was entitled to that interest immediately before the date on which the carrying out of the project was begun.

(2) In the following provisions of this Schedule, in their application to a case falling within paragraph 3 of this Schedule, “the credit” means the amount of the excess referred to in that paragraph, “the original chargeable interest” means the interest which for the purpose mentioned in that paragraph was the relevant interest, “the original chargeable unit” means the land in which that interest subsisted and “the original chargeable owner” means the person who immediately before the date which for that purpose was the relevant date was entitled to that interest.

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(3) In the following provisions of this Schedule, in their application to a case falling within paragraph 4 of this Schedule, "the credit" means the amount of the excess referred to in sub-paragraph (1)(b) of that paragraph, "the original chargeable owner" means the person in whom, immediately before the disposition referred to in that paragraph was made, the interest compulsorily acquired or sold was vested, and—

- (a) if, in the circumstances in which that disposition was made, a notice was required to be served under one (but not both) of paragraphs 11 and 12 of Schedule 9 to this Act (or if the acquiring authority was the Commission, would have been required to be so served if the acquiring authority had been a body other than the Commission), "the land previously affected" means the other land in respect of which a notice was, or would have been, required to be so served, and "the interest previously affected" means the interest in that land which the original chargeable owner had immediately before the disposition ; and
- (b) if, in those circumstances, a notice was required to be served both under paragraph 11 and paragraph 12 of that Schedule (or, if the acquiring authority was the Commission, would have been required to be so served if the acquiring authority had been a body other than the Commission) "the land previously affected" means the aggregate of all the land in respect of which notices were or would have been required to be so served, and "the interest previously affected" means the interest in all that land which the original chargeable owner had immediately before the disposition.

6. For the purposes of the application of the following provisions of this Schedule to a case falling within paragraph 2 or paragraph 3 of this Schedule, a subsequent chargeable act or event shall be taken to be a subsequent chargeable act or event affecting the original chargeable interest if—

- (a) the land, or part of the land, which, for the purpose of assessing levy in respect of it, constitutes the relevant land is or forms part of the original chargeable unit ;
- (b) the interest which for that purpose constitutes the relevant interest (or, in Case B, the interest of the grantor) is, or in so far as it subsists in the original chargeable unit or part of that unit is, the original chargeable interest ; and
- (c) the person who for that purpose is the chargeable owner (as defined by paragraph 2(1) of Schedule 5 to this Act) is either the original chargeable owner or a successor in title of the original chargeable owner, not being a successor such that he, or a previous successor in title of the original chargeable owner, derived title under a disposition for valuable consideration.

7. For the purposes of the application of the following provisions of this Schedule to a case falling within paragraph 4 of this Schedule,

a subsequent chargeable act or event shall be taken to be a subsequent chargeable act or event affecting the interest previously affected if—

- (a) the land, or part of the land, which for the purpose of assessing levy in respect of it constitutes the relevant land is or forms part of the land previously affected ;
- (b) the interest which for that purpose constitutes the relevant interest (or, in Case B, the interest of the grantor) is, or in so far as it subsists in the land previously affected or part of that land is, the interest previously affected ; and
- (c) the person who for that purpose is the chargeable owner (as defined by paragraph 2(1) of Schedule 5 to this Act) is either the original chargeable owner or a successor in title of the original chargeable owner, not being a successor such that he, or a previous successor in title of the chargeable owner, derived title under a disposition for valuable consideration.

PART II

PROVISIONS FOR CARRYING CREDIT FORWARD

8.—(1) The provisions of this paragraph shall have effect in relation to the first subsequent chargeable act or event affecting the original chargeable interest (or, as the case may be, the first subsequent chargeable act or event affecting the interest previously affected) which fulfils the following conditions, that is to say—

- (a) that it is a chargeable act or event falling within Case A or Case C, and
- (b) that, for the purpose of assessing levy in respect of it, the relevant interest has net development value (ascertained apart from this Part of this Schedule).

(2) If the amount of that net development value (so ascertained) is greater than the credit, then—

- (a) for the purpose of assessing levy in respect of that act or event, the net development value of the relevant interest shall be reduced by the credit, and
- (b) the credit shall thereupon be taken to be extinguished.

(3) If the amount of that net development value is equal to the credit, then—

- (a) for the purpose of assessing levy in respect of that act or event, the relevant interest shall be treated as having no net development value, and
- (b) the credit shall thereupon be taken to be extinguished.

(4) If the amount of that net development value is less than the credit, then—

- (a) for the purpose of assessing levy in respect of that act or event, the relevant interest shall be treated as having no net development value, and

- SCH. 11 (b) the credit shall thereupon be reduced by the amount of the net development value ascertained apart from this Part of this Schedule.

9.—(1) The provisions of this paragraph shall have effect in relation to the first subsequent chargeable act or event affecting the original chargeable interest (or, as the case may be, the first subsequent chargeable act or event affecting the interest previously affected) which fulfils the following conditions, that is to say—

- (a) that it consists of a disposition granting a tenancy, and
- (b) that, for the purpose of assessing levy in respect of it, there is net development value realised by the disposition (ascertained apart from this Part of this Schedule).

(2) If the amount of the net development value realised by the disposition (so ascertained) is greater than the credit, then—

- (a) for the purpose of assessing levy in respect of that act or event, the net development value realised by the disposition shall be reduced by the credit, and
- (b) the credit shall thereupon be taken to be extinguished.

(3) If the amount of that net development value is equal to the credit, then—

- (a) for the purpose of assessing levy in respect of that act or event, no net development value shall be taken to be realised by the disposition, and
- (b) the credit shall thereupon be taken to be extinguished.

(4) If the amount of that net development value is less than the credit, then—

- (a) for the purpose of assessing levy in respect of that act or event, no net development value shall be taken to be realised by the disposition, and
- (b) the credit shall thereupon be reduced by the amount of the net development value realised by the disposition, ascertained apart from this Part of this Schedule.

10.—(1) The provisions of this paragraph shall have effect in relation to the first subsequent chargeable act or event affecting the original chargeable interest (or, as the case may be, the first subsequent chargeable act or event affecting the interest previously affected) which is a chargeable act or event falling within Case D or Case E ; and in the following provisions of this paragraph “the primary amount” means the amount of the compensation or consideration, ascertained in accordance with Part 1V of Schedule 4 to this Act, less the appropriate deduction (if any) referred to in section 33(2) or, as the case may be, section 34(2) of this Act.

(2) If the primary amount is greater than the credit, then—

- (a) for the purpose of assessing levy in respect of that act or event, the primary amount shall be treated as reduced by the credit, and
- (b) the credit shall thereupon be taken to be extinguished.

(3) If the primary amount is equal to the credit, then—

(a) no levy shall be chargeable in respect of that act or event, and

(b) the credit shall thereupon be taken to be extinguished.

(4) If the primary amount is less than the credit, then—

(a) no levy shall be chargeable in respect of that act or event, and

(b) the credit shall thereupon be reduced by an amount equal to the primary amount.

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11. Where the credit is reduced in accordance with any of the preceding provisions of this Part of this Schedule, or in accordance with any corresponding provisions contained in regulations made under section 35 of this Act, then, in the case of each successive subsequent chargeable act or event affecting the original chargeable interest (or, as the case may be, each successive subsequent chargeable act or event affecting the interest previously affected) those provisions of this Part of this Schedule and of the regulations shall apply in relation to the credit as so reduced (or as progressively reduced by virtue of this paragraph, as the case may be) until the whole of the credit has been extinguished.

12. The preceding provisions of this Part of this Schedule shall have effect subject to Part III of this Schedule where that Part is applicable.

PART III

ADJUSTMENT OF BASE VALUE

13. Where in accordance with paragraph 3 of this Schedule a credit is taken to have arisen from a previous chargeable act or event falling within Case D or Case E and (apart from this Part of this Schedule) any of the provisions of Part II of this Schedule would have effect in relation to a subsequent chargeable act or event, then, for the purpose of assessing levy in respect of that subsequent chargeable act or event, either—

(a) the provisions of Part II of this Schedule shall not apply, or

(b) the provisions of the next following paragraph shall apply and the provisions of Part II of this Schedule shall apply subject to those provisions,

whichever results in the lesser amount of levy being chargeable in respect of that act or event.

14.—(1) Where the subsequent chargeable act or event falls within Case A, Case C, Case D or Case E, then (if the provisions of this paragraph are to apply) paragraph 5, paragraph 33 or paragraph 38(4) of Schedule 4 to this Act (as the case may be) shall have effect for the purpose of assessing levy in respect of it as if, for the reference to eleven-tenths of the current use value of the relevant interest, there were substituted a reference to the aggregate of—

(a) the current use value of the relevant interest in so far as it subsists in the original chargeable unit, and

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(b) (if that interest extends to land other than the original chargeable unit) eleven-tenths of the current use value of that interest in so far as it subsists in that other land.

(2) Where the subsequent chargeable act or event falls within Case B and the relevant land does not comprise any land not comprised in the original chargeable unit, then (if the provisions of this paragraph are to apply) paragraph 15 of Schedule 4 to this Act shall have effect for the purpose of assessing levy in respect of it as if, in sub-paragraph (a) of that paragraph, the words "eleven-tenths of" were omitted.

(3) Where the subsequent chargeable act or event falls within Case B and the relevant land comprises land not comprised in the original chargeable unit, then (if the provisions of this paragraph are to apply) the current use value realised by the disposition shall be apportioned as between the original chargeable unit and the remainder of the relevant land in such manner as may be appropriate in the circumstances, and paragraph 15 of Schedule 4 to this Act shall have effect as if, for the reference to eleven-tenths of the current use value realised by the disposition, there were substituted a reference to the aggregate of—

(a) so much of that value as is apportioned to the original chargeable unit, and

(b) eleven-tenths of so much of it as is apportioned to the remainder of the relevant land.

PART IV

CREDIT CARRIED FORWARD FROM CASE F

15. Regulations made for the purposes of this Schedule may provide that, in such circumstances as may be specified in the regulations and subject to such exceptions and modifications as may be so specified, the provisions of Parts I to III of this Schedule shall have effect in relation to a previous chargeable act or event which fell within Case F and consisted of—

(a) such a disposition as is mentioned in subsection (3) of section 35 of this Act, or

(b) the accrual of such a right to compensation as is mentioned in subsection (5) of that section,

as those provisions have effect in relation to a previous chargeable act or event which fell within Case D or Case E.

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SCHEDULE 12

DEATH, BANKRUPTCY, WINDING UP AND FLOATING CHARGES

PART I

GENERAL PROVISIONS

1. In this Schedule "person prospectively liable for levy"—

(a) in relation to a chargeable act or event falling within Case A, Case B or Case E, means the grantor ;

(b) in relation to a chargeable act or event falling within Case C, means a person who is the developing owner in relation

to the relevant project or (if he is not the developing owner in relation to it) is on the relevant date entitled to an assessable interest in the relevant land or in part of that land ;

- (c) in relation to a chargeable act or event falling within Case D, means the person to whom the right to compensation accrues ; and
- (d) in relation to a chargeable act or event falling within Case F, means such person as for the purposes of this paragraph may be prescribed by the regulations made under section 35 of this Act.

2. For the purposes of the application of this Schedule to a chargeable act or event falling within any Case other than Case C, "the levy" means levy chargeable in respect of that act or event and "the chargeable interest" has the meaning assigned to it by paragraph 2(1) of Schedule 5 to this Act.

3. For the purposes of the application of this Schedule to a chargeable act or event falling within Case C, "the levy", in relation to any person prospectively liable for levy in respect of that act or event, means levy chargeable in that Case in respect of any assessable interest by virtue of which he is the developing owner in relation to the relevant project or (if he is not the developing owner in relation to it) means levy chargeable in that Case in respect of any assessable interest in the relevant land, or in part of that land, to which he is entitled on the relevant date, and "the chargeable interest", in relation to the levy, means the assessable interest in respect of which the levy is so chargeable.

4.—(1) In this Schedule "net capital proceeds"—

- (a) in relation to a chargeable act or event consisting of a disposition falling within Case A, Case E or Case F, means the consideration given for the disposition, reduced by the amount of any costs which are incurred by the person making the disposition and are incidental costs to him of making it or of making any contract in pursuance of which it is made ;
- (b) in relation to a chargeable act or event consisting of a disposition falling within Case B, means all premiums or other capital sums which are paid as consideration for the disposition or which in accordance with the terms of the tenancy are payable to the landlord at any time during the tenancy, reduced by the amount of any such costs as are mentioned in the preceding sub-paragraph ; and
- (c) in relation to a chargeable act or event consisting of the accrual of a right to compensation falling within Case D or Case F, means the compensation paid in respect of that right.

(2) For the purposes of the preceding sub-paragraph the incidental costs to a person of making a disposition or contract shall be taken to consist of—

- (a) expenditure wholly or exclusively incurred by him for the purposes of the disposition or contract, being fees, com-

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- mission or remuneration paid for the professional services of any surveyor or valuer, or auctioneer, or accountant, or agent or legal adviser ;
- (b) any stamp duty payable by him on the disposition or contract ;
- (c) any costs of advertising to find a purchaser or tenant ; and
- (d) any costs reasonably incurred by him which, in relation to the chargeable act or event in question, are costs to which paragraph 19 of Schedule 6 to this Act applies.

PART II

DEATH

Death on or after relevant date

5.—(1) Where a chargeable act or event occurs, and a person prospectively liable for levy in respect of it (in this paragraph referred to as “the deceased”) dies on or after the relevant date but before a notice of assessment of levy has been served on him in respect of the chargeable interest, then, subject to the next following sub-paragraph, a notice of assessment of levy in respect of that interest may be served on his personal representatives.

(2) The preceding sub-paragraph shall have effect subject to subsections (3) and (4) of section 44 of this Act ; and, without prejudice to those subsections, a notice of assessment of levy served by virtue of this paragraph shall not have effect if it is served more than three years after the death of the deceased.

(3) For the purposes of this paragraph (and without prejudice to any question arising otherwise than under this Part of this Schedule) a person who has been a personal representative of the deceased shall not be taken at any time after the death of the deceased to have ceased to be such a personal representative by reason only that, apart from the levy, the administration of the estate of the deceased has been completed before that time.

6. Where a person prospectively liable for levy in respect of a chargeable act or event dies after a notice of assessment of levy has been served on him in respect of the chargeable interest, but before that notice has resulted in an operative assessment of levy, anything which, in accordance with Part III of this Act, would if he had not died have fallen to be done by or in relation to him in connection with the levy may be done or (if it has been begun) may be continued by or in relation to his personal representatives.

7.—(1) Where a person prospectively liable for levy in respect of a chargeable act or event dies on or after the relevant date, and a notice of assessment of levy served in respect of the chargeable interest has resulted in an operative assessment of levy, any sum recoverable by the Commission in respect of the levy shall (subject to the next following sub-paragraph) be treated for all purposes as if it had been a debt due from him to the Commission which accrued immediately before his death.

(2) Nothing in the preceding sub-paragraph shall operate so as to enable any sum to be recovered by the Commission before

the date on which it accrues due in accordance with section 50 of this Act, or so as to require interest on any sum to be calculated otherwise than in accordance with section 51 of this Act.

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8.—(1) The provisions of this paragraph shall have effect for the purposes of the application of the preceding provisions of this Part of this Schedule to a chargeable act or event consisting of a disposition on the acquisition of an interest in land (whether compulsorily or by agreement) by the Commission.

(2) In relation to any time on or after—

- (a) the date on which an agreement for making the disposition is made, or
- (b) the date which (whether by virtue of the execution of a general vesting declaration or otherwise) is the date of service of a notice to treat for the acquisition of that interest by the Commission,

but before the disposition is made, it shall, for the purposes of any of the preceding provisions of this Part of this Schedule and for the purposes of Part I of this Schedule as it has effect for the purposes of any of those provisions, be assumed that the disposition will be made on the date on which subsequently it is in fact made.

(3) In relation to any such time, paragraph 5(1) of this Schedule shall have effect as if, for the word “occurs”, there were substituted the words “is about to occur”.

Chargeable act or event occurring during administration of estate of deceased person

9.—(1) The provisions of this paragraph shall have effect where the personal representatives of a deceased person (in this paragraph referred to as “the deceased”) are persons prospectively liable for levy in respect of a chargeable act or event—

- (a) by reason of anything done by them in their capacity as his personal representatives, or
- (b) by reason of any right accruing to them in that capacity, or
- (c) in Case C, by reason of an interest in land, or the benefit of a contract, which has become vested in them in that capacity.

(2) If in the circumstances specified in the preceding sub-paragraph a notice of assessment of levy served in respect of the levy has resulted in an operative assessment of levy,—

- (a) any sum recoverable by the Commission in respect of the levy shall (subject to the next following sub-paragraph) be treated for all purposes, except for the purposes of estate duty, as if it had been a debt due from the deceased to the Commission which accrued immediately before his death, and
- (b) any such sum shall not be recoverable by the Commission from the personal representatives otherwise than as being such a debt due to the Commission from the deceased.

(3) Nothing in the last preceding sub-paragraph shall operate so as to enable any sum to be recovered by the Commission before the date on which it accrues due in accordance with section 50 of

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this Act, or so as to require interest on any sum to be calculated otherwise than in accordance with section 51 of this Act.

1925 c. 19.

(4) Section 27 of the Trustee Act 1925 (protection by means of advertisements) shall not have effect in relation to any claim of the Commission in respect of any sum which, in the circumstances specified in sub-paragraph (1) of this paragraph, is recoverable by them in respect of the levy.

10.—(1) If apart from this paragraph the Probate Judge would be a person prospectively liable for levy by reason that an interest in land, or the benefit of a contract, to which a person was entitled immediately before his death has become vested in the Probate Judge by operation of law, section 36 of this Act shall not have effect in relation to the Probate Judge in respect of the levy; and, if letters of administration of that person's estate are granted,—

(a) his personal representatives shall be treated as persons prospectively liable for levy in respect of the chargeable interest and the provisions of this Act relating to notices of assessment of levy shall apply accordingly, and

(b) sub-paragraphs (2) to (4) of the last preceding paragraph shall apply as they would apply in the circumstances specified in sub-paragraph (1) of that paragraph.

1925 c. 23.

(2) In this paragraph "the Probate Judge" has the same meaning as in the Administration of Estates Act 1925.

11.—(1) Where a person (in this paragraph referred to as "the deceased") who has served a notice under section 38 of this Act in respect of a project of material development dies before the date on which the carrying out of the project is begun, and he would have been the developing owner in relation to that project if he had still been living on that date, then for the purposes of Part III of this Act he shall be deemed to have been the developing owner in relation to that project; and section 32(7) of this Act shall have effect accordingly as if the deceased had been living on that date.

(2) For the purposes of the preceding sub-paragraph it shall be assumed that, if the deceased had still been living on the date on which the carrying out of the project is begun,—

(a) he would on that date still be entitled to any interest in the land comprised in the project, or in part of that land, to which he was entitled at the time when he served notice of intention to carry it out, and

(b) he would on that date still be under any contract relating to that land, or part of it, to which he was subject at that time.

PART III

BANKRUPTCY

Receiving order made or sequestration awarded after relevant date

12. Where a person prospectively liable for levy in respect of a chargeable act or event has a receiving order made against him in England or Wales on or after the relevant date and he is adjudged

bankrupt, or where such a person has an award of sequestration made against him in Scotland on or after the relevant date,— SCH. 12

- (a) any sum recoverable by the Commission in respect of the levy shall constitute a debt provable in his bankruptcy, if apart from this paragraph it would not constitute a debt so provable, and
- (b) if the receiving order or the award of sequestration is made not more than twelve months after the relevant date, any sum so recoverable shall be deemed to be included among his debts specified in section 33(1) of the Bankruptcy Act 1914 c. 59. 1914 or section 118(1) of the Bankruptcy (Scotland) Act 1913 c. 20. 1913 (priority of debts).

*Relevant date after receiving order but before
adjudication*

13.—(1) Where, in England or Wales, a person prospectively liable for levy in respect of a chargeable act or event has had a receiving order made against him before the relevant date, and is adjudicated bankrupt on or after that date, any sum recoverable by the Commission in respect of the levy shall (notwithstanding anything in section 30 of the Bankruptcy Act 1914) constitute a debt provable in his bankruptcy.

(2) For the purpose of recovering any such sum the Commission shall, in priority to all other debts provable in the bankruptcy, have a first charge on so much of the net capital proceeds (if any) of the chargeable act or event in question as is received by the official receiver or the trustee in bankruptcy as money divisible among the unsecured creditors of the bankrupt.

Chargeable act or event occurring after adjudication or sequestration

14.—(1) The provisions of this paragraph shall have effect where the trustee in bankruptcy of a bankrupt is a person prospectively liable for levy in respect of a chargeable act or event—

- (a) by reason of anything done by him in his capacity as trustee in bankruptcy of the bankrupt, or
- (b) by reason of any right accruing to him in that capacity, or
- (c) in Case C, by reason of an interest in land, or the benefit of a contract, which has become vested in him in that capacity.

(2) If in the circumstances specified in the preceding sub-paragraph a notice of assessment of levy served in respect of the levy has resulted in an operative assessment of levy,—

- (a) any sum recoverable by the Commission in respect of the levy shall (notwithstanding anything in section 30 of the Bankruptcy Act 1914) constitute a debt provable in the bankruptcy, and
- (b) any such sum shall not be recoverable from the trustee in bankruptcy otherwise than as being such a debt due to the Commission from the bankrupt.

(3) For the purpose of recovering any such sum the Commission shall, in priority to all other debts provable in the bankruptcy, have

SCH. 12

a first charge on so much of the net capital proceeds (if any) of the chargeable act or event in question as is received by the trustee in bankruptcy as money divisible among the unsecured creditors of the bankrupt.

Composition or scheme or deed of arrangement

15.—(1) The provisions of paragraph 14 of this Schedule shall have effect in relation to a trustee appointed under or in pursuance of a composition or scheme or deed of arrangement as they have effect in relation to a trustee in bankruptcy.

(2) Without prejudice to the preceding sub-paragraph, where—

- (a) a trustee appointed under or in pursuance of a composition or scheme or deed of arrangement is a person prospectively liable for levy in respect of a chargeable act or event, and
- (b) the composition or scheme is annulled, and the debtor again adjudged bankrupt, under section 21(3) of the Bankruptcy Act 1914, or the composition or deed of arrangement is superseded by an award of sequestration,

1914 c. 59.

sub-paragraphs (2) and (3) of paragraph 14 of this Schedule shall have effect in relation to any sum recoverable by the Commission in respect of the levy as if in that paragraph any reference to the trustee in bankruptcy included a reference to the trustee under the composition, scheme or deed.

Power for official receiver or trustee in bankruptcy to act in relation to levy

16. Where a notice of assessment of levy is served on a person prospectively liable for levy, and a receiving order or award of sequestration—

- (a) has been made against him before the service of that notice, or
- (b) is made against him after the service of that notice but before it has resulted in an operative assessment of levy,

anything which, in accordance with Part III of this Act, would fall to be done by or in relation to him in connection with the levy may be done or (if it has been begun) may be continued by or in relation to the official receiver or (if he has been adjudged bankrupt or sequestrated) his trustee in bankruptcy.

PART IV

WINDING UP AND FLOATING CHARGES

General provisions as to winding up

17.—(1) Where a company is a person prospectively liable for levy in respect of a chargeable act or event, and the company is wound up, whether compulsorily or otherwise, any sum recoverable by the Commission in respect of the levy shall constitute a debt provable in the winding up, if apart from this paragraph it would not constitute a debt so provable.

1948 c. 38.

(2) If the date which is the relevant date for the purposes of section 319 of the Companies Act 1948 (preferential payments) is after, but not more than twelve months after, the date which is the

relevant date for the purpose of assessing the levy, any sum so recoverable shall be deemed to be included among the debts of the company specified in subsection (1) of that section.

(3) If the date first mentioned in sub-paragraph (2) of this paragraph is not after the relevant date, then for the purpose of recovering any sum recoverable by the Commission in respect of the levy the Commission shall, in priority to all other debts provable in the winding up, have a first charge on so much of the net capital proceeds (if any) of the chargeable act or event in question as is received by the company, by an official receiver or by a liquidator as money divisible among the unsecured creditors of the company.

Provisions where property vested in liquidator

18.—(1) The provisions of this paragraph shall have effect where, in pursuance of an order made under section 244 of the Companies Act 1948 (vesting of property of company in liquidator), all or any part of the property of a company has vested in the liquidator of the company, and the liquidator is a person prospectively liable for levy in respect of a chargeable act or event—

- (a) by reason of anything done by him in his capacity as liquidator of the company, or
- (b) by reason of any right accruing to him in that capacity, or
- (c) in Case C, by reason of an interest in land, or the benefit of a contract, which has become vested in him in that capacity.

(2) If in the circumstances specified in the preceding sub-paragraph a notice of assessment of levy served in respect of the levy has resulted in an operative assessment of levy,—

- (a) any sum recoverable by the Commission in respect of the levy shall constitute a debt provable in the winding up of the company, if apart from this paragraph it would not constitute a debt so provable, and
- (b) any such sum shall not be recoverable from the liquidator otherwise than as being such a debt due to the Commission from the company.

(3) For the purpose of recovering any such sum the Commission shall, in priority to all other debts provable in the winding up, have a first charge on so much of the net capital proceeds (if any) of the chargeable act or event in question as is received by the liquidator as money divisible among the unsecured creditors of the company.

Property of company subject to debentures secured by floating charge

19. Where a company registered in England is a person prospectively liable for levy in respect of a chargeable act or event, and a receiver is appointed on behalf of the holders of any debentures of the company secured by a floating charge, or possession is taken by or on behalf of those debenture holders of any property comprised in or subject to the charge, then if—

- (a) the date of the appointment of the receiver, or of possession being so taken, is after, but not more than twelve months

SCH. 12 after, the date which is the relevant date for the purpose of assessing the levy, and

(b) at the first-mentioned date the company is not in course of being wound up,

1948 c. 38. section 94 of the Companies Act 1948 (payment of certain debts out of assets subject to floating charge in priority to claims under the charge) shall have effect in relation to any sum recoverable by the Commission in respect of the levy as if that sum were included among the debts specified in section 319(1) of that Act.

Interpretation

20. In this Part of this Schedule “company” and “debenture” have the same meanings as in the Companies Act 1948.

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SCHEDULE 13

SPECIAL PROVISIONS AS TO LEVY IN CERTAIN CASES

PART I

GROUPS OF COMPANIES

Introductory

1. For the purposes of this Part of this Schedule—

(a) “company” means a body which, being a company within the meaning of the Companies Act 1948 or the corresponding enactment in force in Northern Ireland, a company which is constituted under any Act, Royal Charter or Letters Patent or is formed under the law of a country or territory outside the United Kingdom or a registered industrial and provident society, is resident in the United Kingdom ;

(b) a principal company and all its subsidiaries form a group, and, where a principal company is a member of a group as being itself a subsidiary, that group shall comprise all its subsidiaries ;

1938 c. 46.

(c) “subsidiary” has the meaning which in section 42 of the Finance Act 1938 it is expressed to have for the purposes of that section, except that in the application of that section any share capital of a registered industrial and provident society shall be treated as within the definition of ordinary share capital, and “principal company” means a company of which another company is a subsidiary ; and

1965 c. 12.

(d) “registered industrial and provident society” means a society registered under the Industrial and Provident Societies Act 1965 or under the enactments repealed by that Act or registered under any corresponding enactment in force in Northern Ireland.

Dispositions within the group

2.—(1) Notwithstanding anything in Part III of this Act, a disposition made by a member of a group of companies to another member of the group, if apart from this paragraph it would constitute a chargeable act or event, shall be treated as not being a chargeable act or event for the purposes of that Part of this Act.

(2) Any provisions of sections 37, 41 and 42 of this Act which would be applicable apart from this paragraph shall not have effect in relation to any such disposition.

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Liability for levy

3.—(1) The provisions of this paragraph shall have effect in relation to any chargeable act or event not falling within the last preceding paragraph, where—

- (a) a notice of assessment of levy has resulted in an operative assessment of levy, and the person who, apart from this paragraph, is liable to pay the levy is a member of a group of companies, and
- (b) at the end of the period of six months beginning with the date on which, in accordance with section 50 of this Act, the principal amount of the levy or part of it falls due the amount so falling due or part of it remains unpaid.

(2) Subject to sub-paragraph (4) of this paragraph, the sum remaining unpaid as mentioned in sub-paragraph (1)(b) of this paragraph shall be recoverable by the Commission—

- (a) from the company which at the relevant date was the principal company of the group, or
- (b) from any other company which in any part of the period of two years ending with the relevant date was a member of the group and was then entitled to the chargeable interest.

(3) Subject to the next following sub-paragraph, section 53 of this Act shall have effect in relation to any amount recoverable by virtue of this paragraph.

(4) No action shall, after the end of the period of two years beginning with the date specified in sub-paragraph (1)(b) of this paragraph, be brought for the recovery of any sum which is recoverable by virtue of this paragraph.

(5) This paragraph shall have effect without prejudice to the recovery of any sum by the Commission otherwise than by virtue of this paragraph.

(6) In this paragraph, in relation to a chargeable act or event, "the chargeable interest" has the meaning assigned to it by paragraph 2(1) of Schedule 5 to this Act.

4. A company from whom any sum is recovered by the Commission by virtue of paragraph 3 of this Schedule shall be entitled to recover the amount of that sum—

- (a) from the company which is liable to pay the levy apart from that paragraph, or
- (b) if that company is not the company which was the principal company of the group at the relevant date, from that principal company.

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PART II

CONNECTED PERSONS

5.—(1) For the purposes of this Part of this Schedule any question whether a person is connected with another shall be determined in accordance with the following provisions of this paragraph (any provision that one person is connected with another being taken to mean that they are connected with one another).

(2) A person is connected with an individual if that person is the individual's husband or wife, or is a relative, or the husband or wife of a relative, of the individual or of the individual's husband or wife.

(3) A person, in his capacity as trustee of a settlement, is connected with any individual who in relation to the settlement is a settlor, and with any person who is connected with such an individual.

(4) Except in relation to acquisitions or disposals of partnership assets pursuant to bona fide commercial arrangements, a person is connected with any person with whom he is in partnership, and with the husband or wife or a relative of any individual with whom he is in partnership.

(5) A company is connected with another company—

(a) if the same person has control of both, or a person has control of one and persons connected with him, or he and persons connected with him, have control of the other, or

(b) if a group of two or more persons has control of each company, and the groups either consist of the same persons or could be regarded as consisting of the same persons by treating (in one or more cases) a member of either group as replaced by a person with whom he is connected.

(6) A company is connected with another person if—

(a) that person has control of it, or

(b) persons connected with him have control of it, or

(c) that person and persons connected with him together have control of it.

(7) Any two or more persons acting together to secure or exercise control of a company shall be treated in relation to that company as connected with one another and with any person acting on the directions of any of them to secure or exercise control of the company.

(8) In this Part of this Schedule—

(a) "relative" means brother, sister, ancestor or lineal descendant;

(b) "settlement" and "settlor" have the meanings assigned to them by Chapter III of Part XVIII of the Income Tax Act 1952;

(c) "company" includes any body corporate or unincorporated association but does not include a partnership, and any reference to control, in relation to a company, shall be construed in accordance with paragraph 3 of Schedule 18 to the Finance Act 1965.

1952 c. 10.

1965 c. 25.

6.—(1) The provisions of this paragraph shall have effect in relation to any chargeable act or event falling within any Case other than Case C (in this paragraph referred to as “the chargeable act or event”) where—

- (a) a notice of assessment of levy has resulted in an operative assessment of levy, and the person who, apart from this paragraph, is liable to pay the levy is a company resident in the United Kingdom (in this paragraph referred to as “the company”), and
- (b) at the end of the period of six months beginning with the date on which, in accordance with section 50 of this Act, the principal amount of the levy or part of it falls due the amount so falling due or part of it remains unpaid.

(2) For the purposes of this paragraph a person is a contributory if, at any time on or after the relevant date (whether before or after the date specified in sub-paragraph (1)(b) of this paragraph) when he is a person connected with the company, he receives or becomes entitled to receive in respect of shares in the company any capital distribution from the company, other than a capital distribution representing a reduction of capital, and—

- (a) where the chargeable act or event consists of a disposition made by the company and falling within any of Cases A, B, E and F, the capital so distributed derives from the consideration given for that disposition, or
- (b) where the chargeable act or event consists of the accrual of a right to compensation falling within Case D or Case F, the capital distribution derives from the compensation received by the company in pursuance of that right.

(3) Subject to the next following sub-paragraph, the sum remaining unpaid as mentioned in sub-paragraph (1)(b) of this paragraph—

- (a) if there is only one contributory, shall be recoverable by the Commission from him, and
- (b) if there are two or more contributories, shall be recoverable by the Commission from all or any of them, as being persons jointly and severally liable to pay that sum to the Commission.

(4) The amount recoverable by virtue of this paragraph from any one person who is a contributory by virtue of a capital distribution made in the circumstances mentioned in sub-paragraph (2) of this paragraph—

- (a) shall not exceed the amount or value of the capital distribution which he has received or has become entitled to receive, and
- (b) shall not exceed a proportion of the sum referred to in the last preceding sub-paragraph which is greater than the proportion which his share of the total capital distribution made by the company in those circumstances bears to the whole of that distribution.

(5) Section 53 of this Act shall have effect in relation to any amount recoverable by virtue of this paragraph.

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(6) This paragraph shall have effect without prejudice to the recovery of any sum by the Commission otherwise than by virtue of this paragraph.

(7) In this paragraph "capital distribution" means any distribution from a company (including a distribution in the course of dissolving or winding up the company) in money or money's worth except a distribution which in the hands of the recipient constitutes income for the purposes of income tax.

7. A person from whom any amount is recovered by the Commission by virtue of the last preceding paragraph, as being a contributory in relation to a company, shall be entitled to recover that amount from the company.

8.—(1) Where, for the purpose of assessing levy in respect of a chargeable act or event, paragraph 7 or paragraph 16 of Schedule 5 to this Act would have effect apart from the provisions of this paragraph, and the last relevant disposition (within the meaning of Part I of that Schedule)—

- (a) was a disposition made between connected persons, and
- (b) itself constituted a chargeable act or event in respect of which a notice of assessment of levy was or is served,

the Commission may, if they think fit, give a direction under this paragraph.

(2) Where such a direction is given, then, unless all levy payable in respect of the chargeable act or event consisting of the last relevant disposition has been paid before the date referred to in the next following sub-paragraph, paragraph 7 or (as the case may be) paragraph 16 of Schedule 5 to this Act shall not have effect for the purpose of assessing levy in respect of the subsequent chargeable act or event.

(3) The date referred to in the last preceding sub-paragraph is the latest date on which, in connection with the subsequent chargeable act or event, a counter-notice could be served, in accordance with section 46(2) of this Act, objecting to a notice of assessment of levy served in respect of the relevant interest.

9.—(1) Where, on an application under section 60 of this Act, the Commission give a direction under that section with respect to a project of material development, and—

- (a) the disposition referred to in the application was made between connected persons, and
- (b) that disposition itself constituted a chargeable act or event in respect of which a notice of assessment of levy was or is served, and
- (c) on the date on which the carrying out of the project is begun, the whole or part of the levy payable in respect of that chargeable act or event remains unpaid,

the Commission may, if they think fit, revoke the direction given under section 60 of this Act.

(2) Where the Commission revoke such a direction in pursuance of the preceding sub-paragraph, levy shall be chargeable as if that direction had not been given.

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(3) Where such a direction is revoked under this paragraph, and for the purpose of assessing levy in Case C in respect of any interest in the land, or in part of the land, comprised in the project paragraph 7 or paragraph 16 of Schedule 5 to this Act would have effect apart from the provisions of this paragraph (the disposition referred to in the application under section 60 of this Act being the last relevant disposition within the meaning of Part I of that Schedule) the Commission may give a direction under this sub-paragraph.

(4) Sub-paragraphs (2) and (3) of the last preceding paragraph shall have effect where a direction is given under sub-paragraph (3) of this paragraph as they have effect where a direction is given under that paragraph.

PART III

BENEFICIARY ABSOLUTELY ENTITLED

10. The provisions of this Part of this Schedule shall have effect where—

- (a) a notice of assessment of levy has resulted in an operative assessment of levy, and the person who, apart from this Part of this Schedule, is liable to pay the levy is so liable by reason that an interest in land is vested in him as trustee for another person (in this Part of this Schedule referred to as "the beneficiary") who, as against him, is absolutely entitled to that interest, and
- (b) at the end of the period of six months beginning with the date on which, in accordance with section 50 of this Act, the principal amount of the levy or part of it falls due, the amount so falling due or part of it remains unpaid.

11.—(1) Any sum remaining unpaid as mentioned in paragraph 10(b) of this Schedule shall be recoverable by the Commission from the beneficiary.

(2) Section 53 of this Act shall have effect in relation to any amount recoverable by virtue of this paragraph.

12. The last preceding paragraph shall have effect without prejudice to the recovery of any sum by the Commission apart from that paragraph.

Section 87(1).

SCHEDULE 14

1931 c. 28.

AMENDMENTS OF FINANCE ACT 1931

*Provision of Act**Amendment*

Section 28:—

In subsection (1) ... For the words “ten pounds” there shall be substituted the words “fifty pounds”.

In subsection (3) ... The words from “or which is a mining lease” to the end of the subsection shall be omitted.

After subsection (5) ... Insert the following subsection:—

(6) In Schedule 2 to this Act “local authority”, in relation to England and Wales, has the same meaning as in the Town and Country Planning Act 1962, and, in relation to Scotland, has the same meaning as in the Town and Country Planning (Scotland) Act 1947.

1962 c. 38.

1947 c. 53.

Schedule 2:—

In so much of paragraph 1 as precedes sub-paragraph (a) ... For the words “may at his option either” there shall be substituted the word “shall”.

In paragraph 1(a)(vi) ... For the words “any mortgage debt released, any mortgage debt covenanted to be paid” there shall be substituted the words “any debt released, any debt covenanted to be paid or to which the transaction is made subject”, and for the words “and any land exchanged” there shall be substituted the words “any land exchanged and any other thing representing money or money’s worth comprised in the consideration for the transaction”.

In paragraph 1(a)(vii) ... For the word “or” where it last occurs there shall be substituted the words “and

(viii) of the information given to the transferee or lessee by any local authority in reply to any request made in connection with the transaction whereby that authority was requested to state what entries (if any) relating to the land to which the transaction relates were shown in any register kept by that authority under section 19(4) of the Town and Country Planning Act 1962 or (where the land is in Scotland) under section 12(5) of the Town and Country Planning (Scotland) Act 1947”.

AMENDMENTS OF FINANCE ACT 1931—*continued*

SCH. 14

<i>Provision of Act</i>	<i>Amendment</i>
Paragraph 1(b) and (c), the proviso to para- graph 1, and paragraph 2	To be omitted.

SCHEDULE 15

Section 87(2).

SCHEDULE 2 TO FINANCE ACT 1931, AS AMENDED

1931 c. 28.

REQUIREMENTS IN CONNECTION WITH PRODUCTION OF
INSTRUMENTS OF TRANSFER

Any person required by section 28 of this Act to produce any instrument to the Commissioners shall furnish to the Commissioners with the instrument a document (signed by the transferee or lessee or by some person on his behalf and showing his address) giving particulars—

- (i) of the description of the instrument ;
- (ii) of the date of the instrument ;
- (iii) of the names and addresses of the transferor and transferee or lessor and lessee ;
- (iv) of the situation of the land to which the transaction relates, including any dimensions stated in the instrument, and, if necessary for the identification of the land, a description of the boundaries thereof, or a plan ;
- (v) of the estate or interest transferred, including, where the transaction is the assignment or grant of a lease or the transfer of a fee simple subject to a lease, the term of the lease, the date of the commencement of the term, and the rent reserved ;
- (vi) of the consideration, if any, other than the rent shown under the last paragraph, showing separately any capital payment, any debt released, any debt covenanted to be paid or to which the transaction is made subject, any periodical payment (including any charge) covenanted to be paid, any terms surrendered, any land exchanged and any other thing representing money or money's worth comprised in the consideration for the transaction ;
- (vii) of any minerals, mineral rights, sporting rights, timber or easements reserved, and of any restrictions, covenants, or conditions affecting the value of the estate or interest transferred or granted ; and
- (viii) of the information given to the transferee or lessee by any local authority in reply to any request made in connection with the transaction whereby that authority was requested to state what entries (if any) relating to the land to which the transaction relates were shown in any register kept by

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1962 c. 38.
1947 c. 53.

that authority under section 19(4) of the Town and Country Planning Act 1962 or (where the land is in Scotland) under section 12(5) of the Town and Country Planning (Scotland) Act 1947.

Section 91.

SCHEDULE 16

APPLICATION OF CERTAIN ENACTMENTS RELATING TO CONSECRATED LAND, PLACES OF RELIGIOUS WORSHIP AND BURIAL GROUNDS

PART I

LAND IN ENGLAND AND WALES

1. Subject to the following provisions of this Part of this Schedule, the provisions of section 82 of the Act of 1962 (use and development of consecrated land and burial grounds) and any regulations made under that section shall have effect in relation to land in England or Wales which is acquired by the Commission under this Act as they have effect in relation to land acquired or appropriated as mentioned in subsection (1) of that section.

2. For the purposes of the application of the provisions of section 82 of the Act of 1962 in relation to land acquired by the Commission under this Act, those provisions shall be construed as if, for paragraphs (a) and (b) of subsection (1) and for paragraphs (a) and (b) of subsection (4) of that section, there were substituted the following paragraphs:—

“(a) where for the time being the land is held by the Land Commission, or by a person, other than a Minister, deriving title from the Land Commission, be used in any manner in accordance with planning permission, and

(b) where for the time being the land is held by a Minister deriving title from the Land Commission, be used in any manner by him or on his behalf for any purpose for which he acquired the land”.

3. Section 87(3) of the Act of 1962 (which relates to the interpretation of certain provisions of that Act) shall have effect for the purpose of construing the provisions of section 82 of that Act as applied with modifications by this Part of this Schedule.

PART II

LAND IN SCOTLAND

4. Subject to the following provisions of this Part of this Schedule, the provisions of section 27 of the Scottish Act of 1945 (use and development of churches and burial grounds) and any regulations made under that section shall have effect in relation to land in Scotland which is acquired by the Commission under this Act as they have effect in relation to land acquired or appropriated as mentioned in subsection (1) of that section.

5. For the purposes of the application of the provisions of the said section 27 in relation to land acquired by the Commission

under this Act, those provisions shall be construed as if, for paragraphs (a) and (b) of subsection (1), there were substituted the following paragraphs:—

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- “(a) in the case of land for the time being held by the Land Commission, or by a person, other than a Minister, deriving title from the Land Commission, by the Land Commission or by that person if that use conforms with planning control; or
- (b) in the case of land for the time being held by a Minister deriving title from the Land Commission, by him or on his behalf for any purpose for which he acquired the land”.

SCHEDULE 17

Section 101.

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
21 & 22 Geo. 5. c. 28.	The Finance Act 1931	In section 28(3), the words from “or which is a mining lease” to the end of the subsection. In Schedule 2, in paragraph 1, the words from “or”, where it last occurs in sub-paragraph (a), to the end of the paragraph, and paragraph 2.
9 & 10 Eliz. 2. c. 33.	The Land Compensation Act 1961.	Part IV and Schedule 3.
1963 c. 51 ...	The Land Compensation (Scotland) Act 1963.	Part V and Schedule 3.



Consolidated Fund Act 1967

1967 CHAPTER 2

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on 31st March 1967.

[16th February 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:—

Issue of
£160,868,000
out of the
Consolidated Fund
for the
year ending
31st March 1967.

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 1967 the sum of £160,868,000.

Power for
the Treasury
to borrow.

2.—(1) The Treasury may borrow from any person by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole £160,868,000.

1877 c. 2.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than 31st March 1967, and section 6 of the Treasury Bills Act 1877 (which relates to the renewal of bills) shall not apply with respect to those bills.

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

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

3. This Act may be cited as the Consolidated Fund Act 1967. Short title.



Education Act 1967

1967 CHAPTER 3

An Act to enlarge the powers of the Secretary of State to make contributions, grants and loans in respect of aided schools and special agreement schools and to direct local education authorities to pay the expenses of establishing or enlarging controlled schools; and to provide for loans for capital expenditure incurred for purposes of colleges of education by persons other than local education authorities. [16th February 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:—

Extended powers to make contributions, grants and loans.
1944 c. 31.
1959 c. 60.

1.—(1) In sections 102 and 103 of the Education Act 1944 (which, as amended by section 1(1) of the Education Act 1959, provide for the making by the Secretary of State of contributions equal to or grants not exceeding three-quarters of certain expenses incurred in the maintenance or provision of aided schools and special agreement schools) for the words “three-quarters” there shall be substituted the words “four-fifths”.

(2) Where the Secretary of State—

- (a) has approved proposals submitted to him under section 13(2) of the Education Act 1944 that a school proposed to be established should be maintained by a local education authority as a voluntary school and has directed that the proposed school shall be an aided school or special agreement school; or
- (b) has determined under section 67(4) of that Act that alterations to the school premises of an aided school or of a

special agreement school would amount to the establishment of a new school and has approved proposals with respect to the school submitted to him under the said section 13(2);

he may, out of moneys provided by Parliament, pay to the managers or governors of the school, in respect of any sums expended by them on the provision of a site for the school or of the school buildings, a grant not exceeding four-fifths of those sums; but no such grant shall be payable to the managers or governors of a special agreement school in respect of any sums expended by them in the execution of proposals to which the special agreement for the school relates.

(3) Subsection (3) of section 103 of the Education Act 1944 1944 c. 31. (which makes provision for the exercise of the Secretary of State's discretion in determining the amount of grants under that section) shall, with the necessary modifications, apply to grants under subsection (2) of this section.

(4) For the purposes of section 105 of the Education Act 1944 (which authorises the Secretary of State to make loans to the managers or governors of aided schools and special agreement schools for certain initial expenses involving capital expenditure) any expenses in respect of which the Secretary of State may make a grant under subsection (2) of this section shall be included in the expression "initial expenses", and in determining the managers' or governors' share of any initial expenses the amount of any such grant paid or payable in respect of them shall be taken into account in the same way as grants under section 103 of that Act.

(5) The following provisions, being superseded by this section, shall cease to have effect (subject to subsection (6) of this section), that is to say—

- (a) in section 103 of the Education Act 1944, in subsection (1) the words from "or directs" to "discontinued" and the words "or any school to be established", and in subsection (3) the words from "or of the sites" to the end;
- (b) section 104 of that Act;
- (c) section 1 of the Education (Miscellaneous Provisions) Act 1953 1953 c. 33. and, in section 8 of that Act, paragraph (b) of subsection (1) and the word "and" preceding that paragraph, and subsection (2); and
- (d) section 1 of the Education Act 1959, except subsection (4) 1959 c. 60. of that section.

(6) Nothing in this section shall extend to contributions or grants in respect of expenditure on work which—

- (a) was begun before 4th July 1966; or

- 1944 c. 31.
- (b) was approved by the Secretary of State before that date under section 13(6) of the Education Act 1944 or under any arrangements relating to work to which that section does not apply; or
 - (c) was included in a programme notified to a local education authority as the main building programme approved by the Secretary of State for the twelve months beginning with April 1966 or for any earlier period;

or in respect of expenditure on the provision of the site on which or buildings to which any such work was done or proposed to be done.

Enlargement of controlled schools.

1946 c. 50.
1953 c. 33.

2. In section 1 of the Education Act 1946 (which, as amended by section 3 of the Education (Miscellaneous Provisions) Act 1953, enables the Secretary of State to direct that the expenses of giving effect to proposals for enlarging the premises of a controlled school shall be payable by the local education authority if the enlargement is in the interest of secondary education and is not likely to amount to the establishment of a school of a new character)—

- (a) before the word “secondary”, in both places where it occurs, there shall be inserted the words “primary or”; and
- (b) the words from “and is not likely” to “new character” shall be omitted.

Extension of power to require local education authority to defray expenses of establishing controlled middle school.

1964 c. 82.

3. Where persons other than a local education authority submit proposals to the Secretary of State under section 13 of the Education Act 1944 for the establishment of a new school and its maintenance by the local education authority as a voluntary school, and the proposals make provision as mentioned in section 1(1) of the Education Act 1964 (new schools with special age limits), section 2 of the Education (Miscellaneous Provisions) Act 1953 (power to require local education authority to defray expenses of establishing controlled school) shall apply in relation to the school established in pursuance of the proposals as if in paragraph (b) of that section (which limits the power conferred by it to cases where the new school is required for pupils for whom accommodation in some other voluntary school has ceased to be available) after the words “for whom” there were inserted the words “or for a substantial proportion of whom”.

Loans for capital expenditure for purposes of colleges of education.

4.—(1) The Secretary of State may by regulations make provision for the making by him out of moneys provided by Parliament of loans to persons other than local education authorities for the purpose of helping them to meet capital expenditure incurred or to be incurred by them or on their

behalf in connection with the provision, replacement, extension, improvement, furnishing or equipment of colleges for the training of teachers.

(2) Any loan made to any persons in pursuance of regulations under this section shall be made on such terms and conditions as may be specified in an agreement made between the Secretary of State and those persons with the consent of the Treasury.

(3) Regulations under this section may make the making of loans dependent on the fulfilment of such conditions as may be determined by or in accordance with the regulations, and may also make provision for requiring persons to whom loans have been made in pursuance of the regulations to comply with such requirements as may be so determined.

(4) Regulations 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.

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

6.—(1) This Act may be cited as the Education Act 1967 and this Act and the Education Acts 1944 to 1965 may be cited together as the Education Acts 1944 to 1967. Short title,
citation,
construction
and extent.

(2) This Act shall be construed as one with the Education Acts 1944 to 1965.

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



West Indies Act 1967

1967 CHAPTER 4

An Act to confer on certain West Indian territories a new status of association with the United Kingdom, and to enable that status to be terminated at any time; to make provision for other matters in connection with, or consequential upon, the creation or termination of that status or other constitutional changes which may occur in relation to any of those territories; to make further provision as to grants under the Overseas Aid Act 1966; and for purposes connected with the matters aforesaid. [16th February 1967]

WHEREAS Constitutional Conferences relating to the colonies specified in section 1(2) of this Act were held in London and the Reports of those Conferences were presented to the Parliament of the United Kingdom in April and June 1966:

And whereas the legislature of each colony concerned has approved the proposals contained in those Reports in so far as they relate to that colony:

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) On the appointed day each of the territories to which this section applies shall assume, and (subject to the provisions of this Act) shall thereafter maintain, a status of association with the United Kingdom in accordance with the following provisions of this Act. Status of association with United Kingdom.

(2) The territories to which this section applies are those which, immediately before the appointed day, constitute respectively the Colonies of—

- (a) Antigua ;
- (b) Dominica ;

- (c) Grenada ;
- (d) Saint Christopher, Nevis and Anguilla ;
- (e) Saint Lucia ; and
- (f) Saint Vincent.

(3) A territory to which this section applies shall, on and after the appointed day and so long as its status of association with the United Kingdom has not been terminated, be known as an associated state.

Limitation of responsibility of Her Majesty's Government in the United Kingdom.

2.—(1) Subject to the next following subsection, on and after the appointed day Her Majesty's Government in the United Kingdom shall have no responsibility for the government of any associated state except in respect of—

- (a) any matter which in the opinion of Her Majesty's Government in the United Kingdom is a matter relating to defence (whether of an associated state or of the United Kingdom or of any other territory for whose government Her Majesty's Government in the United Kingdom are wholly or partly responsible) or to external affairs ;
- (b) any matter relating to nationality or citizenship ; and
- (c) any matter relating to the Succession to the Throne or the Royal Style and Titles.

(2) The preceding subsection shall not affect any responsibility of Her Majesty's Government in the United Kingdom in relation to the exercise of—

- (a) any power conferred on Her Majesty by this Act, or
- (b) any other power exercisable by Her Majesty under the law of any associated state.

Enactment of legislation by Parliament of United Kingdom.

3.—(1) Except as provided by subsections (2) to (4) of this section, no Act of the Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to an associated state as part of its law, unless it is expressly declared in that Act that that state has requested and consented to its being enacted.

(2) Where any Act of the Parliament of the United Kingdom contains a provision expressly declaring—

- (a) that that Act, or an enactment contained in it which is specified in that provision, extends to all associated states, or to such one or more associated states as may be so specified, and
- (b) that it is required so to extend in the interests of the responsibilities of Her Majesty's Government in the United Kingdom relating to defence and external affairs,

that Act, or that enactment, as the case may be, shall extend

in accordance with that provision notwithstanding anything in the preceding subsection.

(3) Where any Act of the Parliament of the United Kingdom amends the law relating to nationality or citizenship, and contains a provision expressly declaring that the Act, or (where the Act relates also to other matters) an enactment contained in it which amends the law relating to nationality or citizenship and is specified in that provision, extends to all associated states, or to such one or more associated states as may be so specified, the Act, or that enactment, as the case may be, shall extend in accordance with that provision notwithstanding anything in subsection (1) of this section.

(4) Subsection (1) of this section shall not apply to any Act of the Parliament of the United Kingdom, or to any enactment contained in such an Act, in so far as it relates to the Succession to the Throne or the Royal Style and Titles.

(5) Notwithstanding anything in the Interpretation Act 1889, 1889 c. 63, the expression "colony" in any Act of the Parliament of the United Kingdom passed on or after the appointed day shall not include an associated state.

4.—(1) On and after the appointed day the provisions of Schedule 1 to this Act shall have effect with respect to the legislative powers of an associated state.

Legislative and executive powers of associated states.

(2) The executive authority of the Government of an associated state shall not include any power or duty which the legislature of that state could not lawfully confer or impose on that Government in accordance with Schedule 1 to this Act.

5.—(1) In relation to any territory to which section 1 of this Act applies, Her Majesty may by Order in Council (in this Act referred to as a "Constitution Order") made before the appointed day provide for it a new constitution which (subject to the following provisions of this section) is to come into effect on that day.

Provision of new constitutions for associated states.

(2) The constitution provided by a Constitution Order for a territory to which section 1 of this Act applies may include provision as to the extent to which, and the manner in which, the legislature of the territory may alter—

(a) that constitution, or any part of that constitution specified in that provision, or

(b) any other law of a description so specified, in so far as that law has effect as part of the law of that territory.

(3) The constitution provided by a Constitution Order for any such territory may include provision for separate citizenship

of that territory which is not to have effect until, on or after the termination of the status of association of that territory with the United Kingdom, it is brought into force in such manner as may be specified in the constitution.

(4) Where the constitution of an associated state provided by a Constitution Order has come into effect, Her Majesty may at any time, by Order in Council made at the request and with the consent of that state, alter that constitution or any part of that constitution, or alter any law which alters that constitution or any part of it.

(5) The last preceding subsection shall have effect without prejudice to any power exercisable by the legislature of an associated state as mentioned in subsection (2) of this section.

1962 c. 19.

(6) The powers conferred by this section shall, in relation to any associated state, have effect in substitution for any other power whereby apart from this section (whether by virtue of section 5 of the West Indies Act 1962 or otherwise) Her Majesty could provide a constitution for that state.

(7) In this section references to altering a constitution or any part of a constitution or to altering any other law include references—

- (a) to revoking it, with or without re-enactment thereof or the making of different provision in lieu thereof ;
- (b) to modifying it, whether by omitting or amending any of its provisions or inserting additional provisions in it or otherwise ; and
- (c) to suspending its operation for any period, or terminating any such suspension.

Establishment
of common
courts for
associated
states.

6.—(1) Her Majesty may by Order in Council made before the appointed day provide for the establishment of one or more courts which, on and after that day or such later day as may be specified in, or determined in accordance with, the Order, shall be courts constituted in common for the territories to which section 1 of this Act applies, and may by that Order provide that any such court shall, in relation to any of those territories, have such jurisdiction and powers as may be so specified or determined.

(2) An Order in Council under this section may include provision whereby, in relation to Montserrat or the Virgin Islands, any court established under the Order shall have such jurisdiction and powers, and there shall be imposed or conferred on judges and officers of any such court such duties and powers, as may be specified in, or determined in accordance with, the Order.

(3) An Order in Council under this section may include provision—

- (a) for the establishment in common for the territories to which section 1 of this Act applies of a commission having such duties and powers in relation to any court established under the Order, and to judges and officers of any such court, and in relation to other persons and related matters, as may be specified in, or determined in accordance with, the Order ;
- (b) as to the remuneration, allowances and pension rights of members, officers and servants of the commission and of judges, officers and other persons in relation to whom the commission has any duties or powers ; and
- (c) as to the manner in which the expenses of the commission and of any such court (including the matters referred to in the last preceding paragraph) are to be defrayed.

7.—(1) Without prejudice to the provisions of section 5(4) of this Act, Her Majesty may by Order in Council made at the request and with the consent of any associated state, any provision which appears to Her Majesty to be necessary or expedient for the peace, order or good government of that state. Power of Her Majesty to make laws for associated states.

(2) Where it appears to Her Majesty that in the interests of the responsibilities of Her Majesty's Government in the United Kingdom relating to defence and external affairs a change should be made in the law of an associated state, Her Majesty may by Order in Council expressly stating that fact make, as part of the law of that state, such provision as appears to Her Majesty to be appropriate, including (if by reason of war or other emergency it appears to Her Majesty to be necessary and that fact is expressly stated in the Order) provision derogating from the provisions of the constitution of that state relating to fundamental rights and freedoms.

8.—(1) In respect of any territory to which section 1 of this Act applies, Her Majesty may by Order in Council made before the appointed day make provision for securing to or in respect of persons who— Retirement benefits and compensation for persons in public service.

- (a) hold or have held office or employment in the public service of that territory, and
- (b) are participants in any pension provision applicable to that office or employment,

such benefits by way of modification of or addition to that pension provision, or otherwise by way of compensation out of

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the public funds of that territory, as appear to Her Majesty to be appropriate having regard to any arrangements made in that behalf between Her Majesty's Government in the United Kingdom and the Government of that territory.

(2) For the purposes of this section a person who is or has been a judge of the Supreme Court of the Windward Islands and Leeward Islands shall, in his capacity as such a judge, be taken to hold or have held office in the public service of a territory if, for the purposes of any pension provision having effect in that territory, he is in that capacity taken to be or have been in the service of that territory.

1965 c. 38.

(3) There shall be paid out of moneys provided by Parliament any increase attributable to this section in the sums payable out of moneys so provided under the Overseas Development and Service Act 1965.

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

Power to unite, divide or alter territories of associated states.

9.—(1) Subject to the provisions of this section, Her Majesty may by Order in Council—

- (a) federate or otherwise unite two or more associated states with each other, or federate or otherwise unite one or more associated states with one or more other territories which are not associated states;
- (b) divide an associated state into two or more separate territories;
- (c) transfer part of the territory of an associated state to another territory (whether an associated state or not) or incorporate part of another territory (whether an associated state or not) in an associated state.

(2) No Order in Council shall be made under this section—

- (a) so as to affect an associated state unless it is made at the request and with the consent of that state, or
- (b) so as to affect any territory other than an associated state unless it is a territory in relation to which the Order, in so far as it affects that territory, could be made apart from this Act.

(3) An Order in Council under this section may provide a constitution for any territory resulting (whether by way of federation, union, division or otherwise) from the Order; and the provisions of section 5 of this Act shall have effect, subject

to any necessary modifications, in relation to a constitution provided under this section as they have effect in relation to a constitution provided under that section.

(4) In respect of any territory resulting from an Order in Council under this section, the Order may provide that, subject to any transitional provisions contained in the Order, that territory shall be deemed to be included among the territories to which section 1 of this Act applies, and the provisions of this Act shall have effect accordingly.

10.—(1) The legislature of any associated state may at any time, by a law made in accordance with the provisions of Schedule 2 to this Act, terminate the status of association of that state with the United Kingdom as from such date as may be specified in that law. Provisions for terminating status of association.

(2) Her Majesty may at any time, by Order in Council made in respect of any associated state, terminate the status of association of that state with the United Kingdom as from such date as may be specified in the Order.

(3) Any law made by virtue of subsection (1) of this section, and any Order in Council made under the last preceding subsection, may provide that, on the date specified in that law or that Order, the associated state in question shall cease to form part of Her Majesty's dominions.

11.—(1) Where the legislature of an associated state makes a law terminating the status of association of that state with the United Kingdom by virtue of subsection (1) of section 10 of this Act, or Her Majesty makes an Order in Council in respect of an associated state under subsection (2) of that section, the following provisions of this section shall have effect with respect to that state (in this section referred to as "the former associated state"). Effect of termination.

(2) On and after the date specified in that law or that Order (in this section referred to as "the specified date") Her Majesty's Government in the United Kingdom shall have no responsibility for the government of the former associated state.

(3) No Act of the Parliament of the United Kingdom passed before the specified date shall be deemed to extend to the former associated state as part of its law except in so far as, immediately before that date, it extended to the associated state as part of its law; and no Act of the Parliament of the United Kingdom passed on or after the specified date shall extend, or be deemed to extend, to the former associated state as part of its law.

(4) Section 3(5) of this Act shall continue to have effect in relation to the former associated state as if it had not ceased to be an associated state.

(5) On and after the specified date the provisions of Schedule 1 to this Act shall have effect in relation to the former associated state as if—

- (a) any reference in that Schedule to an associated state were a reference to the former associated state ;
- (b) in paragraph 1 of that Schedule the words “ Subject to the following provisions of this Schedule ” were omitted, and in sub-paragraph (b) of that paragraph, after the words “ United Kingdom ”, there were inserted the words “ including this Act ” ; and
- (c) paragraph 4 of that Schedule were omitted.

Modifications
of British
Nationality
Acts.

12.—(1) In relation to an associated state the British Nationality Acts 1948 to 1965 shall have effect subject to the provisions of Schedule 3 to this Act.

(2) A citizen of the United Kingdom and Colonies may, if on the grounds of his connection with an associated state he so desires, be known as a citizen of the United Kingdom, Associated States and Colonies.

Power to make
changes in law
in certain
events.

13.—(1) The provisions of this section shall have effect where any of the following events occurs, that is to say—

- (a) the constitution of an associated state is altered after the appointed day ;
- (b) an Order in Council under section 9 of this Act comes into operation ;
- (c) the status of association of an associated state with the United Kingdom is terminated ;
- (d) any provision as to separate citizenship contained in the constitution of a territory in accordance with the provisions of section 5(3) of this Act (or in accordance with those provisions as applied by section 9 of this Act) is brought into force ;
- (e) after the status of association with the United Kingdom of a territory to which section 1 of this Act applies has been terminated, that territory ceases to form part of Her Majesty’s dominions.

(2) Where any of those events occurs, 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 that event.

(3) Without prejudice to the generality of the last preceding subsection, any modification of any enactment relating to nationality or citizenship which is made by an Order in Council under this section may consist of or include provision whereby, in such circumstances as may be specified in that Order, citizens of the United Kingdom and Colonies will cease to be such citizens, or if (by virtue of section 15(2) of this Act) the provision is retrospective, shall be deemed to have ceased to be such citizens.

(4) Any reference in this section to the alteration of a constitution shall be construed in accordance with section 5(7) of this Act.

(5) For the purpose of making an Order in Council under this section, any reference in subsection (2) 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.

14. Where any such event as is specified in section 13(1) of this Act occurs in relation to a territory, Her Majesty may make by Order in Council such provision as Her Majesty considers appropriate for securing that all such law (whether being a rule of law or a provision of an Act of Parliament or of any other enactment or instrument whatsoever) as is described in the Order shall, subject to such exceptions, limitations or conditions (if any) as may be specified in the Order, have the same operation in relation to that territory, and persons and things belonging to or connected with that territory, as it would have apart from the Order if the event in question had not occurred. Power to preserve existing law.

15.—(1) An Order in Council under section 13 or section 14 of this Act may be made before, and in anticipation of, the event to which it relates, but shall not be so made as to come into operation before the date of that event. Supplementary provisions as to powers under ss. 13 and 14.

(2) Where an Order in Council under either of those sections is made after the date of the event to which it relates, the Order may be made with retrospective effect as from that date or any later date.

(3) Subject to the next following subsection, any provision made by an Order in Council under section 13 of this Act with

respect to an enactment of the Parliament of the United Kingdom, or with respect to an instrument having effect by virtue of such an enactment, and any provision made by an Order in Council under section 14 of this Act with respect to any law described in the Order, shall, except in so far as the Order otherwise provides, have effect as part of the law of every territory outside the United Kingdom to which the enactment or instrument in question extends, or, as the case may be, of every territory outside the United Kingdom whose law includes that law, as well as having effect as part of the law of the United Kingdom.

(4) Any provision made by an Order in Council as mentioned in the last preceding subsection—

(a) shall not have effect as part of the law of any associated state unless either the Order in Council is made at the request and with the consent of that state or the provision so made is one which (in accordance with Schedule 1 to this Act) the legislature of that state has no power to make at the date on which the Order is made, and

(b) shall not have effect as part of the law of any territory if it is a territory for whose government Her Majesty's Government in the United Kingdom have no responsibility at that date.

Grants for benefit of associated states.
1966 c. 21.

16.—(1) Subsection (4) of section 1 of the Overseas Aid Act 1966 (which relates to grants under that Act to certain Governments) shall have effect as if the Governments specified in that subsection included the Governments of associated states.

(2) There shall be paid out of moneys provided by Parliament any increase attributable to this section in the sums payable out of moneys so provided under that Act.

1962 c. 19.

(3) For the purposes of the making of grants under section 8 of the West Indies Act 1962, a territory to which section 1 of this Act applies shall, on and after the appointed day, be treated as not being a colony within the meaning of that Act.

Supplementary provisions as to Orders in Council.

17.—(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) No recommendation shall be made to Her Majesty to make an Order in Council under section 10(2) of this Act unless a draft of the Order has been laid before Parliament and approved by a resolution of each House of Parliament.

(3) Any Order in Council made under section 13 or section 14 of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Any power to make an Order in Council under section 6 or section 8 of this Act shall include power to revoke or vary the Order by a subsequent Order in Council, whether made before, on or after the appointed day:

Provided that on and after the appointed day the power to revoke or vary—

(a) an Order in Council under section 6 of this Act in so far as it has effect as part of the law of an associated state, or

(b) an Order in Council under section 8 of this Act which for the time being has effect as part of the law of an associated state,

shall not be exercisable except at the request and with the consent of that state.

(5) Any power to make an Order in Council under subsection (1) or subsection (2) of section 7 of this Act shall include power to revoke or vary the Order by a subsequent Order in Council made under the same subsection.

(6) Any power to make an Order in Council conferred by section 13 or section 14 of this Act shall include power to revoke or vary any such Order by a subsequent Order in Council.

18.—(1) For the purposes of this Act a certificate issued by or on behalf of the Secretary of State, certifying that a matter specified in the certificate is one which in the opinion of Her Majesty's Government in the United Kingdom is a matter relating to defence (whether of an associated state or of the United Kingdom or of any other territory for whose government Her Majesty's Government in the United Kingdom are wholly or partly responsible) or to external affairs, shall in any proceedings be conclusive evidence of the fact so certified. Provisions as to evidence.

(2) Any document purporting to be such a certificate, and to be issued for the purposes of this Act, shall in any proceedings be received in evidence and, unless the contrary is proved, be deemed to be such a certificate so issued.

(3) For the purposes of subsection (2) of section 7 of this Act a fact expressly stated in an Order in Council as mentioned in that subsection shall in any proceedings be conclusive evidence of the fact so stated.

(4) For the purposes of this Act a provision contained in an Order in Council whereby it is expressly declared that the Order is made at the request and with the consent of one or more associated states specified in the Order shall in any proceedings be conclusive evidence of the fact so declared.

Interpretation. 19.—(1) In this Act, except in section 6, “the appointed day”, in relation to any territory to which section 1 of this Act applies, means such day as Her Majesty may by Order in Council appoint; and different days may be so appointed in relation to different territories.

(2) In section 6 of this Act “the appointed day” means the day appointed under the preceding subsection, or, if different days are so appointed in relation to different territories, means the earliest of those days.

(3) In this Act “territory” includes any country; any reference to a territory shall be construed as including a reference to its dependencies (if any); and any reference to a Government shall be construed as including a reference to any department or agency of that Government.

(4) In this Act “pension”, in relation to a person, means any contributory or non-contributory pension, of any kind whatsoever, payable to or in respect of him, or a lump sum or gratuity so payable, whether by way of compensation or otherwise, or a return of contributions, with or without interest thereon or any other addition thereto, and any reference to pension rights shall be construed accordingly.

(5) Any reference in this Act to the request and consent of an associated state is a reference to request and consent signified by a resolution of the legislature of that state, or, if that legislature has two Houses (by whatever name called), by a resolution of each House of that legislature.

(6) 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.

Provisions as to Northern Ireland.

20.—(1) In section 13(2) of this Act the reference to any enactment of the Parliament of the United Kingdom shall be construed as including a reference to any enactment of the Parliament of Northern Ireland.

1920 c. 67.

(2) In relation to any Order in Council made under section 13 or section 14 of this Act 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 that section.

Short title.

21. This Act may be cited as the West Indies Act 1967.

SCHEDULES

SCHEDULE 1

Section 4.

LEGISLATIVE POWERS OF ASSOCIATED STATES

1. Subject to the following provisions of this Schedule—

- (a) the Colonial Laws Validity Act 1865 shall not apply to any 1865 c. 63. law made on or after the appointed day by the legislature of an associated state, and
- (b) no law and no provision of any law made on or after the appointed day by any such legislature shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any Act of the Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act,

and accordingly the powers of the legislature of an associated state shall include the power to repeal or amend any such Act, order, rule or regulation in so far as it has effect as part of the law of that state.

2. The legislature of an associated state shall have full power to make laws having extra-territorial operation.

3. Without prejudice to the generality of the preceding provisions of this Schedule—

- (a) sections 735 and 736 of the Merchant Shipping Act 1894 1894 c. 60. shall be construed as if references therein to the legislature of a British possession did not include references to the legislature of any associated state ; and
- (b) section 4 of the Colonial Courts of Admiralty Act 1890 1890 c. 27. (which requires certain laws to be reserved for the signification of Her Majesty's pleasure or to contain a suspending clause) and so much of section 7 of that Act as requires the approval of Her Majesty in Council to any rules of court for regulating the practice and procedure of a Colonial Court of Admiralty shall cease to have effect in each of the associated states.

4.—(1) The following provisions of this paragraph shall have effect notwithstanding anything in the preceding provisions of this Schedule, but without prejudice to the exercise of any power conferred by section 10 of this Act.

(2) The legislature of an associated state shall not have power (whether in pursuance of any provision contained in a Constitution Order in accordance with section 5(2) of this Act or otherwise) to repeal or amend, or make any law repugnant to,—

- (a) this Act ;
- (b) any Act, or enactment contained in an Act, of the Parliament of the United Kingdom in so far as it relates to nationality or citizenship ;

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- (c) any Act, or enactment contained in an Act, of the Parliament of the United Kingdom in so far as it relates to the Succession to the Throne or the Royal Style and Titles ;
- (d) any Act, or enactment contained in an Act, of the Parliament of the United Kingdom which extends to that state in accordance with section 3(2) of this Act ; or
- (e) any Order in Council made by virtue of section 7(2) of this Act in so far as it has effect as part of the law of that state.

(3) Without prejudice to the last preceding sub-paragraph, the legislature of an associated state shall not have power (whether in pursuance of any provision contained in a Constitution Order in accordance with section 5(2) of this Act or otherwise) to make any law whereby—

- (a) the Government of that state would be authorised or required to conduct any external affairs, except in so far as, by arrangements made in accordance with the next following sub-paragraph, that Government may be authorised to conduct any external affairs on behalf of Her Majesty's Government in the United Kingdom, or
- (b) the Government of that state would be authorised or required to restrict or otherwise interfere with the conduct by Her Majesty's Government in the United Kingdom of defence or of external affairs.

(4) The arrangements referred to in sub-paragraph (3)(a) of this paragraph are any arrangements which may be made between Her Majesty's Government in the United Kingdom and the Government of an associated state authorising the latter Government on behalf of the former Government to conduct external affairs in respect of such matters or classes of matters, and subject to any such exceptions, limitations and conditions, as may be specified in the arrangements.

(5) Sub-paragraphs (a) and (b) of paragraph 1 of this Schedule shall not have effect in relation to any law which, in accordance with the preceding provisions of this paragraph, the legislature of an associated state has no power to make.

Section 10.

SCHEDULE 2

PROCEDURE FOR TERMINATING STATUS OF ASSOCIATION

1.—(1) The provisions of this Schedule shall have effect in relation to any associated state (in this Schedule referred to as "the state") with respect to the making by the legislature of the state (in this Schedule referred to as "the legislature") of any such law as is mentioned in section 10(1) of this Act.

(2) In this Schedule "the Bill" means the Bill introduced in the legislature for the making of that law ; any reference to the second reading of the Bill in the legislature, or in a House of the legislature, is a reference to the stage of the Bill in the legislature,

or in that House, as the case may be, which, whether called second reading or by any other name, is (disregarding any minor differences) analogous to the second reading of a Bill in the House of Commons of the Parliament of the United Kingdom ; and any reference to the third reading of the Bill shall be construed in a corresponding way.

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(3) In this Schedule " referendum " means a referendum on which all persons who, at the time when the referendum is held, would be entitled to vote at an election of members of the legislature (or, if the legislature consists of two Houses, would be entitled to vote at an election of members of the lower House), but no other persons, will be entitled to vote.

2. Subject to the following provisions of this Schedule—

- (a) there must be an interval of not less than ninety days between the introduction of the Bill and the beginning of the proceedings in the legislature on second reading of the Bill ;
- (b) on the third reading of the Bill in the legislature, the Bill must be supported by the votes of not less than two-thirds of all the elected members of the legislature ;
- (c) if approved on third reading in the legislature, the Bill must be submitted to a referendum and must not be submitted to the Governor of the state for his assent unless not less than two-thirds of the votes validly cast on that referendum are cast in support of the Bill.

3.—(1) If the legislature consists of two Houses (by whatever name called) the following provisions of this paragraph shall have effect instead of the provisions of paragraph 2 of this Schedule.

(2) There must be an interval of not less than ninety days between the introduction of the Bill in the lower House and the beginning of the proceedings on second reading of the Bill in that House.

(3) On the third reading of the Bill in that House, the Bill must be supported by the votes of not less than two-thirds of all the elected members of that House.

(4) If the Bill is passed by the upper House with amendments, any agreement of the lower House to those amendments must be supported by the votes of not less than two-thirds of all the elected members of the lower House.

(5) If the Bill, having been passed by the lower House, is passed by the upper House in the same Session either without amendment or with amendments which are agreed to by the lower House in accordance with the last preceding sub-paragraph, the Bill must be submitted to a referendum, and must not be submitted to the Governor of the state for his assent unless not less than two-thirds of the votes validly cast on that referendum are cast in support of the Bill.

(6) If in one Session the Bill is passed by the lower House in accordance with sub-paragraphs (2) and (3) of this paragraph, and either it is not passed by the upper House or it is passed by the upper House with amendments which are not agreed to by the

SCH. 2 lower House in accordance with sub-paragraph (4) of this paragraph, and in the next Session the Bill is again passed by the lower House in accordance with sub-paragraphs (2) and (3) of this paragraph, there must be an interval of not less than six months between the passage of the Bill by the lower House in the first of those Sessions and its passage by the lower House in the second of them.

(7) If, in the circumstances specified in the last preceding sub-paragraph, the Bill in the second of the two Sessions is sent to the upper House without amendment, but with suggestions for amending it, those suggested amendments must be supported by the votes of not less than two-thirds of all the elected members of the lower House.

(8) Sub-paragraph (5) of this paragraph shall have effect in relation to the passage of the Bill in the second of those Sessions as it has effect in relation to the passage of the Bill in the Session in which it is first introduced.

(9) If in the second of those Sessions the Bill either is not passed by the upper House, or is passed by the upper House with amendments which are neither amendments suggested by the lower House in accordance with sub-paragraph (7) of this paragraph nor amendments which are agreed to by the lower House in accordance with sub-paragraph (4) of this paragraph, the Bill must be submitted to a referendum, and must not be submitted to the Governor of the state for his assent unless not less than two-thirds of the votes validly cast on that referendum are cast in support of the Bill.

(10) Except in the circumstances specified in the last preceding sub-paragraph, the Bill must not be submitted to a referendum or submitted to the Governor of the state for his assent unless it has been passed by both Houses of the legislature in accordance with the preceding provisions of this paragraph.

4.—(1) The provisions of this paragraph shall have effect where, before the introduction of the Bill, arrangements have been made between the Government of the state and the Government of a territory to which this paragraph applies whereby, immediately after the termination of the status of association of the state with the United Kingdom,—

- (a) the state will enter into a federation or union or some other form of association with that territory (with or without other territories), and
- (b) the Government resulting from that federation, union or other form of association, or the Government of that territory, will be responsible for the defence and external affairs of the state,

and the Bill refers to those arrangements and makes provision for giving effect to them on the part of the state.

(2) This paragraph applies to any territory which—

- (a) lies between the equator and the 20th parallel of north latitude and between longitude 50 degrees west and longitude 90 degrees west, and

(b) at the time when the arrangements in question are made is a territory within the Commonwealth for whose government Her Majesty's Government in the United Kingdom have no responsibility. SCH. 2

(3) In the circumstances specified in sub-paragraph (1) of this paragraph, the Bill may be submitted to the Governor for his assent without a referendum and accordingly paragraph 2(c) or (as the case may be) sub-paragraphs (5) and (9) of paragraph 3 of this Schedule shall not apply.

SCHEDULE 3

Section 12.

MODIFICATIONS OF BRITISH NATIONALITY ACTS

1. In the following provisions of the British Nationality Acts 1948 to 1965, that is to say—

(a) sections 10(2), 22 and 29(3) of the British Nationality Act 1948 c. 56. 1948 (including sections 22 and 29(3) of that Act as applied respectively by sections 3(3) and 5(2) of the British Nationality Act 1965) and paragraph 4(a) of Schedule 2 to the said Act of 1948, and 1965 c. 34.

(b) section 3(1)(c) of the British Nationality Act 1958, 1958 c. 10.
the references to a colony shall not include any associated state.

2.—(1) So much of section 8(1) of the British Nationality Act 1948 as provides for any functions of the Secretary of State to be exercised by the Governor of a colony or substitutes references to the Governor for references to the Secretary of State shall not have effect in relation to any associated state.

(2) In the preceding sub-paragraph the reference to section 8(1) of the British Nationality Act 1948 includes a reference to the said section 8(1) as applied by any of the following provisions, that is to say, section 1(6) of the British Nationality Act 1964, section 1(4) of the British Nationality (No. 2) Act 1964 and section 1(5) of the British Nationality Act 1965. 1964 c. 22. 1964 c. 54.

3. So much of section 3(2) of the British Nationality Act 1958 as substitutes a reference to the Governor for references to the Secretary of State shall not have effect in relation to any associated state.

4.—(1) In relation to any associated state the Secretary of State may direct that (subject to paragraph 5 of this Schedule) such functions to which this paragraph applies as are specified in the direction, instead of being exercisable by him, shall be exercisable by a person specified in the direction or by the person for the time being holding an office so specified.

(2) A direction under this paragraph may be given either so as to have effect generally in relation to the exercise of the functions specified in it or so as to have effect only in relation to the exercise of those functions in respect of one or more matters or classes of matters so specified.

SCH. 3

(3) This paragraph applies to the functions of the Secretary of State under the following provisions of the British Nationality Acts 1948 to 1965 as modified by paragraphs 1 to 3 of this Schedule, that is to say—

- 1948 c. 56. (a) sections 6, 7, 10(1), 20 and 29(3) of the British Nationality Act 1948 (including section 29(3) of that Act as applied by section 5(2) of the British Nationality Act 1965);
- 1965 c. 34. (b) paragraphs 2 and 3 of Schedule 2 to the British Nationality Act 1948;
- 1958 c. 10. (c) section 3 of the British Nationality Act 1958;
- 1964 c. 22. (d) section 1 of the British Nationality Act 1964;
- 1964 c. 54. (e) section 1 of the British Nationality (No. 2) Act 1964; and
(f) sections 1 and 3 of the British Nationality Act 1965.

5. A person by whom any functions are exercisable by virtue of a direction under the last preceding paragraph shall not have power, except with the approval of the Secretary of State, to grant a certificate of naturalisation or to make an order depriving any person of citizenship or of the status of British subject.

6. Section 26 of the British Nationality Act 1948 (including that section as applied by section 5(2) of the British Nationality Act 1965) shall have effect in relation to the exercise by any person of any functions by virtue of a direction under paragraph 4 of this Schedule.

7. Section 29(4) of the British Nationality Act 1948 (including the said section 29(4) as applied by section 5(2) of the British Nationality Act 1965) shall not apply to any rules made in the exercise of a power conferred on any person by virtue of such a direction.



London Government Act 1967

1967 CHAPTER 5

An Act to amend the provisions as to the election and retirement of councillors and aldermen of London borough councils and councillors of the Greater London Council; and for connected purposes.

[16th February 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 ordinary elections and retirements of London London borough councillors due (apart from this Act) to take place in borough elections. 1967 and each third year after 1967 shall each be postponed for one year so as to take place instead in 1968 and each third year after 1968; and accordingly in section 23(2A) of the Local Government Act 1933, as inserted by paragraph 8 of Schedule 4 to the London Government Act 1963, for the reference to 1967 there shall be substituted a reference to 1968. 1933 c. 51. 1963 c. 33.

(2) If at the passing of this Act there is a vacancy in the office of a London borough councillor which, if this Act had not been passed, would by virtue of subsection (3) of section 67 of the said Act of 1933 not have been filled by an election under that section, that vacancy shall be filled under that section as if it had occurred on the date of the passing of this Act.

(3) The ordinary elections and retirements of aldermen of a London borough due (apart from this Act) to take place in 1967, 1970 and each third year after 1970 shall each be postponed for one year so as to take place instead in 1968, 1971 and each third year after 1971.

(4) For the avoidance of doubt, it is hereby declared that for the purpose of determining in accordance with paragraph 2(2) of

1948 c. 65.

Schedule 6 to the Representation of the People Act 1948 the date of the annual meeting of a London borough council in 1967, that year shall be treated as not being a year of election.

Greater
London
Council
elections.

2.—(1) The ordinary day of election of councillors of the Greater London Council—

(a) in 1967 shall be 13th April;

(b) in 1970 and each third year thereafter shall be fixed in accordance with subsections (2) and (6) of section 57 of the Representation of the People Act 1948 in like manner as if the Greater London Council were a county council.

(2) The ordinary day of retirement of councillors of the Greater London Council in 1967 and each third year thereafter shall be the fourth day after the ordinary day of election for such councillors, and the newly elected councillors of the Council shall come into office on the day on which their predecessors retire.

Citation,
construction of
references,
and repeals.
1963 c. 33.

3.—(1) This Act may be cited as the London Government Act 1967.

(2) This Act and the London Government Act 1963 may be cited together as the London Government Acts 1963 and 1967.

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

(4) The following provisions of the London Government Act 1963 are hereby repealed, namely—

(a) in Schedule 2, paragraph 3(2);

(b) in Schedule 3—

(i) in paragraph 15, the words from “and the” onwards;

(ii) paragraphs 17 and 18;

(iii) in paragraph 19, in sub-paragraph (1) and in sub-paragraph (2), the words “sub-paragraph (4) of this paragraph and to”, and sub-paragraphs (4) and (5).



Consolidated Fund (No. 2) Act 1967

1967 CHAPTER 6

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on 31st March 1966, 1967 and 1968. [22nd March 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 sums hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom and apply towards making good the supply granted to Her Majesty for the service of the years ending on 31st March 1966 and 1967, the sum of £111,073,613 18s. 3d. Issue out of the Consolidated Fund for the years ending 31st March 1966 and 1967.

2. The Treasury may issue out of the Consolidated Fund of the United Kingdom and apply towards making good the supply granted to Her Majesty for the service of the year ending on 31st March 1968, the sum of £3,762,786,800. Issue out of the Consolidated Fund for the year ending 31st March 1968.

3.—(1) The Treasury may borrow from any person by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sums, any sum or sums not exceeding in the whole £3,873,860,413 18s. 3d. Power for the Treasury to borrow.

1877 c. 2.

(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.

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

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

Short title.

4. This Act may be cited as the Consolidated Fund (No. 2) Act 1967.



Misrepresentation Act 1967

1967 CHAPTER 7

An Act to amend the law relating to innocent misrepresentations and to amend sections 11 and 35 of the Sale of Goods Act 1893. [22nd March 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. Where a person has entered into a contract after a misrepresentation has been made to him, and—

(a) the misrepresentation has become a term of the contract; or

(b) the contract has been performed;

Removal of certain bars to rescission for innocent misrepresentation.

or both, then, if otherwise he would be entitled to rescind the contract without alleging fraud, he shall be so entitled, subject to the provisions of this Act, notwithstanding the matters mentioned in paragraphs (a) and (b) of this section.

2.—(1) Where a person has entered into a contract after a misrepresentation has been made to him by another party thereto and as a result thereof he has suffered loss, then, if the person making the misrepresentation would be liable to damages in respect thereof had the misrepresentation been made fraudulently, that person shall be so liable notwithstanding that the misrepresentation was not made fraudulently, unless he proves that he had reasonable ground to believe and did believe up to the time the contract was made that the facts represented were true.

Damages for misrepresentation.

(2) Where a person has entered into a contract after a misrepresentation has been made to him otherwise than fraudulently, and he would be entitled, by reason of the misrepresentation, to rescind the contract, then, if it is claimed, in any proceedings arising out of the contract, that the contract ought to be or has been rescinded, the court or arbitrator may declare the contract subsisting and award damages in lieu of rescission, if of opinion

that it would be equitable to do so, having regard to the nature of the misrepresentation and the loss that would be caused by it if the contract were upheld, as well as to the loss that rescission would cause to the other party.

(3) Damages may be awarded against a person under subsection (2) of this section whether or not he is liable to damages under subsection (1) thereof, but where he is so liable any award under the said subsection (2) shall be taken into account in assessing his liability under the said subsection (1).

Avoidance of certain provisions excluding liability for misrepresentation.

3. If any agreement (whether made before or after the commencement of this Act) contains a provision which would exclude or restrict—

(a) any liability to which a party to a contract may be subject by reason of any misrepresentation made by him before the contract was made; or

(b) any remedy available to another party to the contract by reason of such a misrepresentation;

that provision shall be of no effect except to the extent (if any) that, in any proceedings arising out of the contract, the court or arbitrator may allow reliance on it as being fair and reasonable in the circumstances of the case.

Amendments of Sale of Goods Act 1893. 1894 c. 71. (56 & 57 Vict.)

4.—(1) In paragraph (c) of section 11(1) of the Sale of Goods Act 1893 (condition to be treated as warranty where the buyer has accepted the goods or where the property in specific goods has passed) the words “or where the contract is for specific goods, the property in which has passed to the buyer” shall be omitted.

(2) In section 35 of that Act (acceptance) before the words “when the goods have been delivered to him, and he does any act in relation to them which is inconsistent with the ownership of the seller” there shall be inserted the words “(except where section 34 of this Act otherwise provides)”.

Saving for past transactions.

5. Nothing in this Act shall apply in relation to any misrepresentation or contract of sale which is made before the commencement of this Act.

Short title, commencement and extent.

6.—(1) This Act may be cited as the Misrepresentation Act 1967.

(2) This Act shall come into operation at the expiration of the period of one month beginning with the date on which it is passed.

(3) This Act, except section 4(2), does not extend to Scotland.

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



Plant Health Act 1967

1967 CHAPTER 8

An Act to consolidate the Destructive Insects and Pests Acts 1877 to 1927, together with section 11 of the Agriculture (Miscellaneous Provisions) Act 1949.

[22nd March 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) This Act shall have effect for the control in Great Britain of pests and diseases injurious to agricultural or horticultural crops, or to trees or bushes, and in the following provisions of this Act — Objects of Act, and competent authorities under it.

- (a) references to pests are to be taken as references to insects, bacteria, fungi and other vegetable or animal organisms, viruses and all other agents causative of any transmissible disease of agricultural or horticultural crops or of trees or bushes, and also as including references to pests in any stage of existence;
- (b) references to a crop are to be taken as including references to trees and bushes.

(2) The competent authorities for purposes of this Act shall be—

- (a) as regards the protection of forest trees and timber from attack by pests, the Forestry Commissioners ("timber" for this purpose including all forest products); and
- (b) otherwise, for England and Wales the Minister of Agriculture, Fisheries and Food and for Scotland the Secretary of State.

2.—(1) A competent authority may from time to time make such orders as the authority thinks expedient for preventing the introduction of pests into Great Britain. Control of introduction of pests into Great Britain.

(2) Where it appears to the competent authority that the landing in Great Britain of articles of any description (and in particular plants, trees or bushes or any part or produce thereof) is likely to introduce a pest into Great Britain, the orders may prohibit or regulate the landing of those articles, and may direct or authorise their destruction if landed (without prejudice to provisions of the Customs and Excise Act 1952 imposing penalties or liability to forfeiture).

1952 c. 44.

Control of
spread
of pests in
Great
Britain.

3.—(1) A competent authority may from time to time make such orders as the authority thinks expedient for preventing the spread of pests in Great Britain.

(2) The orders may direct or authorise—

(a) the removal or destruction of any crop, or any seed, plant or part thereof, or any substance, which has on it, or is infected with, a pest, or to or by means of which a pest is in the opinion of the competent authority likely to spread ;

(b) the entering on any land for the purpose of any removal or destruction authorised by the orders, or any examination or inquiry so authorised, or for any other purpose of the orders.

(3) The orders may prohibit the selling or exposing or offering for sale, or the keeping, of living specimens of a pest, or the distribution in any manner of such specimens.

(4) An order made by a competent authority under this section may provide for offences against it to be punishable on summary conviction, and—

(a) an order so made for preventing the spread in Great Britain of the Colorado beetle (*Leptinotarsa decemlineata* (Say)) may provide for the punishment being—

(i) for an offence against the order relating to the keeping of living specimens of the beetle (in any stage of existence), or to the distribution in any manner of such specimens, a fine of not more than £100 or imprisonment for not more than three months, or both ;

(ii) for any other offence against the order a fine of not more than £50 ; and

(b) any other order so made may provide for the punishment being a fine of not more than £10 for any offence or £50 when it is committed after a previous conviction of an offence against the order.

(5) Proceedings for an offence against an order under this section may, where the offence is one in connection with the movement, sale, consignment or planting of potatoes, be instituted at any time within twelve months from the day on which the alleged offence was committed.

4.—(1) Orders under this Act may enable inspectors authorised by the Minister of Agriculture, Fisheries and Food or, in Scotland, the Secretary of State— Execution of Act by government departments.

(a) in the case of any specified pest which has been introduced into Great Britain, to take the following action, that is to say—

(i) to remove or destroy, or cause to be removed or destroyed, any crop, or any seed, plant or part thereof, which has on it, or is infected with, the pest, or to or by means of which the pest is likely to spread ; and

(ii) generally to take such steps as he may think expedient in connection with any crop, or any seed, plant or part thereof, for preventing the spread of the pest ;

(b) to enter on any land for the said purposes, or for the purpose of any examination or inquiry authorised by the orders, or for any other purpose of the orders ; and may impose in respect of any certificate given in pursuance of the order after an inspection such fee or other charge as, with the consent of the Treasury, may be prescribed by the Minister or Secretary of State.

(2) The Minister or Secretary of State may pay compensation in respect of any crop, or any seed, plant or part thereof, which is removed or destroyed by or under the instructions of an inspector authorised by him ; and its value shall be taken to be the value which it has at the time of the removal or destruction and, if the Minister or Secretary of State so requires, shall be ascertained by his officers or by arbitration.

(3) The expenses of the Minister and Secretary of State in the execution of this Act, including any compensation under subsection (2) above, shall be paid out of moneys provided by Parliament, but shall not without the consent of the Treasury exceed two thousand pounds in any year.

5.—(1) A competent authority may require a local authority to carry into effect any order under this Act, and may, with the consent of the local authority, require a local authority to pay compensation in respect of any crop, or any seed, plant or part thereof, which is removed or destroyed in pursuance of any such order ; but— Execution of Act by local authorities.

(a) the local authority may withhold compensation in respect of anything removed or destroyed if, in relation thereto, the owner or person having charge thereof has, in their judgment, done anything in contravention

of, or failed to do anything in compliance with, any order under this Act ; and

- (b) the value of anything removed or destroyed shall be taken to be the value which it has at the time of removal or destruction and, if the local authority so require, shall be ascertained by their officers or by arbitration.

(2) Every local authority shall keep, in such manner and form as a competent authority may from time to time by order direct, a record relative to proceedings in pursuance of any order made under this Act by the competent authority ; and the record shall state the date of any removal or destruction in pursuance of the order, and other proper particulars, and shall be admitted in evidence.

1950 c. 36. (3) The authorities who for the time being have, under section 59 of the Diseases of Animals Act 1950, the duty of executing and enforcing that Act as local authority in any area shall be in like manner local authorities for the purposes of this Act.

Publication
of orders.

6.—(1) Orders under this Act shall be made by statutory instrument and shall be laid before Parliament after being made.

(2) When an order under this Act has been made, notice of it shall be published, if it relates to England or Wales, in the London Gazette and, if it relates to Scotland, in the Edinburgh Gazette.

(3) If, having made an order under this Act, a competent authority sends the order to a local authority for publication, the local authority shall publish it in such manner as the competent authority directs and, subject to or in the absence of any such direction, in such manner as the local authority think sufficient and proper to ensure publicity.

Repeal.

7. The enactments specified in the second column of the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Transitional
provisions.

8.—(1) In so far as any order made or other thing done under an enactment repealed by this Act could have been made or done under a corresponding provision of this Act, it shall not be invalidated by the repeal but, without prejudice to the operation of section 38 of the Interpretation Act 1889, it shall have effect, and this Act shall apply in relation to it, as if it had been made or done under that corresponding provision.

1889 c. 63.

(2) A power under this Act to pay compensation in respect of things removed or destroyed shall be exercisable in relation

to any removal or destruction carried out before the commencement of this Act under powers conferred by orders under the Destructive Insects and Pests Acts 1877 to 1927; and—

(a) nothing in this Act shall be construed as taking away any entitlement to compensation;

(b) the references in section 4(3) above to this Act and to section 4(2) of it shall be construed as including respectively references to the said Acts of 1877 to 1927 and the provision in those Acts corresponding to the said section 4(2).

(3) Any power under any enactment to amend or repeal an enactment repealed by this Act includes power to amend or repeal the corresponding provision of this Act.

9.—(1) This Act may be cited as the Plant Health Act 1967. **Short title and extent.**

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

Section 7.

SCHEDULE
ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
40 & 41 Vict. c. 68.	The Destructive Insects Act 1877.	The whole Act.
52 & 53 Vict. c. 30.	The Board of Agriculture Act 1889.	In section 2(1), paragraph (a). In section 9(1), the words "the Privy Council or", the word "other" and the words "Privy Council or". Schedule 1, Part I.
7 Edw. 7 c. 4.	The Destructive Insects and Pests Act 1907.	The whole Act.
1 & 2 Geo. 5 c. 49.	The Small Landholders (Scotland) Act 1911.	In Schedule 1, the reference to the Destructive Insects and Pests Acts 1877 and 1907.
9 & 10 Geo. 5 c. 58.	The Forestry Act 1919.	Section 3(2), so far as it transfers the power of making orders under the Destructive Insects and Pests Acts 1877 to 1927.
17 & 18 Geo. 5 c. 32.	The Destructive Insects and Pests Act 1927.	The whole Act.
12 & 13 Geo. 6 c. 37.	The Agriculture (Miscel- laneous Provisions) Act 1949.	Section 11.



General Rate Act 1967

1967 CHAPTER 9

An Act to consolidate certain enactments relating to rating and valuation in England and Wales.
[22nd March 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 GENERAL RATE

1.—(1) Subject to section 118(1) of this Act, the rating areas Rating areas and the respective rating authorities therefor for the purposes of this Act shall be as follows— and rating authorities.

<i>rating area</i>	<i>rating authority</i>
each borough	the borough council
each urban or rural district	the district council
the City of London	the Common Council
the Inner Temple	the Sub-Treasurer
the Middle Temple	the Under-Treasurer.

(2) Every rating authority shall have power in accordance with this Act to make and levy rates on the basis of an assessment in respect of the yearly value of property in their rating area for the purpose of applying the proceeds thereof to local purposes of a public nature.

(3) No authority or person other than the rating authority shall have power to make or levy within any rating area any such rates as are mentioned in subsection (2) of this section for the purpose so mentioned other than excepted rates.

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(4) All powers and duties in relation to the making, levying and collection of such rates as are mentioned in subsection (2) of this section for the purpose so mentioned which are not excepted rates and which, but for this section, would in any rating area fall by virtue of any local Act to be exercised and performed by any person other than the rating authority shall be exercised and performed by that authority.

The general rate.

2.—(1) Every rating authority shall from time to time in exercise of their powers under section 1(2) of this Act make such rates as will be sufficient to provide for such part of the total estimated expenditure to be incurred by the authority during the period in respect of which the rate is made as is not to be met by other means or by means of excepted rates, including in that expenditure any sums payable to any other authority under precepts issued by that other authority, together with such additional amount as is in the opinion of the rating authority required to cover expenditure previously incurred, or to meet contingencies, or to defray any expenditure which may fall to be defrayed before the date on which the moneys to be received in respect of the next subsequent rate made under this subsection will become available.

(2) Where a rural district council apprehend that a precept will be issued to the council to meet expenses of the council of a borough included in the rural district or of a parish council or parish meeting, being expenses which will be required to be defrayed out of the proceeds of a rate for any rate period, but at the time when the rural district council propose to make a rate the precept has not been issued, the council may estimate for what amount the precept will be issued and make the rate by reference to the estimate, and shall in a subsequent rate period make any necessary adjustment by increasing or decreasing, as the case may require, the amount to be levied in the borough or parish as an additional item of the rate.

(3) Any rate made by a rating authority under subsection (1) of this section shall be made and levied as a single consolidated rate for the whole of their rating area which shall be termed "the general rate" and be in lieu of any other rates such as are mentioned in section 1(2) of this Act which that authority have power to make other than excepted rates.

(4) Subject to the provisions of this Act, the general rate for any rating area—

(a) shall be a rate at a uniform amount per pound on the rateable value of each hereditament in that area, except that where any amount is, by virtue of any precept or otherwise, chargeable separately on part

only of a rating area, the rating authority shall levy that amount on that part of the area together with, and as an additional item of, the general rate ;

- (b) shall be made and levied in accordance with the valuation list in force for the time being, except that, where a new valuation list is to come into force for that area, a rate for the year, or any part of the year, beginning with the day on which the new list is to come into force shall be made, and applied in relation to particular hereditaments, by reference to that new list.

(5) Subsections (3) and (4)(a) of this section shall not apply to the City of London and subsections (1), (3) and (4)(a) of this section shall not apply to the Temples ; but, subject to any express provision to the contrary effect, any other provision of this Act with respect to the general rate shall—

(a) in its application to the City of London, apply also in relation to the poor rate, and

(b) in its application to the Temples, apply in relation to any rate in the nature of a general rate levied in the Inner Temple or the Middle Temple, as the case may be,

as it applies in relation to the general rate.

3.—(1) Every rate made by a rating authority shall be deemed **Making** to be made on the date on which it is approved by the authority. **of rate.**

(2) For the purposes of the foregoing subsection, a resolution of a rating authority as respects the making of a rate shall be taken to constitute approval of the rate if the resolution specifies the amount per pound of rateable value at which the rate is to be levied, notwithstanding that the resolution—

(a) is made without reference to individual hereditaments ;
or

(b) does not take account of any privilege in respect of rating conferred on the occupiers of hereditaments in any particular part of the rating area, or on the occupiers of any particular hereditaments ; or

(c) does not take account of any amount leviable in part only of the rating area together with, and as an additional item of, the rate.

(3) Subject to subsection (5) of this section, every rate shall be made in respect of a period beginning immediately after the expiration of the last preceding rate period and ending on such date, to be specified in the rate, as may be fixed by the rating authority ; and, in the case of the last rate made in respect of any year, the date so fixed shall be the last day of that year.

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(4) Where a rate is made for a period exceeding three months, the rating authority may declare that the rate shall be paid by instalments at specified times.

(5) The rating authority may at any time make a supplementary rate if they think it necessary so to do having regard to the requirements of their area or to any precept.

(6) Subsection (1) of this section shall not apply to the City of London.

Publication
of rate.

4.—(1) Notice of every rate made shall be given by the rating authority within seven days after it is made, and the rate shall not be valid unless that notice is duly given in accordance with subsection (2) of this section.

1837 c. 45.

(2) Such notice as aforesaid may be given by such of the following methods as the rating authority think fit, that is to say, by affixing the notice at any time within the said period of seven days on or near to the doors of churches and chapels in manner prescribed by section 2 of the Parish Notices Act 1837, or by affixing the notice within the said period in some public or conspicuous place or situation in each rating district affected, or by publishing the notice within the said period in one or more newspapers circulating in the area of the authority; and different methods of publication may be used as respects different parts of the area of the authority.

(3) This section shall not apply to the City of London.

Demand note
for rate.

5.—(1) Information with respect to the following matters shall be included in the demand note on which the rate is levied, that is to say—

- (a) the situation of the hereditament in respect of which the demand note is issued and such description thereof reasonably necessary for purposes of identification as may be prescribed;
- (b) the rateable value and, where it differs from the rateable value, also the net annual value of the hereditament;
- (c) the amount in the pound at which the rate is charged;
- (d) the period in respect of which the rate is made;
- (e) the amounts in the pound which are being levied for the purposes respectively of the rating authority and of each authority by whom a precept has been issued to the rating authority or by whom the rating authority (where that authority are a rural district council) apprehend that a precept will be so issued;
- (f) the amount, if any, in the pound which is being levied as an additional item of the rate;

- (g) the amounts in the pound which are being levied for such of the principal services administered respectively by the rating authority and the precepting authorities aforesaid as may be prescribed.

(2) This section shall not apply to the City of London.

6.—(1) Subject to the provisions of this section, the rating authority may at any time make such amendments in a rate (being either the current or the last preceding rate) as appear to them necessary in order to make the rate conform with the enactments relating thereto, and in particular may—

Amendment
of rate.

- (a) correct any clerical or arithmetical error in the rate ;
or
- (b) correct any erroneous insertions or omissions or any misdescriptions ; or
- (c) make such additions to or corrections in the rate as appear to the authority to be necessary by reason of—
- (i) the coming into occupation of any hereditament which has been newly erected or which was unoccupied at the time of the making of the rate ; or
- (ii) any change in the occupation of any hereditament ; or
- (iii) any property previously rated as a single hereditament becoming liable to be rated in parts.

(2) Where the effect of the amendment would be either—

- (a) to alter, otherwise than by way of correction of a clerical or arithmetical error, the value on which a hereditament is rated ; or
- (b) to charge to the rate a hereditament not shown, or not separately shown, in the valuation list,

the rating authority shall not make any amendment of the rate unless either the amendment is necessary to bring the rate into conformity with the valuation list or a proposal for a corresponding alteration to the valuation list has been made by the valuation officer ; and if effect, or full effect, is ultimately not given to such a proposal, and the amount of the rate levied in pursuance of the amendment is affected, the difference—

- (i) if too much has been paid, shall be repaid or allowed ; or
- (ii) if too little has been paid, shall be paid and may be recovered as if it were arrears of the rate.

(3) In the foregoing provisions of this section (other than subsection (1)(c)(i)) references to a rate shall be construed as references to that rate as it has been applied in relation to particular hereditaments ; and every amendment made under paragraph (a) or (b) of subsection (1) of this section shall have effect

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Appeal against rate. 7.—(1) Subject to subsection (2) of this section, any person who—

- (a) is aggrieved by any rate ; or
- (b) has any material objection to the inclusion or exclusion of any person in or from, or to the amount charged to any person in, any rate ; or
- (c) is aggrieved by any neglect, act, or thing done or omitted by the rating authority,

1849 c. 45.

may appeal in accordance with the Quarter Sessions Act 1849 to the next practicable court of quarter sessions having jurisdiction in the rating district concerned ; and notice of any such appeal shall be given to the rating authority and to any person other than the appellant with respect to whom the rate may be required to be altered in consequence of the appeal ; and any such person shall, if he so desires, be heard on the appeal.

(2) No appeal shall lie under this section in respect of any matter in respect of which relief might have been obtained under Part V of this Act by means of—

- (a) a proposal for the amendment of the current valuation list ; or
- (b) an objection to such a proposal ; or
- (c) an appeal against such an objection.

(3) Any rate made by a rating authority shall be leviable and recoverable notwithstanding that notice has been given of an appeal against the rate under this section, except that, if such notice has been given by any person to the rating authority, then until the appeal has been determined or abandoned no proceedings shall be commenced or carried on to recover from that person any sum greater than that at which the last effective rate was charged in respect of the hereditament to which the appeal relates.

(4) Where on an appeal under this section against any rate the court sees just cause to give relief, then—

- (a) subject to subsection (5) of this section, the court shall amend the rate in such manner as the court thinks necessary for giving the relief, but shall not quash or wholly set aside the rate ;
- (b) if it appears to the court that, as a result of any such amendment, any sum paid in consequence of the rate by any person before the hearing of the appeal ought

not to have been paid by or charged on that person, the court shall order that sum to be repaid to that person by the rating authority together with all reasonable costs, charges and expenses occasioned by that person having paid or been required to pay that sum ;

- (c) if the rate is amended so as to make chargeable any person not previously charged or to increase the charge on any person, the rate as amended shall be leviable on and recoverable from that person in like manner as if it had always been in its amended form.

(5) If, on an appeal under this section against any rate, the court is of opinion that, for the purpose of giving relief to the appellant, it is necessary that the rate should be wholly quashed, the court may quash the rate ; but in that case, subject to subsection (6) of this section, all amounts charged by the rate shall be leviable and recoverable in like manner as if no appeal had been made and, when paid or recovered, shall be treated as payments on account of the next effective rate made for the rating area in question.

(6) Where on an appeal under this section the court orders any rate to be quashed, the court may order that any sum charged on any person by that rate, or any part of a sum so charged, shall not be paid ; and after the making of such an order no proceedings shall be commenced or continued for the purpose of levying or recovering that sum or part ; but no person shall be deemed a trespasser or liable to any action for any warrant, order, act, or thing granted, made, executed or done by that person for the purpose of levying or recovering any sum before he had notice in writing of any order under this subsection providing for that sum not to be paid.

(7) In this section, references to a rate shall be construed as references to that rate whether as originally made (in whatever form) or as it has been applied in relation to particular hereditaments.

8.—(1) Subject to the provisions of this Act, where in the case of any hereditament—

Restriction on amount recoverable in certain cases.

- (a) any value ascribed to it in a new valuation list prepared under section 68 of this Act exceeds the corresponding value of the hereditament as last previously determined ; and
- (b) the hereditament has not been substantially altered since its value was last previously determined ; and
- (c) a proposal for the alteration of the list so as to reduce the value so ascribed to the hereditament is served on the valuation officer under section 69 of this Act

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PART I

before the end of the period of six months beginning with the date on which the list comes into force, then, until that proposal has been settled, the amount recoverable in respect of rates levied on the hereditament for the year beginning with the date aforesaid, or for any subsequent year, shall not (in the case of any such year) exceed the total amount of the rates levied on the hereditament for the last year before that list came into force increased by half the difference between that amount and the amount which would be recoverable as aforesaid apart from this subsection.

(2) The foregoing subsection shall not apply unless—

- (a) the proposal referred to in paragraph (c) thereof is served on the valuation officer by the occupier of the hereditament and no previous such proposal has been served on the valuation officer in relation to the same list by any occupier of the hereditament; or
- (b) the said proposal is served on the valuation officer by the owner of the hereditament, being a person who in pursuance of section 55 or 56 of this Act is rated or has undertaken to pay or collect the rates in respect of the hereditament, and no previous such proposal has been served on the valuation officer in relation to the same list by any such owner of the hereditament.

(3) Where a change in the law determining the relationship between the net annual value and rateable value of hereditaments of any specified description, or of hereditaments generally, operates as from the coming into force of any valuation lists (whether the change arises from the coming into operation, amendment or repeal of any provision or from the fact that a provision applying to the previous lists or the last rate period for which they were in force does not apply to the new lists), and so operates as to increase the rateable values to which the change applies, subsection (1) of this section shall have effect in relation to a hereditament of which the rateable value as shown in the new list is affected by the change as if for the reference to the total amount of rates levied on the hereditament for the last year before the list came into force there were substituted a reference to the total amount of the rates which would have been levied thereon for that year if the rateable value for that year had been related to the actual net annual value for the year in the same way as it would have been related to the net annual value if the change had had effect as respects that year.

Refund of
overpayments.

9.—(1) Without prejudice to sections 7(4)(b) and 18(4) of this Act, but subject to subsection (2) of this section, where it is shown to the satisfaction of a rating authority that any amount

paid in respect of rates, and not recoverable apart from this section, could properly be refunded on the ground that—

- (a) the amount of any entry in the valuation list was excessive ; or
- (b) a rate was levied otherwise than in accordance with the valuation list ; or
- (c) any exemption or relief to which a person was entitled was not allowed ; or
- (d) the hereditament was unoccupied during any period ; or
- (e) the person who made a payment in respect of rates was not liable to make that payment,

the rating authority may refund that amount or a part thereof.

(2) No amount shall be refunded under subsection (1) of this section—

- (a) unless application therefor was made before the end of the sixth year after that in which the amount was paid ; or
- (b) if the amount paid was charged on the basis, or in accordance with the practice, generally prevailing at the time when the payment was demanded.

(3) Before determining whether a refund should be made under subsection (1) of this section—

- (a) in a case falling within paragraph (a) of that subsection ; or
- (b) in a case falling within paragraph (c) of that subsection where the exemption or relief was one which ought to have appeared in the valuation list,

the rating authority shall obtain a certificate from the valuation officer as to the manner in which in his opinion the hereditament in question should have been treated for the purposes of the valuation list, and the certificate shall be binding on the authority.

10.—(1) A certificate signed by a duly authorised officer of a rating authority—

- (a) stating that a rate has been made or published by the authority on a date or dates specified in the certificate ; or
- (b) stating the value at a specified date of a hereditament within the authority's area, the amount of rates chargeable in respect of the hereditament, or whether any, and if so what, amount has been paid in satisfaction of rates due thereon,

shall be evidence of the matters stated in the certificate.

Certificates
and
statements as
to rate etc.

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(2) A rating authority shall, on being so requested by a person who is or was liable in respect of a hereditament in the area of the authority for rates for any period in the current year or any of the nine years preceding that year, give him a statement of the rates payable or paid in respect of the hereditament for any of those years or any other year in respect of which the person is still liable for arrears at the time of the request.

(3) Where a person satisfies a rating authority that he is or was liable, in respect of a hereditament in the area of the authority, to indemnify any other person for rates, he shall be entitled to the like statement under subsection (2) of this section as that other person is entitled to.

PART II

PROVISIONS AS TO PRECEPTS

Power and duty to make sufficient precepts.

11. Every authority having power to issue a precept to a rating authority shall from time to time issue such precepts as will be sufficient to provide for such part of the total estimated expenditure to be incurred by the authority during the period in respect of which the precept is issued as is to be met out of moneys raised by rates, together with such additional amount as is in the opinion of the authority required to cover expenditure previously incurred, or to meet contingencies, or to defray any expenditure which may fall to be defrayed before the date on which the moneys to be received in respect of the next subsequent precept will become available.

Provisions as to precepts by certain authorities.

12.—(1) The provisions of this section shall have effect in relation to any precept issued to rating authorities by any of the following authorities, namely, a county council, the Greater London Council, and the Receiver for the Metropolitan Police District.

(2) The precept shall require the rating authority for each rating area affected to levy, as part, or as an additional item, of the rate, a rate of such amount in the pound as may be specified in the precept, being (subject to subsection (10) of this section) the same amount in the case of each rating area affected, and shall state the date or dates on or before which payments are required to be made on account of the rate levied in pursuance of the precept, and the amount of each such payment.

(3) Subject to the provisions of this section, the amount due under the precept to the precepting authority shall be the amount produced by the rate of the amount in the pound specified in the precept, and the rating authority shall make payments in accordance with the requirements of the precept on account of the amount due under it.

(4) For the purpose of enabling the precepting authorities aforesaid to issue their precepts in manner required by this section, every rating authority shall before 1st February in each year transmit to each of those precepting authorities having power to issue a precept to that rating authority an estimate of the amount, calculated in the prescribed manner, which would be produced in the next year by a rate of a penny in the pound levied in the rating area or part thereof, as the case may be, and the aggregate amount of the payments required by the precept shall not exceed the sum which a rate of the amount in the pound specified in the precept would produce on the basis of the estimate for that year.

(5) Where a rating authority fail to transmit an estimate to any precepting authority in accordance with subsection (4) of this section, the precepting authority may make the estimate for the purposes of this section in lieu of the rating authority.

(6) The precept must be issued, or information as to the amount in the pound of the rate to be levied under it must be given, to each rating authority affected not less than twenty-one days before the beginning of the year or half-year, as the case may be, in which the rate is to be levied.

(7) The amount due under the precept shall be ascertained in the prescribed manner; and—

- (a) if that amount exceeds the aggregate amount of the payments required by the precept, the balance shall be paid by the rating authority to the precepting authority;
- (b) if that amount is less than the aggregate amount of the payments required by the precept, the balance shall be set off against any amount required by the next precept issued to the rating authority by the precepting authority.

(8) Where the amount due under the precept, or any part of that amount, is not paid on or before the date specified in the precept for payment, the precepting authority may, if they think fit, require the rating authority to pay, in accordance with subsection (9) of this section, interest on that amount, or that part of the amount, and any interest so payable shall be paid by the rating authority to the precepting authority in like manner as if it were due under the precept.

(9) For the purposes of subsection (8) of this section interest shall be calculated at the rate of six per cent. per annum and shall commence to run from the date of payment specified in the precept, except that no interest shall be charged—

- (a) in respect of any day before the expiration of six weeks from the commencement of the year or half-year, as

PART II

the case may be, in respect of which the precept was issued ; or

- (b) in respect of any day on which the aggregate amount of any payments made under the precept is equal to or exceeds the sum which bears to the aggregate amount of the instalments required by the precept the same proportion as the number of days which have elapsed since the commencement of the said year or half-year, as the case may be, bears to the total number of days in that year or half-year.

(10) The foregoing provisions of this section shall have effect with such adaptations as are necessary by reason of any provision whereby a precept in respect of particular expenditure is required to be issued in such manner that—

- (a) a rate levied in respect of expenditure chargeable on part only of the precepting authority's area is levied only on that part of that area ; or
- (b) rates of different amounts are levied on different rating areas.

(11) In the application of subsection (2) of this section to the City of London, references to the rate shall be construed as references to the poor rate.

Precepts
by other
authorities.

13.—(1) Any authority other than those referred to in section 12(1) of this Act by whom precepts are issued to any rating authority, or any rating authority to whom such precepts are issued, may make and submit to the Minister a scheme for applying to those precepts the provisions of the said section 12, subject to such modifications as may appear to be necessary having regard to the basis of apportionment or the incidence of charge existing immediately before the scheme is proposed to come into force ; and the Minister may, after giving any authorities concerned an opportunity of objecting, by order confirm the scheme either without modifications or subject to such modifications as he thinks fit :

Provided that, if an objection to any such scheme is made by any of the authorities concerned and is not withdrawn, the order shall be provisional only and shall not have effect unless and until confirmed by Parliament.

(2) A scheme duly made, submitted and confirmed in accordance with the provisions of the foregoing subsection shall, subject to the provisions of the confirming order, have effect as if enacted in this Act.

Precepts—
general.

14.—(1) Rules made for the purposes of sections 12 and 13 of this Act under section 113 thereof—

- (a) subject and without prejudice to subsections (1)(c) and (2) of the said section 113, shall provide in what

manner and to what extent the cost of the collection of a rate, including any allowances made under section 51, 54, 55 or 56 of this Act, and losses on collection, are to be treated as deductions in estimating and ascertaining the amount produced by the rate ; and

- (b) shall make provision with respect to any other matters for which it appears necessary to make provision in order to carry the said sections 12 and 13 into effect.

(2) Every precepting authority shall on issuing a precept to a rating authority supply to the rating authority such information as is reasonably necessary for the preparation of demand notes in accordance with section 5 of this Act.

15.—(1) Where in pursuance of a precept issued to a rating authority by any other authority any amount is payable directly or indirectly by the rating authority to the precepting authority and, on an application for a certificate under this section made by the precepting authority after twenty-one days' notice given to the rating authority, the Minister is satisfied that the rating authority have refused or through wilful neglect or wilful default failed to raise that amount by a rate, or that, having raised the amount by a rate, the rating authority have refused or through wilful neglect or wilful default failed to pay the amount due under the precept, the Minister may issue a certificate to that effect and thereupon—

General power for securing payment of precepts.

- (a) the precepting authority shall have the like power of applying for a receiver, and
- (b) a receiver may on such an application be appointed in like manner, and when appointed shall have the like power,

as if—

- (i) the precepting authority were a secured creditor of the rating authority for the amount due under the precept, with interest thereon at the rate of six per cent. per annum from the date when the amount became payable under the precept ; and
- (ii) the said amount and interest were due under a security issued under the Local Loans Act 1875 charging them on the rates leviable by, and on all other property of, the rating authority ; and 1875 c. 83.
- (iii) the conditions under which a receiver may in such a case be appointed under section 12 of the said Act of 1875 were fulfilled ;

and the said section 12 shall apply accordingly.

(2) If the Minister so thinks fit an application under subsection (1)(a) of this section may be made by him instead of by the precepting authority.

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(3) The powers conferred by this section shall be in addition to and not in derogation of any other powers for enforcing compliance with a precept issued to a rating authority.

PART III

LIABILITY, VALUATION, RELIEFS, ETC.

Liability and assessment to rate

Liability to be rated in respect of occupation of property.

16. Subject to the provisions of this Act, every occupier of property of any of the following descriptions, namely—

- (a) lands ;
- (b) houses ;
- (c) coal mines ;
- (d) mines of any other description, other than a mine of which the royalty or dues are for the time being wholly reserved in kind ;
- (e) any right of sporting (that is to say, any right of fowling, of shooting, of taking or killing game or rabbits, or of fishing) when severed from the occupation of the land on which the right is exercisable,

shall be liable to be assessed to rates in respect of the hereditament or hereditaments comprising that property according to the rateable value or respective rateable values of that hereditament or those hereditaments determined in accordance with the provisions of this Act.

Liability to be rated in respect of certain unoccupied property.

17.—(1) A rating authority may resolve that the provisions of Schedule 1 to this Act with respect to the rating of unoccupied property—

- (a) shall apply, or
- (b) if they for the time being apply, shall cease to apply,

to their area, and in that case those provisions shall come into operation, or, as the case may be, cease to be in operation, in that area on such day as may be specified in the resolution.

(2) The day to be specified in a resolution under subsection (1) of this section shall be—

- (a) in the case of a resolution providing that the said provisions shall apply to the area in question, the first day of a rate period for that area beginning after the day on which the resolution is passed, not being earlier, if those provisions have previously applied to the area, than the expiration of the period of seven years beginning with the day when those provisions ceased or last ceased to apply to the area or of such shorter period as the Minister authorises in any particular case ;

(b) in the case of a resolution providing that the said provisions shall cease to apply to the area in question, the last day of a rate period for that area ending after the day on which the resolution is passed, not being earlier than the expiration of the period of seven years beginning with the day when those provisions came or last came into operation in the area or of such shorter period as the Minister authorises in any particular case.

(3) As soon as may be after a resolution is passed by a rating authority under this section, the authority shall cause a copy of the resolution to be published in the London Gazette and in one or more newspapers circulating in the area of the authority.

(4) A document purporting to be a copy of the minutes of a resolution passed by a rating authority under this section or under section 20 of the Local Government Act 1966 and to be certified under the hand of the clerk of the authority as a true copy of the minutes of the resolution shall be evidence that the resolution was passed by the authority. 1966 c. 42.

(5) This section and the said Schedule 1 shall not apply to the Temples, and in their application to the City of London the expression "rate" shall mean the poor rate and cognate expressions shall be construed accordingly.

18.—(1) The following general provisions shall have effect with respect to the assessment of persons to, and their liability in respect of, a rate in respect of any hereditament for any period. General provisions as to liability and assessment to rate.

(2) A person who is in occupation of the hereditament for part only of the rate period shall, subject to the provisions of this section, be liable to be charged with such part only of the total amount of the rate as the number of days during which he is in occupation bears to the total number of days in that period.

(3) A person who is in occupation of the hereditament for any part of the rate period may be assessed to the rate in accordance with the provisions of subsection (2) of this section notwithstanding that he ceased to be in occupation before the rate was made.

(4) A person who is in occupation of the hereditament at any time after the rate is made may be assessed to and shall in the first instance be liable to pay—

(a) if he was in occupation at the beginning of the rate period, the whole of the amount charged in respect of that hereditament; or

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(b) if he came into occupation subsequently, a proportion of the amount aforesaid calculated on the basis that he will remain in occupation until the end of the rate period,

but shall, if he goes out of occupation before the end of that period, be entitled to recover from the rating authority any sum paid by him in excess of the amount properly chargeable against him in accordance with the provisions of subsection (2) of this section, except in so far as he has previously recovered that sum from an incoming occupier.

1848 c. clxiii.

(5) In relation to any rate to which section 177 of the City of London Sewers Act 1848 (which relates to the rating of empty houses in the City of London) applies, the foregoing provisions of this section shall have effect subject to the provisions of the said section 177, and any amount in respect of any such rate which any person is required by the said section 177 to pay or allow in respect of any period during which a hereditament is unoccupied shall be allowed to the rating authority in computing any sum which that person is entitled to recover from the authority in respect of that hereditament under subsection (4) of this section.

(6) Where the name of any person liable to be rated as occupier of any premises is not known to the rating authority, it shall be sufficient to assess him to the rate by the description of the "occupier" of the premises (naming them) in respect of which the assessment is made, without further name or description.

Valuation of hereditaments—general provisions

Ascertainment
of rateable
value—
general rule.

19.—(1) Subject to the provisions of this Part of this Act and of any scheme for the time being in force such as is mentioned in section 117(7) of this Act, the rateable value of a hereditament shall be taken to be the net annual value of that hereditament ascertained in accordance with subsections (2) to (4) of this section.

(2) In the case of a hereditament consisting of one or more houses or other non-industrial buildings, with or without any garden, yard, court, forecourt, outhouse or other appurtenance belonging thereto, but without other land, the net annual value of the hereditament shall be ascertained by deducting from its gross value such amount, or an amount calculated in such manner, as may for the time being be specified by the Minister by order in relation to the class of such hereditaments to which the hereditament in question belongs.

(3) The net annual value of any other hereditament shall be an amount equal to the rent at which it is estimated the hereditament might reasonably be expected to let from year to year if

the tenant undertook to pay all usual tenant's rates and taxes and to bear the cost of the repairs and insurance and the other expenses, if any, necessary to maintain the hereditament in a state to command that rent.

(4) Where, in the case of any hereditament, either its net annual value ascertained in accordance with subsection (2) or (3) of this section or, if different, its rateable value includes a fraction of a pound, that value shall be increased or reduced, as the case may be, to the nearest complete pound, or, if the fraction is ten shillings, the fraction shall be disregarded.

(5) No order shall be made under subsection (2) of this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

(6) In this section, the following expressions have the following meanings respectively, that is to say—

“*appurtenance*”, in relation to a dwelling, or to a school, college or other educational establishment, includes all land occupied therewith and used for the purposes thereof;

“*gross value*”, in relation to a hereditament, means the rent at which the hereditament might reasonably be expected to let from year to year if the tenant undertook to pay all usual tenant's rates and taxes and the landlord undertook to bear the cost of the repairs and insurance and the other expenses, if any, necessary to maintain the hereditament in a state to command that rent;

“*house*” includes part of a house;

“*non-industrial building*” means a building, or part of a building, of any description other than—

(a) factories, mills and other premises of a similar character used wholly or mainly for industrial purposes; or

(b) premises forming part, and taken into account in the valuation for rating purposes, of—

(i) a railway, dock, canal, gas, water or electricity undertaking; or

(ii) any public utility undertaking not falling within sub-paragraph (i) of this paragraph.

20.—(1) For the purposes of any alteration of a valuation list to be made under Part V of this Act in respect of a hereditament in pursuance of a proposal, the value or altered value to be ascribed to the hereditament under section 19 of this Act shall not exceed the value which would have been ascribed Valuation according to tone of list.

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thereto in that list if the hereditament had been subsisting throughout the year before that in which the valuation list came into force, on the assumptions that at the time by reference to which that value would have been ascertained—

- (a) the hereditament was in the same state as at the time of valuation and any relevant factors (as defined by subsection (2) of this section) were those subsisting at the last-mentioned time; and
- (b) the locality in which the hereditament is situated was in the same state, so far as concerns the other premises situated in that locality and the occupation and use of those premises, the transport services and other facilities available in the locality, and other matters affecting the amenities of the locality, as at the time of valuation.

(2) In this section, the expression “relevant factors” means any of the following, so far as material to the valuation of a hereditament, namely—

- (a) the mode or category of occupation of the hereditament;
- (b) the quantity of minerals or other substances in or extracted from the hereditament; or
- (c) in the case of a public house, the volume of trade or business carried on at the hereditament;

and in paragraph (c) of this subsection the expression “public house” means a hereditament which consists of or comprises premises licensed for the sale of intoxicating liquor for consumption on the premises where the sale of such liquor is, or is apart from any other trade or business ancillary or incidental to it, the only trade or business carried on at the hereditament.

(3) References in this section to the time of valuation are references to the time by reference to which the valuation of a hereditament would have fallen to be ascertained if this section had not been enacted.

(4) This section does not apply to a hereditament which is occupied by a public utility undertaking and of which the value falls to be ascertained on the profits basis.

(5) This section shall not apply to any proposal remaining to be settled which was served on or made by the valuation officer before 3rd December 1965; and the provisions of Schedule 2 to this Act shall have effect where a proposal in respect of a hereditament was—

- (a) served on or made by the valuation officer on or after 3rd December 1965; and
- (b) settled before 13th December 1966.

21.—(1) For the purpose of the valuation of any hereditament under section 19 of this Act otherwise than on the profits basis—

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Hereditaments
containing
plant and
machinery.

(a) subject to any order under subsection (5) of this section, all such plant or machinery in or on the hereditament as belongs to any of the classes set out in the statement for the time being having effect under subsection (4) of this section shall be deemed to be a part of the hereditament ;

(b) except as provided in the foregoing paragraph, no account shall be taken of the value of any plant or machinery in or on the hereditament.

(2) The valuation officer shall, on being so required in writing by the occupier of any hereditament, furnish to him particulars in writing showing what machinery or plant, or whether any particular machinery or plant, has been treated in pursuance of subsection (1) of this section as forming part of the hereditament.

(3) From time to time, at such intervals as the Minister may direct, a committee consisting of five persons appointed by the Minister shall transmit to the Minister a statement setting out in detail all the machinery and plant which at the date of the preparation of the statement appears to the committee to fall within any of the classes specified in Schedule 3 to this Act.

(4) The Minister shall cause any statement transmitted to him under subsection (3) of this section to be published in such manner as he thinks fit and, after considering the statement and any representations which may be made to him with respect thereto, may if he thinks fit make an order, to come into operation on such date as may be specified therein, confirming that statement with or without modifications ; and the statement as confirmed by the order shall as from the said date have effect for the purposes of this section in substitution for any statement previously so having effect.

(5) The Minister may by order provide for excluding from the plant and combinations of plant and machinery which, under the statement for the time being having effect under subsection (4) of this section, are to be treated as comprised in Class 4 in Schedule 3 to this Act any item or part of an item which satisfies the following conditions, that is to say—

(a) that it is the practice of the trade for which the item is provided to move the item or part from one hereditament, or situation in a hereditament, to another ; and

(b) that the weight, greatest dimension, and volume (each being measured as provided by the order) do not exceed such limits as may be prescribed by the order ;

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and an order under this subsection may be made either generally or as respects specified descriptions of items or parts of items of plant or of combinations of plant and machinery, and may make different provision under paragraph (b) of this subsection for different cases.

(6) Any order made under subsection (4) or (5) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) Nothing in subsections (1) to (4) of this section or in section 22 of this Act shall affect the law or practice with respect to the valuation of hereditaments on the profits basis, or be taken to extend the class of property which was under the law and practice as in force immediately before the commencement of this Act deemed to be provided by the occupier and to form part of his capital.

Determination
of certain
questions as
to plant and
machinery.

22.—(1) If on or in connection with any proposal or objection made or appeal brought with respect to the valuation list a question is raised whether any particular plant or machinery falls within any of the classes or descriptions specified in the statement for the time being having effect under section 21(4) of this Act, that question may, with the consent in writing of the parties to the proceedings, be referred by the valuation officer or court, as the case may be, to, and determined by, such member of a panel of referees constituted for the purposes of this section as may be agreed on by the parties or, in default of agreement, as may be selected in accordance with the rules hereinafter mentioned.

(2) The panel referred to in the foregoing subsection shall consist of persons appointed by the Lord Chief Justice of England, who may make rules—

- (a) fixing the fees to be charged in respect of proceedings before a referee ; and
- (b) with respect to the procedure on and in connection with references under this section ; and
- (c) with respect to the selection of a referee in cases where the parties fail to agree as to the member of the panel to be appointed ;

and provision may be made by the rules for applying to references under this section (subject to the express provisions thereof) any of the provisions of the Arbitration Act 1950, but except in so far as it may be so applied that Act shall not apply to such references.

1950 c. 27.

(3) A referee under this section may, and if so required by any party to the reference shall, before making his award inspect

the plant or machinery in respect of which the question arises, and the award of the referee shall be final and conclusive. PART III

23.—(1) The provisions of this section shall have effect for ascertaining for the purposes of section 19 of this Act the gross value of a hereditament in cases where it falls to be ascertained by reference to the rent payable in respect of that or some other hereditament (hereafter in this section referred to as the “standard hereditament”) and either or both of the following conditions are fulfilled, that is to say—

Adjustment of gross value by reference to provision of or payment for services, etc.

- (a) the rent of the standard hereditament is partly attributable to the provision by the landlord of services in relation to that hereditament (including the repair, maintenance or insurance of premises not forming part of that hereditament) ; or
- (b) the tenant, in addition to the rent, contributes towards the cost of any such services.

(2) Where the rent of the standard hereditament is partly attributable to the provision by the landlord of such services, the sum falling to be deducted from that rent for the said purpose as being the amount attributable to the provision of those services shall not include any amount in respect of—

- (a) any profit made, or which might be expected to be made, by the landlord in providing those services ;
- (b) the cost of repairs to, and maintenance and insurance of, premises not forming part of that hereditament.

(3) Where the tenant of the standard hereditament, in addition to the rent—

- (a) makes payments to the landlord in consideration of the landlord undertaking to provide any such services in relation to that hereditament ; or
- (b) otherwise contributes (directly or indirectly and whether in pursuance of an undertaking to do so or not) to the cost of repairing, maintaining or insuring other premises not forming part of that hereditament but belonging to or occupied by the landlord, being premises which the landlord has not undertaken to repair, maintain or insure, as the case may be,

the rent shall for the purpose of ascertaining gross value be treated as increased by the amount of the payments or other contributions made by the tenant or, where those amounts vary from time to time, by a sum which on a proper estimate equals the average annual amount so paid or contributed.

(4) Nothing in subsection (3) of this section shall be taken to prejudice any right to make a deduction from the rent of a hereditament, for the purpose of ascertaining gross value, in respect of services provided by the landlord or other matters.

PART III

(5) Any reference in the foregoing provisions of this section to premises includes a reference to any plant or machinery which by virtue of section 21 of this Act is treated as part of those premises for rating purposes or would be so treated if those premises were a rateable hereditament.

Buildings
occupied
in parts.

24. Where a building which was constructed or has been adapted—

(a) for the purposes of a single dwelling ; or

(b) as to part thereof for such purposes and as to the remainder thereof for any purpose other than that of a dwelling,

is occupied in parts, the valuation officer, in preparing a new valuation list or in altering a current valuation list, may, if he thinks fit, having regard to all the circumstances of the case, including the extent, if any, to which the parts separately occupied have been severed by structural alterations, treat the building or any portion thereof as a single hereditament, and a building or portion of a building so treated as a single hereditament shall, for the purposes of rating, be deemed to be a single hereditament in the occupation of the person who receives the rents payable in respect of the parts.

Hereditaments
which are
partly
occupied.

25.—(1) If it appears to the rating authority that part of a hereditament included in the valuation list is unoccupied but will remain so for a short time only, the authority may request the valuation officer to apportion the rateable value of the hereditament between the occupied and unoccupied parts ; and if the apportionment made by the valuation officer is agreed by the authority and the occupier, then as from—

(a) the date upon which the hereditament became partly occupied ; or

(b) the commencement of the rate period in which the request was made,

whichever is the later, until any of the unoccupied part is reoccupied or a further apportionment of the value of the hereditament takes effect under this subsection, the value apportioned to the occupied part shall be treated for rating purposes as if it were the value ascribed to the hereditament in the valuation list.

(2) The foregoing subsection shall not apply in relation to any hereditament in the case of which, under section 55 or 56 of this Act, the owner is rated or has undertaken to pay the rates instead of the occupier, but shall apply in relation to a hereditament in the case of which, under the said section 56, the owner has undertaken to collect on behalf of the rating authority the rates due from the occupier.

Liability and valuation—special cases

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26.—(1) No agricultural land or agricultural buildings shall be liable to be rated or be included in any valuation list or in any rate. Agricultural premises.

(2) The gross value for the purposes of section 19(2) of this Act of a house occupied in connection with agricultural land and used as the dwelling of a person who—

- (a) is primarily engaged in carrying on or directing agricultural operations on that land ; or
- (b) is employed in agricultural operations on that land in the service of the occupier thereof and is entitled, whether as tenant or otherwise, so to use the house only while so employed,

shall, so long as the house is so occupied and used, be estimated by reference to the rent at which the house might reasonably be expected to let from year to year if it could not be occupied and used otherwise than as aforesaid.

(3) In this section the expression “ agricultural land ”—

- (a) means any land used as arable meadow or pasture ground only, land used for a plantation or a wood or for the growth of saleable underwood, land exceeding one quarter of an acre used for the purposes of poultry farming, cottage gardens exceeding one quarter of an acre, market gardens, nursery grounds, orchards or allotments, including allotment gardens within the meaning of the Allotments Act 1922, but does not include land occupied together with a house as a park, gardens (other than as aforesaid), pleasure grounds, or land kept or preserved mainly or exclusively for purposes of sport or recreation, or land used as a race-course ; and for the purposes of this paragraph the expression “ cottage garden ” means a garden attached to a house occupied as a dwelling by a person of the labouring classes ; and 1922 c. 51.
- (b) includes land occupied with, and used solely in connection with the use of, such a building as is mentioned in subsection (4)(b) of this section.

(4) In this section, the expression “ agricultural buildings ”—

- (a) means buildings (other than dwellings) occupied together with agricultural land or being or forming part of a market garden, and in either case used solely in connection with agricultural operations thereon ; and
- (b) includes a building which is used solely in connection with agricultural operations carried on on agricultural land and which is occupied either—
 - (i) by the occupiers of all that land ; or

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(ii) by individuals who are appointed by the said occupiers for the time being to manage the use of the building and of whom each is an occupier of some of the land or a member of the board of directors or other governing body of such an occupier who is a body corporate,

where the number of occupiers of all the said land does not exceed twenty-four (two or more persons occupying jointly being counted as one, but as a separate person from any of them who are occupying any of the land severally).

Land used as
plantation,
etc.

27.—(1) Where any land, not being agricultural land, and not being subject to any right of common, is used for a plantation or a wood or for the growth of saleable underwood, the rateable value of the land shall be estimated in accordance with subsections (2) to (4) of this section.

(2) If the land is used only for a plantation or a wood, the rateable value shall be estimated as if the land, instead of being a plantation or a wood, were let and occupied in its natural and unimproved state.

(3) If the land is used for the growth of saleable underwood, the rateable value shall be estimated as if the land were let for that purpose.

(4) If the land is used both for a plantation or a wood and for the growth of saleable underwood, the rateable value shall be estimated either as if the land were used only for a plantation or a wood, or as if the land were used only for the growth of the saleable underwood growing thereon, as the valuation officer may determine.

Advertising
stations.

28.—(1) Subject to subsection (6) of this section, where the right to use any land (including any structure or sign erected or to be erected on the land, and including also any wall or other part of a building) for the purpose of exhibiting advertisements is let out or reserved to any person other than the occupier of the land, or, where the land is not occupied for any other purpose, to any person other than the owner of the land, then, subject to subsection (2) of this section, that right shall be deemed for rating purposes to be a separate hereditament in the occupation of the person for the time being entitled to the right, and shall be included in the valuation list accordingly; and for the purposes of section 19(3) of this Act—

(a) in valuing that separate hereditament for rating purposes, the rent at which it might be expected to be let shall be estimated on the footing that the rent would

include a proper amount in respect of any structure or sign for the time being available for use, for the purpose of exhibiting advertisements, by the occupier of the separate hereditament, notwithstanding that the structure or sign was provided by him or was provided after the said right was let out or reserved ;

- (b) in valuing the land for rating purposes, no account shall be taken of any value or, as the case may be, increased value arising from the use of the land for the purpose of exhibiting advertisements in accordance with the said right.

(2) The separate hereditament aforesaid shall be treated as coming into existence at the earliest time at which either—

- (a) any structure or sign is erected, after the right constituting the hereditament has been let out or reserved, for enabling the right to be exercised ; or
 (b) any advertisement is exhibited in pursuance of the right,

and not before ; and for the purposes of section 79(2) of this Act—

- (i) the hereditament shall be treated as a newly erected or newly constructed hereditament coming into occupation at the said earliest time ; and
 (ii) the erection, dismantling or alteration, after that time, of any structure or sign for enabling the right to be exercised shall, in relation to the hereditament, be treated as the making of structural alterations.

(3) Where any land is used temporarily or permanently for, or for the erection of any structure used for, the exhibition of advertisements but is not otherwise occupied, and subsection (1) of this section does not apply, the person permitting that land to be so used or, if that person cannot be ascertained, the owner of that land shall be deemed to be in beneficial occupation of the land so used and be rateable in respect thereof according to the value of that use of the land.

(4) Where any hereditament rateable in respect of its occupation for other purposes is used temporarily or permanently for, or for the erection thereon or attachment thereto of any structure used for, the exhibition of advertisements, and subsection (1) of this section does not apply, any estimate of the gross or rateable value of that hereditament for the purposes of section 19 of this Act shall be so made as to include the increased value from that use of the land.

(5) In this section, the expression “structure” includes a hoarding, frame, post or wall.

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(6) Subsection (1) of this section shall not apply to any right to use for the purpose of exhibiting advertisements any land forming part of railway or canal premises within the meaning of section 32 of this Act.

Rights of sporting.

29.—(1) Where, in the case of a right of sporting exercisable on land which is not agricultural land, the right is severed from the occupation of the land and is not let, and the owner of the right receives rent for the land, the right shall not be separately valued or rated but the rateable value of the land shall be estimated as if the right were not severed.

(2) Where any right of sporting, when severed from the occupation of the land on which it is exercisable, is let, either the owner or the lessee of the right, according as the rating authority determine, may be rated as the occupier thereof.

(3) Subject to subsections (1) and (2) of this section, the owner of any right of sporting which is severed from the occupation of the land on which the right is exercisable may be rated as the occupier thereof.

(4) For the purposes of this section, the person who, if the right of sporting is not let, is entitled to exercise the right, or who, if the right is let, is entitled to receive the rent therefrom, shall be deemed to be the owner of the right.

(5) In this section, the expression “right of sporting” has the meaning assigned by section 16(e) of this Act.

County and voluntary school premises.

30.—(1) For the purpose of the application of section 19(2) of this Act to county and voluntary schools, the Minister and the Secretary of State for Education and Science (hereafter in this section together referred to as “the Ministers”) may make regulations providing that the gross value of such schools of any prescribed class shall be ascertained in accordance with provisions of the regulations—

(a) requiring the Secretary of State to certify the amount estimated by him, by reference to such factors as appear to him to be relevant, to be the average cost of providing a place for one pupil in a school of that class completed not less than one year before the coming into force of the valuation lists to which the regulations apply ;

(b) providing for the determination for any school of that class of an amount equal to the product of—

(i) a standard gross value for each such place, being a prescribed percentage of the amount certified under paragraph (a) of this subsection ; and

(ii) the number of places determined in accordance with the regulations to be available for pupils in that school ; and

(c) providing for taking as the gross value for any such school the amount arrived at under paragraph (b) of this subsection as adjusted in the prescribed manner by reference to the age, lay-out and construction of the buildings, the facilities and amenities provided at the school, and such other factors of any description as may be prescribed.

(2) The Ministers may by regulations provide that land of any prescribed description forming part of, or occupied with, a county or voluntary school shall in such cases as may be prescribed be treated for rating purposes as a separate hereditament and not as forming part of the school or its appurtenances.

(3) Before making any regulations under this section the Ministers shall consult with such associations of local authorities as appear to them to be concerned and with any local authority with whom consultation appears to them to be desirable.

(4) In this section "county school" and "voluntary school" have the same meanings respectively as in the Education Act 1944 c. 31. 1944, and "prescribed" means prescribed by regulations under this section.

31.—(1) The rateable values of the hereditaments in any rating district which are occupied for the purposes of a statutory water undertaking otherwise than as dwellings (hereafter in this section and in Schedule 4 to this Act referred to as "water hereditaments" of the undertaking) shall be ascertained in accordance with the provisions of the said Schedule 4. Statutory water undertakings

(2) In the year following that in which new valuation lists first come into force after the commencement of this Act, the Minister shall, in consultation with such associations of local authorities as appear to him to be concerned, with any local authority with whom consultation appears to him to be desirable, and with any association of statutory water undertakers, cause investigations to be made into the effect of the operation of, and of the enactments re-enacted by, this section and the said Schedule 4; and the Minister shall cause to be laid before Parliament a report on the investigations made under this subsection and their result.

(3) In this section and the said Schedule 4, the expression "statutory water undertakers" has the same meaning as in the provisions of the Water Act 1945 other than Part II thereof, 1945 c. 42. and references to statutory water undertakings shall be construed accordingly.

PART III
Railway or canal premises.

32.—(1) Subject to subsection (2) of this section, the provisions of this section shall have effect with respect to premises (hereafter in this section and in Schedule 5 to this Act referred to as “railway or canal premises”) which are occupied wholly or partly for non-rateable purposes of any of the following Boards (hereafter in this section and the said Schedule 5 referred to as a “transport Board”), namely, the British Railways Board, the London Transport Board and the British Waterways Board.

(2) There shall not be treated for the purposes of this section as railway or canal premises any premises of any of the following descriptions, namely—

- (a) premises occupied as a dwelling, hotel or place of public refreshment ;
- (b) subject and without prejudice to the provisions of paragraph 8 of Schedule 5 to this Act, office premises occupied by a transport Board which are not situated on operational land of that Board ;
- (c) premises so let out as to be capable of separate assessment.

(3) No railway or canal premises which are or form part of premises occupied wholly for non-rateable purposes shall be liable to be rated or be included in any valuation list or in any rate.

(4) In the case of a hereditament consisting of railway or canal premises occupied partly for non-rateable purposes and partly for other purposes of any of the following descriptions, that is to say—

- (a) purposes of any parts of the undertaking of a transport Board which are—
 - (i) concerned with the carriage of goods or passengers by road transport or sea transport or with harbours ; or
 - (ii) subsidiary or incidental to any such part of an undertaking so concerned ;
- (b) purposes of the supply of electricity to an Electricity Board within the meaning of section 34 of this Act, including the generation of electricity so supplied,

there shall be ascribed to the hereditament under section 19 of this Act such net annual value as may be just having regard to the extent to which it is occupied for those other purposes ; and if under any scheme for the time being in force such as is mentioned in section 117(7) of this Act any deduction falls to be made from the net annual value of the hereditament in arriving at its rateable value, that deduction shall be calculated with regard only to those other purposes.

(5) In each year, each of the transport Boards shall make for the benefit of rating authorities in England and Wales, in

lieu of the rates which would, apart from the provisions of subsections (3) and (4) of this section, be payable in respect of railway or canal premises, a payment of an amount determined in accordance with the provisions of Part I of Schedule 5 to this Act.

(6) In this section, the expression "non-rateable purposes" means, subject to subsection (7) of this section, any of the following purposes of a transport Board, that is to say—

- (a) all purposes of the parts of the Board's undertaking which are concerned with the carriage of goods or passengers by rail or inland waterway or the provision of facilities for traffic by inland waterway ;
- (b) all purposes of any parts of the Board's undertaking which, not being such parts as are mentioned in subsection (4)(a) of this section, are subsidiary or incidental to any such part of the undertaking as is mentioned in paragraph (a) of this subsection.

(7) For the purposes of this section—

- (a) services performed by a transport Board in connection with the collection and delivery of parcels, goods or merchandise conveyed or to be conveyed by rail or inland waterway shall be deemed to be performed in carrying on a part of the Board's undertaking concerned with the carriage of goods by rail or inland waterway and not in carrying on a part of the Board's undertaking concerned with road transport ;
- (b) where railway or canal premises are occupied mainly for non-rateable purposes and partly for the purposes of the central direction and control of the affairs of a transport Board, the last-mentioned purposes shall be deemed to be non-rateable purposes ;
- (c) where railway or canal premises are occupied by a transport Board partly for non-rateable purposes and partly for the purpose of the use of those premises by a transport Board for exhibiting advertisements thereon, the last-mentioned purpose shall be deemed to be a non-rateable purpose.

(8) In this section, the following expressions have the following meanings respectively, that is to say—

"harbour" means any harbour, whether natural or artificial, and any port, haven, estuary, tidal or other river or inland waterway navigated by sea-going ships, and any dock, including any pier, jetty or other place at which ships can ship or unship goods or passengers ;

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“inland waterway” includes any such waterway, whether natural or artificial ;

“office premises” means any hereditament used wholly or mainly as an office or for office purposes ;

“office purposes” includes the purposes of administration, clerical work and handling money ; and “clerical work” includes writing, book-keeping, sorting papers, filing, typing, duplicating, punching cards or tapes, machine calculating, drawing and the editorial preparation of matter for publication ;

“operational land”, in relation to any body, means land which is used for the purpose of the carrying on of the body’s undertaking, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used for the purpose of the carrying on of statutory undertakings within the meaning of the Town and Country Planning Act 1962 ;

1962 c. 38.

“road transport” includes transport by light railway or tramway, if the light railway or tramway is laid wholly or mainly along a public highway and is used wholly or mainly for the carriage of passengers.

(9) There shall have effect for the purposes of this section and Part I of Schedule 5 to this Act the supplementary provisions contained in Part II of that Schedule.

Gas authorities.

33.—(1) Subject to subsection (2) and without prejudice to subsections (3) and (5) of this section, no premises—

(a) occupied by a Gas Board ; or

(b) occupied by the Gas Council exclusively for purposes connected with the powers conferred on that Council by the Gas Act 1965,

1965 c. 36.

shall be liable to be rated or be included in any valuation list or in any rate.

(2) The foregoing subsection shall not apply—

(a) to premises used as a dwelling ; or

(b) to premises occupied by a Gas Board wholly or mainly for the purposes of an undertaking for the supply of water ; or

(c) to a shop, room or other place occupied and used by a Gas Board or the Gas Council wholly or mainly for the sale, display or demonstration of apparatus or accessories for use by consumers of gas (any use for the receipt of payments for gas consumed being disregarded) ; or

(d) subject and without prejudice to the provisions of paragraph 13 of Schedule 6 to this Act, to office premises occupied by a Gas Board or the Gas Council which are not situated on operational land of that Board or Council.

(3) For the purpose of the making and levying of a rate for any rating area for any rate period, if, in the case of any Gas Board, any gas was in the penultimate year—

(a) either—

(i) supplied to consumers in that rating area ; or

(ii) manufactured in that rating area,

by that Board or, in that Board's area, by the Gas Council ; or

(b) produced in that rating area by that Board or, in that Board's area, by the Gas Council by the application, to gas purchased by that Board or, as the case may be, Council, of any process not consisting only of purification, or of blending with other gases, or of both purification and such blending.

that Board shall be treated as occupying in that rating area during that rate period a hereditament of a rateable value calculated in accordance with the provisions of Part I of Schedule 6 to this Act.

(4) The hereditament which a Gas Board are to be treated as occupying in a rating area by virtue of subsection (3) of this section shall be taken not to be situated in any part of that area in which there are leviable, as an additional item of the rate, expenses which are not leviable in the area taken as a whole.

(5) If the Minister is of opinion that payments by way of rates should be made by Gas Boards by virtue of this subsection by reference to any premises occupied and used by the Gas Council or a Gas Board for the reception or liquefaction of gas or the evaporation of gas in a liquid state, being in any case gas purchased by the Council or the Board, he may, subject to paragraph 14 of Schedule 6 to this Act, make an order designating the premises for the purposes of this subsection and providing for the determination, by such method as may be specified by the order, of a value for the premises for those purposes ; and where such an order is in force the Minister may direct—

(a) that the value determined as aforesaid shall be apportioned among such Gas Boards as may be specified by the direction in such proportions as may be so specified ; and

(b) that each Board specified by the direction shall, during such period as may be so specified, be treated for rating

PART III

purposes as occupying within the rating area in which the premises designated by the order are situated (and whether or not that Board occupy or are treated as occupying any other hereditament in that area) a hereditament of a rateable value equal to the proportion of the value aforesaid allocated by the direction to that Board ; and

- (c) that paragraph 5 of Schedule 6 to this Act shall have effect during the period aforesaid in relation to each Board specified by the direction as if the Board's adjusted basic total of rateable values mentioned in that paragraph were reduced by an amount equal to the said proportion ;

and any direction under this subsection may be revoked or varied by a subsequent direction thereunder.

(6) Subject to paragraph 14 of Schedule 6 to this Act, the Minister may by order provide that, in such of the provisions of this section, the said Schedule 6 or any other enactment relating to rating as may be specified in the order, any reference to the manufacture of gas shall include a reference to such dealings with gas as may be specified by the order.

(7) There shall have effect for the purposes of this section and Part I of Schedule 6 to this Act the supplementary provisions contained in Part II of that Schedule ; and for the purposes of this section and the said Schedule 6—

1948 c. 67.

- (a) the expression " Gas Board " means an Area Board within the meaning of the Gas Act 1948 ;
- (b) the expression " gas " includes gas in a liquid state ; and, without prejudice to the provisions of any order under subsection (6) of this section, the following operations, that is to say—
- (i) the liquefaction of gas ; and
 - (ii) the evaporation of gas in a liquid state,
- shall not of themselves be taken to constitute the manufacture of gas or the application of a process to gas ;
- (c) the expression " penultimate year ", in relation to a rate period or to a year, means the last but one year before that rate period or year ;
- (d) the expressions " office premises " and " operational land " have the meanings respectively assigned by section 32(8) of this Act.

34.—(1) Subject to subsection (2) and without prejudice to subsection (3) of this section, no premises which are, or form part of, premises occupied by an Electricity Board shall be liable to be rated or be included in any valuation list or in any rate. PART III
Electricity
Boards.

(2) The foregoing subsection shall not apply—

- (a) to premises used as a dwelling ; or
- (b) to a shop, room or other place occupied and used by an Electricity Board wholly or mainly for the sale, display or demonstration of apparatus or accessories for use by consumers of electricity (any use for the receipt of payments for electricity consumed being disregarded) ; or
- (c) subject and without prejudice to the provisions of paragraph 15 of Schedule 7 to this Act, to office premises occupied by an Electricity Board which are not situated on operational land of that Board.

(3) For the purposes of the making and levying of any rate—

- (a) the Generating Board shall be treated as occupying in each rating area, and
- (b) each Area Board shall be treated as occupying in each rating area which is wholly or partly within the area of that Board,

a hereditament of a rateable value calculated in accordance with the provisions of Part I of Schedule 7 to this Act.

(4) The hereditament which an Electricity Board are to be treated as occupying in a rating area by virtue of subsection (3) of this section shall be taken not to be situated in any part of that area in which there are leviable, as an additional item of the rate, expenses which are not leviable in the area taken as a whole.

(5) There shall have effect for the purposes of this section and Part I of Schedule 7 to this Act the supplementary provisions contained in Part II of that Schedule ; and in this section and the said Schedule 7—

- (a) the expression “ Area Board ” means a Board constituted under the Electricity Act 1947 ;
- (b) the expression “ Electricity Board ” means an Area Board or the Generating Board and, in subsections (1) and (2) of this section, includes the South of Scotland Electricity Board ;
- (c) the expression “ the Generating Board ” means the Central Electricity Generating Board ;
- (d) the expressions “ office premises ” and “ operational land ” have the meanings respectively assigned by section 32(8) of this Act.

1947 c. 54.

PART III
 Mining,
 quarrying,
 dock,
 rediffusion,
 etc., under-
 takings.

35.—(1) The Minister may by order make provision for determining the rateable value of hereditaments to which this section applies, or any class or description of such hereditaments specified in the order, by such method as may be so specified.

(2) This section applies to—

- (a)** any hereditament occupied by the National Coal Board ;
- (b)** any other hereditament which consists of or includes a mine or quarry or the whole or part of which is occupied together with a mine or quarry in connection with its working, or the treatment, preparation, storage or removal of its minerals or products of its minerals or the removal of its refuse ;
- (c)** any hereditament occupied by the persons carrying on, under authority conferred by or under any enactment, a dock or harbour undertaking ; and
- (d)** any hereditament occupied by the persons carrying on an undertaking for the diffusion by wire of sound or television programmes ;

and any reference in paragraph *(b)* of this subsection to a mine or quarry includes a reference to a well or bore-hole or a well and bore-hole combined, but except as aforesaid expressions used in that paragraph and the Mines and Quarries Act 1954 have the same meanings in that paragraph as in that Act.

1954 c. 70.

(3) Any order under this section applying to any hereditament falling within any paragraph of subsection *(2)* of this section, or any class or description of such hereditaments, may provide for determining rateable value by the application of different methods of valuation to different parts of the hereditament.

(4) Before making any order under this section the Minister shall consult with such associations of local authorities or of persons carrying on undertakings as appear to him to be concerned and with any local authority or person carrying on an undertaking with whom consultation appears to him to be desirable.

(5) In the year following the coming into force of the second valuation lists for the purposes of which any order under this section has or has had effect the Minister shall, in consultation with such associations, local authorities and persons as aforesaid, cause investigations to be made into the effect of the operation of the order ; and the Minister shall cause to be laid before Parliament a report on any investigations made under this subsection and their result.

(6) An order under this section may repeal or amend any enactment so far as that enactment relates to the valuation of hereditaments to which the order relates, may as regards such hereditaments apply, restrict or modify the provisions of this

Act relating to proposals for alterations of valuation lists and to appeals in connection with such lists and to the withholding of rates where proposals are pending, and shall have effect notwithstanding anything in any of those provisions.

(7) No order under this section shall have effect unless approved by a resolution of each House of Parliament.

36.—(1) Unless and until other provision has been made by an order under section 35 of this Act, the provisions of this section shall have effect with respect to the rating of any tin, lead or copper mine. ^{Tin, lead and copper mines.}

(2) Where the mine is occupied under a lease or leases granted without fine on a reservation wholly or partly of dues or rent, the rateable value of the mine for the purposes of any rate period shall, subject to subsection (3) of this section, be taken to be the aggregate of—

(a) the annual amount of the whole of the dues payable in respect of the mine during the year ending with 31st December falling between three and fifteen months before the beginning of that rate period ; and

(b) the annual amount of any fixed rent reserved for the mine which may not be paid or satisfied by such dues ; and the valuation officer may estimate the annual amount referred to in paragraph (a) of this subsection for the purposes of the preparation of a new valuation list falling to be signed before the end of the year referred to in that paragraph.

(3) Where, in the case of a mine falling within subsection (2) of this section, the person receiving the dues or rent is liable for repairs, insurance, or other expenses necessary to maintain the mine in a state to command the annual amount of dues or rent, the rateable value of the mine shall be the aggregate referred to in the said subsection (2) less the average annual cost of the repairs, insurance, and other expenses for which that person is so liable.

(4) In the case of—

(a) a mine occupied under a lease granted wholly or partly on a fine ; or

(b) a mine occupied and worked by the owner ; or

(c) a mine which does not fall within subsection (2) of this section or within paragraph (a) or (b) of this subsection but which, by virtue of section 16(d) of this Act, is rateable,

the rateable value of the mine shall be taken to be the annual amount of the dues or dues and rent at which the mine might be reasonably expected to let without fine on a lease of the

PART III ordinary duration, according to the usage of the country, if the tenant undertook to pay all tenant's rates and taxes and also the repairs, insurance, and other expenses necessary to maintain the mine in a state to command that annual amount of dues or dues and rent.

(5) The purser, secretary, and chief managing agent for the time being of the mine, or any of them, may, if the rating authority think fit, be rated as the occupier of the mine.

(6) In this section, the following expressions have the following meanings respectively, that is to say—

“dues” means dues, royalty, or toll, either in money or partly in money and partly in kind; and the amount of dues which are reserved in kind means the value of those dues;

“fine” means fine, premium, or foregift, or other payment or consideration in the nature thereof;

“lease” means lease or sett, or licence to work, or agreement for a lease or sett or licence to work;

“mine”, in the case of a mine occupied under a lease, includes the underground workings, and the engines, machinery, workshops, tramways, and other plant, buildings (other than dwellings), and works and surface of land occupied in connection with and for the purposes of the mine, and situate within the boundaries of the land comprised in the lease or leases under which the dues or dues and rent are payable or reserved.

Premises used for public purposes

Hereditaments
occupied by
or on behalf
of Crown.

37.—(1) Where any hereditament is occupied by or on behalf of the Crown for public purposes—

(a) no gross value shall be determined or entered in the valuation list in respect of the hereditament; and

(b) if any contribution is made by the Crown in aid of rates in respect of the hereditament, there shall be entered in the valuation list as representing its rateable value the value upon which that contribution is computed; and, subject to subsection (2) of this section, the value so entered, or the amount of the contribution, as the case may be, shall be taken into account for the purpose of ascertaining totals or the proceeds of any rate, but the entry shall not affect any question as to contributions to be made by the Crown in respect of rates.

(2) Where such a contribution as aforesaid is made for the year beginning with the date of the coming into force of a new

valuation list for the rating area in which the hereditament is situated (in this subsection referred to as "the first year of the new list")—

- (a) if the contribution is subsequently revised before the end of the year next following the first year of the new list, the amount to be taken into account for the purpose of ascertaining the proceeds of any rate for the first year of the new list shall be the amount of the contribution as revised, notwithstanding that the revision is made after the end of the last-mentioned year ;
- (b) if, in the case of a contribution in respect of a hereditament which was occupied by or on behalf of the Crown for public purposes at the time when the new valuation list came into force, the contribution as originally made, or as subsequently revised as mentioned in paragraph (a) of this subsection, is computed on a value which differs from the value shown in the list when it came into force, then, subject to paragraphs (c) and (d) of this subsection, the value on which the contribution is so computed shall, for the purpose of ascertaining totals, be deemed to have been shown in the list, as representing the rateable value of the hereditament, as from the time when the list came into force, instead of the value actually shown in the list at that time ;
- (c) if, in a case falling within paragraph (b) of this subsection, the difference between the values mentioned in that paragraph is wholly attributable to a structural alteration or other event which has taken place since the time when the new list came into force, that paragraph shall not apply ;
- (d) if, by reason of one or more structural alterations or other events which have taken place since the new list came into force, the contribution as originally made, or as subsequently revised, is computed on two or more different values, then—
 - (i) any of those values which is referable to a period subsequent to such an alteration or event shall be disregarded for the purpose of ascertaining totals for the first year of the new list ; and
 - (ii) the value referable to the period before the alteration or event (or the earliest of them, if more than one) shall for that purpose be deemed to have been shown in the new list, as representing the rateable value of the hereditament, as from the

PART III

time when the list came into force, instead of the value actually shown in the list at that time,

but nothing in paragraph (c) or (d) of this subsection shall affect the ascertainment of totals for any year subsequent to the first year of the new list.

Contributions
in aid of
rates in
respect of
court
buildings,
police
stations, etc.

38.—(1) Any authority to whom this section applies may make contributions in aid of rates in respect of any hereditament provided and maintained by the authority for purposes connected with the administration of justice, police purposes or other Crown purposes, not being a hereditament in respect of which rates are payable, and any expenses incurred under this section in relation to any hereditament shall be treated as expenses incurred in maintaining the hereditament.

(2) Where a contribution is made under this section in respect of a hereditament, the value upon which that contribution is computed shall be entered in the valuation list as representing the rateable value of the hereditament; and the value so entered, or the amount of the contribution, as the case may be, shall be taken into account for the purposes of ascertaining totals or the proceeds of any rate for that rating area.

(3) The last foregoing subsection shall not be construed as requiring a gross value to be determined or entered in the valuation list in the case of a hereditament in respect of which a contribution is made under this section.

(4) The authorities to whom this section applies are the Receiver for the Metropolitan Police District, the councils of counties, the Greater London Council, the councils of London boroughs, boroughs with a separate commission of the peace or boroughs having a separate court of quarter sessions, the Common Council of the City of London, police authorities and probation committees, and references in this section to an authority to whom this section applies include references to two or more such authorities acting jointly and to joint committees of two or more such authorities.

Miscellaneous exemptions and reliefs

Relief for
places of
religious
worship.

39.—(1) Subject to the provisions of this section, and without prejudice to any exemption from, or privilege in respect of, rates under any enactment other than this section, no hereditament to which this section applies shall, in the case of any rating area, be liable to be rated for any rate period.

(2) This section applies to the following hereditaments, that is to say—

(a) places of public religious worship which belong to the Church of England or to the Church in Wales (within the meaning of the Welsh Church Act 1914), or which

are for the time being certified as required by law as places of religious worship ; and

- (b) any church hall, chapel hall or similar building used in connection with any such place of public religious worship, and so used for the purposes of the organisation responsible for the conduct of public religious worship in that place,

and also applies to any hereditament consisting of such a place of public religious worship as is mentioned in paragraph (a) of this subsection together with one or more church halls, chapel halls or other buildings such as are mentioned in paragraph (b) thereof.

(3) Where a hereditament to which this section applies, or any part of such a hereditament, is or has been let (whether by way of a tenancy or of a licence) for use otherwise than as a place of public religious worship, or, as the case may be, for use otherwise than as mentioned in subsection (2)(b) of this section—

- (a) the hereditament shall not be exempted by virtue of subsection (1) of this section from being rated for any rate period if any payment in consideration of such a letting of the hereditament or part thereof accrued due in the last year before the beginning of that rate period ; but
- (b) no gross value for rating purposes shall be ascribed to the hereditament unless the average annual amount of the payments accruing due, as consideration for such lettings of the hereditament or parts thereof, exceeds the average annual amount of the expenses attributable to those lettings ; and
- (c) if such a gross value falls to be ascribed to the hereditament, by reason that the average annual amount of those payments exceeds the average annual amount of those expenses, the gross value shall be assessed by reference only to the amount of the excess.

40.—(1) If notice in writing is given to the rating authority that—

- (a) any hereditament occupied by, or by trustees for, a charity and wholly or mainly used for charitable purposes (whether of that charity or of that and other charities) ; or
- (b) any other hereditament, being a hereditament held upon trust for use as an almshouse,

Relief for charitable and other organisations.

is one falling within this subsection, then, subject to the provisions of this section, the amount of any rates chargeable in respect of the hereditament for any period during which the

PART III

hereditament is one falling within either paragraph (a) or paragraph (b) of this subsection, being a period beginning not earlier than the rate period in which the notice is given, shall not exceed one-half of the amount which would be chargeable apart from the provisions of this subsection:

Provided that where a hereditament ceases to be one falling within the said paragraphs (a) and (b), a previous notice given for the purposes of this subsection shall not have effect as respects any subsequent period during which the hereditament falls within either of those paragraphs.

(2) No relief under the foregoing subsection shall be given in the case of a hereditament falling within paragraph (a) thereof for any period during which the hereditament is occupied by an institution specified in Schedule 8 to this Act.

(3) The Minister may by order amend the provisions of Schedule 8 to this Act by adding any institution which in his opinion ought to be classified with the institutions mentioned in that Schedule or omitting any institution or altering the description of any institution.

(4) An order under subsection (3) of this section may be made so as to have effect from any date not earlier than the beginning of the rate period in which it is made, and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Without prejudice to the powers conferred by section 53 of this Act, a rating authority shall have power to reduce or remit the payment of rates chargeable in respect of—

- (a) any hereditament falling within subsection (1)(a) or (b) of this section;
- (b) any other hereditament which is occupied for the purposes of one or more institutions or other organisations which are not established or conducted for profit and whose main objects are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts;
- (c) any other hereditament which is occupied for the purposes of a club, society or other organisation not established or conducted for profit and is wholly or mainly used for purposes of recreation,

for any such period as is mentioned in subsection (6) of this section:

Provided that any such reduction or remission shall cease to have effect on a change in the occupation of the hereditament in respect of which it was granted.

(6) Any reduction or remission of rates determined under subsection (5) of this section may at the discretion of the rating authority be granted—

- (a) for the year in which, or the year next following that in which, the determination to grant it is made ; or
- (b) for a specified term of years, not exceeding five, beginning not earlier than the year in which the determination was made nor more than twenty-four months after the date of the determination ; or
- (c) for an indefinite period beginning not earlier than the last-mentioned year subject, however, to the exercise by the rating authority of their powers under subsection (7) of this section.

(7) Where any such reduction or remission is granted for an indefinite period the rating authority may, by not less than twelve months' notice in writing given to the occupiers of the hereditament, terminate or modify the reduction or remission as from the end of a year specified in the notice.

(8) The foregoing provisions of this section shall not apply to any hereditament to which section 39 of this Act applies or to any hereditament occupied (otherwise than as trustee) by any authority having, within the meaning of the Local Loans Act 1875 c. 83. 1875, power to levy a rate.

(9) In this section "charity" means an institution or other organisation established for charitable purposes only, and "organisation" includes any persons administering a trust ; and a hereditament an interest in which belongs to a charity or any ecclesiastical corporation and in which (in right of that interest)—

(a) the persons from time to time holding any full-time office as clergyman or minister of any religious denomination, or

(b) any particular person holding such an office,

have or has a residence from which to perform the duties of the office, or in which (in right of the said interest) accommodation is being held available to provide such a residence for such a person, shall be treated for the purposes of this section as occupied by a charity and wholly or mainly used for charitable purposes, whether or not it would be so treated apart from this provision.

(10) The Minister may, on the application of any rating authority appearing to him to be concerned, by order repeal or amend any local enactment which confers an exemption from or abatement of, or a power to reduce or remit a payment

PART III

of, rates in respect of any particular hereditament or of hereditaments of any class if it appears to him that a right to relief arises in respect of that hereditament or hereditaments of that class under subsection (1), or that a reduction or remission may be granted in respect thereof under subsection (5), of this section, and may by that order make such other amendments of any other local enactments as appear to him to be necessary in consequence of the repeal or amendment and such transitional provision as appears to him to be necessary or expedient in connection with the matter; and in this subsection, the expression "local enactment" means a provision of any local and personal Act or private Act or of any order or other instrument in the nature of any such Act.

Exemption
for certain
property of
Trinity House.
1894 c. 60.

41. The following property belonging to, or occupied by, the Trinity House (but, notwithstanding anything in section 731 of the Merchant Shipping Act 1894, no other property so belonging or occupied) shall be exempt from rates, that is to say, light-houses, buoys and beacons, and any property within the same curtilage as, and occupied for the purposes of, a lighthouse.

Exemption of
sewers etc.
1936 c. 49.

42. No sewer, as defined by section 343 of the Public Health Act 1936, and no manhole, ventilating shaft, pumping station, pump or other accessory belonging to such a sewer, shall be liable to be rated or be included in any valuation list or in any rate.

Exemption
of property
of drainage
authorities.
1930 c. 44.

43.—(1) The following premises, namely—

- (a) any land which is occupied by a river authority or other drainage authority and forms part of a main river for the purposes of Part II of the Land Drainage Act 1930 or of a watercourse maintained by the authority; and
- (b) any structure or appliance maintained by a drainage authority, being a structure or appliance for controlling or regulating the flow of water in, into or out of a watercourse which forms part of a main river for the purposes of the said Part II or is maintained by the authority,

shall not be liable to be rated or be included in any valuation list or in any rate:

Provided that nothing in this subsection shall confer any exemption in respect of any right of fishing or shooting which under section 29 of this Act (apart from this subsection) constitutes a separate hereditament for rating purposes.

(2) In this section, the expressions "drainage authority" and "watercourse" have the same meanings respectively as in the Land Drainage Act 1930.

44.—(1) A park which has been provided by, or is under the management of, a local authority and is for the time being available for free and unrestricted use by members of the public shall, while so available, be treated for rating purposes as if it had been dedicated in perpetuity for such use. PART III
Exemption of parks, etc.

(2) In this section—

- (a) references to a park include references to a recreation or pleasure ground, a public walk, an open space within the meaning of the Open Spaces Act 1906, and a playing field provided under the Physical Training and Recreation Act 1937; 1906 c. 25.
1937 c. 46.
- (b) the expression “local authority” means the council of a county, county borough, London borough, county district or borough included in a rural district, a parish council or parish meeting, the Greater London Council, the Common Council of the City of London or the Council of the Isles of Scilly, or any two or more of them acting in combination.

45. In ascertaining for the purposes of section 19 of this Act the gross value of a hereditament, no account shall be taken— Relief in respect of facilities for disabled persons.

- (a) of any structure belonging to the Minister of Health and supplied by that Minister or, before 31st August 1953, by the Minister of Pensions for the accommodation of an invalid chair or of any other vehicle (whether mechanically propelled or not) constructed or adapted for use by invalids or disabled persons; or
- (b) of any structure belonging to a local health authority or to a voluntary organisation formed for any of the purposes mentioned in section 28(1) of the National Health Service Act 1946 (which relates to the prevention of, and to the care and after-care of persons suffering from, illness) and supplied for the use of any person in pursuance of arrangements made under the said section 28(1); or 1946 c. 81.
- (c) of any structure belonging to a local authority within the meaning of section 29 of the National Assistance Act 1948 (which relates to welfare arrangements for blind, deaf, dumb and other handicapped persons) or to such a voluntary organisation as is mentioned in section 30 of that Act and supplied for the use of any person in pursuance of arrangements made under the said section 29; or 1948 c. 29.
- (d) of any structure which is of a kind similar to structures such as are referred to in paragraph (a), (b) or (c) of this section but does not fall within that paragraph by reason that it is owned or has been supplied otherwise than as mentioned in that paragraph.

PART III
Relief for
air-raid
protection
works.

46.—(1) In ascertaining the value for rating purposes of any hereditament, no regard shall be had—

- (a) to any room or other part of the hereditament which has been added at any time after the hereditament was first assessed, or was included in the hereditament before it was first assessed, solely for the purpose of affording protection in the event of hostile attack from the air, and which is not occupied or used for any other purpose ;
- (b) to any structural alterations or improvements to the hereditament (not being the addition of any such room or other part as aforesaid) made, at any time after the hereditament was first assessed, solely for the purpose of affording such protection as aforesaid ;
- (c) to any increase in the rent of the hereditament which is attributable to the provision for persons living or working in the hereditament of protection, otherwise than by warlike means or by any article of apparel, from hostile attack from the air ;

and, in relation to a hereditament forming part of a building, paragraph (b) of this subsection shall have effect as if any structural alterations or improvements made in the building or on land appurtenant to the building for the purpose of providing such protection as is mentioned in paragraph (c) of this subsection were structural alterations or improvements to the hereditament.

(2) No person shall, in respect of any period, be liable to pay rates in respect of a hereditament which is intended to be occupied or used solely for the purpose of affording protection in the event of hostile attack from the air and which is not occupied or used for any other purpose, or be deemed to be in occupation thereof for rating purposes, and notwithstanding anything in this Act no such hereditament shall be included in any rate made in respect of any period.

Temporary relief for certain hereditaments previously exempt.

1843 c. 36.
 1944 c. 31.
 1894 c. 60.
 1961 c. 45.

47. Where an exemption from liability for rates in respect of a hereditament subsisted immediately before 1st April 1963 by virtue of the Scientific Societies Act 1843, section 64 of the Education Act 1944, or section 731 of the Merchant Shipping Act 1894, and would at all times since that date have continued to subsist but for the repeal of the said Act of 1843 or the said section 64 or but for section 12(3) of the Rating and Valuation Act 1961 or section 41 of this Act, as the case may be, then as respects any period during the year 1967-68 as respects which that exemption would have so continued to subsist the amount of rates payable in respect of the hereditament shall, without prejudice to any reduction or remission under

section 40(5) of this Act, be four-fifths of the amount which would be payable apart from the provisions of this section and the said section 40(5). PART III

Special reliefs in respect of dwellings

48.—(1) Every rating authority shall reduce the amount which, apart from this subsection, would be the amount of the rate levied by the authority for any year on any dwelling-house or mixed hereditament in their area by the following amount in the pound, that is to say—

- Reduction of rates on dwellings by reference to domestic element of rate support grants.
1966 c. 42.
- (a) in the case of a dwelling-house, the amount prescribed for that year in pursuance of paragraph 1 of Part III of Schedule 1 to the Local Government Act 1966 ; and
- (b) in the case of a mixed hereditament, one-half (disregarding any halfpenny) of the amount so prescribed.

(2) Where the period for which a rate is made is less than a year, the amount in the pound of the reduction to be made under subsection (1) of this section shall be such as the rating authority may determine ; but the authority shall so exercise their power under this subsection as to secure that the aggregate of the amounts determined in pursuance of this subsection for any year in respect of dwelling-houses and mixed hereditaments respectively is equal to the amount mentioned in paragraph (a) or, as the case may be, paragraph (b) of subsection (1) of this section.

(3) Where a hereditament is a dwelling-house or a mixed hereditament during part only of a rate period, the reduction to be made in pursuance of the foregoing provisions of this section shall be made for that part of the period only.

(4) The Minister may by regulations provide that the foregoing provisions of this section and Part III of Schedule 1 to the said Act of 1966 shall have effect in their application to the City of London subject to such modifications as the Minister considers appropriate for securing that reductions under those provisions are apportioned between the general rate and the poor rate, for securing that payments in respect of the domestic element of rate support grants are treated as the proceeds of those rates in such proportions as may be determined in pursuance of the regulations, and for making such supplementary provision in relation to the City as the Minister considers expedient.

(5) In this section, the expression “mixed hereditament” means a hereditament which is not a dwelling-house but in the case of which it appears to the rating authority or is determined in pursuance of subsection (6) of this section that the proportion

PART III

of the rateable value of the hereditament attributable to the part of the hereditament used for the purposes of a private dwelling or private dwellings is greater than the proportion thereof attributable to the part used for other purposes (any part of the hereditament used for the letting of rooms singly for residential purposes, whether by way of a tenancy or licence and either with or without board or other services or facilities, or used as sites for movable dwellings within the meaning of section 269 of the Public Health Act 1936 being treated as used for purposes other than those of a private dwelling or private dwellings).

1936 c. 49.

(6) The Minister may by regulations provide for the determination as respects any hereditament of any question as to the proportions mentioned in subsection (5) of this section in any case where the occupier or person treated for the purposes of the regulations as the occupier of the hereditament is dissatisfied by the refusal of the rating authority to treat the hereditament as a mixed hereditament for the purposes of this section, or the occupier, the person aforesaid or the rating authority consider that by reason of a change of circumstances a previous determination made in respect of the hereditament by virtue of this subsection should cease to have effect; and without prejudice to the generality of the power to make regulations conferred by the foregoing provisions of this subsection, the regulations may include provision—

- (a) applying for the purposes of a determination any of the provisions of Part V of this Act, with such modifications, if any, as may be specified by the regulations;
- (b) for a determination to have effect with respect to such period, whether or not beginning before the time when an application for the determination was made, as may be provided by or under the regulations.

Right to
rebate in
respect of
rates on
dwelling.
1966 c. 20.

49.—(1) Any person to whom this section applies who makes application therefor in accordance with the provisions of this section shall, subject to subsections (2) and (7) of this section and to section 16(2) of the Ministry of Social Security Act 1966, be entitled in respect of any period of six months beginning with 1st April or 1st October in any year (hereafter in this Act referred to as a “rebate period”) to a rate rebate of such amount, if any, as represents—

- (a) two-thirds of the amount by which the applicant's reckonable rates determined in accordance with Part I of Schedule 9 to this Act exceeds £3 15s., less
- (b) five shillings for every complete pound by which the applicant's reckonable income determined in accordance with Part II of that Schedule exceeds the appropriate limit so determined.

(2) The amount which under subsection (1) of this section would otherwise fall to be afforded by way of rebate shall be reduced—

(a) if—

(i) the applicant did not become entitled to make the rebate application until after the beginning of the rebate period to which it relates ; and

(ii) the application is made more than one month after the date on which he became entitled to make it,

by a sum bearing the same proportion to that amount as the period between that date and the making of the application bears to the period between that date and the end of the rebate period ;

(b) if in any other case the application is made more than one month after the beginning of the rebate period to which it relates, by a sum bearing the same proportion to that amount as the part of that rebate period falling before the date of the making of the application bears to the whole of that rebate period :

Provided that the rating authority may in any particular case determine that the amount aforesaid shall not be reduced under this subsection, or shall be reduced by a lesser sum than that provided for by this subsection, if they are satisfied that it is reasonable and proper so to do having regard to the reason for the application being made after the expiration of the month referred to in paragraph (a)(ii) or, as the case may be, paragraph (b) of this subsection, and to any difference between the amount aforesaid and what that amount would have been if the application had been made immediately before the expiration of that month.

(3) This section applies to the following persons, namely—

(a) a person who is the occupier of, and resides or is usually resident in, a hereditament which is a dwelling-house ;

(b) a person who is the occupier of, and resides or is usually resident in, a hereditament which, though not a dwelling-house, is within the meaning of section 115(3) of this Act used mainly for the purposes of a private dwelling or private dwellings ;

(c) a person who, not being the occupier of such a hereditament as is mentioned in paragraph (a) or (b) of this subsection, is the tenant of, and resides or is usually resident in, a part of any such hereditament in respect of which he makes payments to the occupier by way of rent.

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(4) A rebate application shall be made in writing to the rating authority not earlier than two months before the beginning, and not later than the end, of the rebate period to which it relates; and the Minister may by regulations require any such application to contain such particulars as may be prescribed by the regulations.

(5) Subject to subsection (7) of this section, it shall be the duty of the rating authority to consider any application made to them under this section and, if satisfied that the application has been duly made by a person qualified to make it, the authority shall grant the rebate, if any, to which the applicant is entitled under this section; and any rebate granted shall be afforded in accordance with Part III of Schedule 9 to this Act.

(6) Where the rating authority have granted any person a rebate in respect of the rebate period beginning with 1st April in any year and have no reason to believe that there has been, or is likely by 1st August in that year to be, any material change in that person's circumstances which is relevant to the calculation of any rebate in respect of the next succeeding rebate period, they may not later than 31st July in that year notify that person in writing that, unless a rebate application in respect of the rebate period beginning with 1st October in that year is received by them from that person before that date, they propose to grant him a rebate in respect of that rebate period calculated on the assumption that there has been no change in his relevant circumstances; and if no such application is so received before 1st October, the authority may grant the rebate accordingly and that person shall not be entitled to make a rebate application in respect of that rebate period on or after that date.

(7) Where two or more persons are joint occupiers of a hereditament such as is mentioned in paragraph (a) or (b), or joint tenants of such a part thereof as is mentioned in paragraph (c), of subsection (3) of this section, then for the purposes of rebates under this section each of those persons shall be treated separately as if he were the sole occupier of the hereditament or, as the case may be, sole tenant of that part thereof, except that where a husband and wife are such joint occupiers or tenants a rebate may be granted to either but not to both of them.

(8) Any person who, with intent to obtain a rebate under this section—

(a) furnishes any information which he knows to be false in a material particular; or

(b) withholds any material information,

shall be liable on summary conviction to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding three months, or to both.

PART III

(9) Without prejudice to any other right to recover the amount of any relief by way of rebate under this section which has been wrongly afforded, where any person convicted of an offence under subsection (8) of this section has as a result of that offence been afforded such relief to which he was not entitled, the amount of that relief may be recovered by the rating authority summarily as a civil debt; and proceedings for that purpose may, notwithstanding anything to the contrary in any Act, be brought at any time within twelve months from the time when that relief was afforded or, where the proceedings are for the recovery of a consecutive series of amounts by way of such relief, within twelve months from the date on which the last amount of the series was afforded.

(10) Subject to section 10(1) of the Rating Act 1966, the amount of any rebates granted under this section in respect of any year shall be treated as loss on collection for that year within the meaning of the Rate-product Rules 1959 or the Rate-product (County Boroughs) Rules 1959, as the case may require. 1966 c. 9.
S.I. 1959/258.
S.I. 1959/259.

(11) This section shall not apply to the Temples.

50.—(1) Without prejudice to section 3(4) of this Act or any other power of a rating authority to make provision for the payment of rates by instalments, any person who (not being a tenant or licensee of the rating authority who pays his rates as part of his rent) is the occupier of, and resides or is usually resident in, a hereditament which— Right to pay
rates on
dwelling by
instalments.

(a) either is a dwelling-house or, though not a dwelling-house, is within the meaning of section 115(3) of this Act used mainly for the purposes of a private dwelling or private dwellings; and

(b) is not the subject of arrangements made by virtue of section 55 or 56 of this Act or any local Act whereby the payment of rates thereon is made by or through the owner,

may by notice in writing to the rating authority given in accordance with paragraph 1 of Schedule 10 to this Act elect to pay any rates in respect of that hereditament by instalments in accordance with the said Schedule 10; and, as from the date which under the said paragraph 1 is the effective date of that notice until in pursuance of section 51(2) of this Act or of paragraph 6 of the said Schedule 10 that notice ceases to be in force, any rates in respect of the rate period in which that date falls or any subsequent rate period which are charged on that person in respect of that hereditament shall be payable by instalments accordingly.

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(2) Where in the case of any hereditament such as is mentioned in subsection (1) of this section—

- (a) the persons who reside or are usually resident therein consist wholly or mainly of persons who are beneficiaries of a charity (that is to say, of any body of persons or trust which appears to the Minister to be established wholly or mainly for charitable purposes); and
 - (b) the rates thereon are paid by that charity either as occupier of the hereditament or in pursuance of arrangements made between the charity and the persons who reside or are usually resident in the hereditament,
- the Minister may direct that that hereditament shall be treated for the purposes of the said subsection (1) as if the charity were both the occupier of, and residing in, that hereditament.

(3) Without prejudice to paragraph (b)(ii) of the proviso to section 54(1) of this Act, no allowance by way of discount shall be made by virtue of any provision for like purposes to those of the said section 54(1) contained in any local Act on any amount payable by way of an instalment under this section.

(4) This section shall not extend to the Temples.

Discount in respect of rates on dwelling-house.

51.—(1) The rating authority may, if they think fit, by resolution direct that an allowance by way of discount of such amount not exceeding two-and-a-half per cent. as may be specified in the resolution shall be granted to any person entitled to give a notice under section 50(1) of this Act in respect of a hereditament which is a dwelling-house, whether or not he has in fact given such a notice, who pays the net amount due by way of rates on that hereditament either—

- (a) otherwise than by instalments; or
- (b) by instalments required in pursuance of section 3(4) of this Act,

before such date or respective dates as the rating authority may specify.

(2) If an allowance under this section is made in respect of a hereditament in respect of which a notice under the said section 50(1) is for the time being in force, that notice shall thereupon cease to be in force and rates on that hereditament shall cease to be payable in accordance with Schedule 10 to this Act, without prejudice, however, to the right to give a fresh notice under the said section 50(1) in accordance with paragraph 1(a) of that Schedule.

(3) The rating authority may at any time revoke or vary a resolution under this section.

(4) While any resolution under this section is in force, a statement of the effect thereof shall be included in or sent with every demand note on which rates are levied in respect of any hereditament which is a dwelling-house.

(5) Subject to paragraph (a) of the proviso to section 54(1) of this Act and to subsection (6) of this section, nothing in this section shall prejudice the powers with respect to allowances by way of discount conferred by section 54 of this Act or any provision for like purposes contained in any local Act.

(6) A person who is for the time being entitled to an allowance under this section in respect of any hereditament shall not be entitled to an allowance in respect of that hereditament under any such provision of a local Act as is mentioned in subsection (5) of this section.

(7) This section shall not apply to the Temples.

52.—(1) For the purposes of the valuation lists in force at the commencement of this Act, the Minister may by order provide that the provisions of Schedule 11 to this Act shall have effect.

Temporary power to reduce rateable value of dwelling-houses, etc.

(2) An order under this section shall not have effect unless approved by a resolution of each House of Parliament.

General remissions, reductions and allowances

53. A rating authority shall have power to reduce or remit the payment of any rate on account of the poverty of any person liable to pay it.

Reduction or remission of rate.

54.—(1) The rating authority may, if they think fit, by resolution direct that an allowance by way of discount not exceeding two and a half per cent. shall be made on the amount due in respect of any rate from every person who pays the net amount due before such date as the rating authority may specify:

Uniform discount in respect of rates on all hereditaments.

Provided that—

(a) a person shall not be entitled to the allowance in respect of any hereditament in respect of which he is for the time being entitled to an allowance under section 51 of this Act; and

(b) the allowance shall not be made—

(i) where the person paying the rate is an owner who is entitled to any of the allowances for which provision is made by section 55 or 56 of this Act; or

(ii) on any amount payable by way of an instalment under section 50 of this Act; and

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(c) the allowance shall be made at the same rate to all persons entitled to it.

(2) The rating authority may at any time revoke or vary a resolution under this section.

(3) While any resolution under this section is in force, there shall be included in every demand note on which the general rate is levied a statement of the effect of the resolution.

(4) This section shall not apply to the City of London.

PART IV**BEARING OF RATES BY PERSONS OTHER THAN OCCUPIER**

Rating
of owners
instead of
occupiers.

55.—(1) Any rating authority may by resolution direct that, in the case of all hereditaments in their area which belong to a class to be defined in the resolution by reference to rateable value and also, if rent is paid and the rating authority so decide, by reference to the interval at which rent from time to time becomes payable or is collected, the owners thereof shall be rated instead of the occupiers:

Provided that the class shall not be so defined as to include any hereditaments the rateable value of which exceeds fifty-six pounds or such other limit as may for the time being be fixed by an order under subsection (5) of this section.

(2) Where a rating authority give any such direction as aforesaid, the owners of any hereditaments in that authority's rating area to which the direction applies shall, in the case of any rate made while the resolution is in force, be rated accordingly, and the rating authority shall make to any owner who being so rated pays the amount due from him in respect of the rate before the expiration of half the period in respect of which the rate was made (or, if the rate is payable by instalments, half the period in which the instalment is payable), or before such later date or dates as may be specified in the resolution, an allowance equal to ten per cent. of the amount payable.

(3) A resolution of the rating authority rescinding a previous resolution under subsection (1) of this section shall take effect only on the expiration of a rate period.

(4) Any owner who under subsection (2) of this section pays any rate which, as between the owner and the occupier, the occupier is liable to pay shall be entitled to be reimbursed by the occupier the amount so paid.

(5) The Minister may by order substitute a different limit for that specified in the proviso to subsection (1) of this section ; but

any such order shall not affect any person's liability for rates for any period before the coming into force of the first new valuation list to come into force after the date of the order.

(6) Any order under subsection (5) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) In the application of this section to the Temples, for any reference to a resolution of the rating authority there shall be substituted a reference to an order of the rating authority.

56.—(1) The owner of any hereditament the rent of which becomes payable or is collected at intervals shorter than quarterly may by agreement in writing with the rating authority undertake either—

Payment or collection of rates by owners by agreement.

- (a) that he will pay the rates chargeable in respect of the hereditament whether it is occupied or not; or
- (b) that he will so long as the hereditament is occupied pay the rates chargeable in respect of it; or
- (c) that he will on behalf of the authority collect the rates due from the occupier of the hereditament;

and the authority may agree, where the owner so undertakes and pays over to the authority on or before the date or dates specified in the agreement the amounts payable by him thereunder, to make him an allowance not exceeding in the case of an undertaking under paragraph (a) of this subsection ten per cent., in the case of an undertaking under paragraph (b) thereof seven and a half per cent., or in the case of an undertaking under paragraph (c) thereof five per cent.

(2) An allowance made under subsection (1) of this section in respect of any hereditament to an owner who is rated under section 55 of this Act shall be in substitution for any allowance to which he might otherwise have been entitled in respect of that hereditament under the said section 55.

(3) An agreement entered into under this section shall continue in force until determined by notice given either by the rating authority to the owner or by the owner to the rating authority, and in the event of a change in the ownership of any hereditament while the agreement is in force shall continue to be binding upon the new owner as if it had been made by him.

(4) A notice for the purposes of subsection (3) of this section shall take effect only on the expiration of a rate period and shall be given before the commencement of that period.

(5) In the case of an undertaking by an owner under subsection (1)(c) of this section, the amount due from the owner shall be taken to be an amount which bears to the total amount

PART IV of the rates due the same proportion as the aggregate amount actually collected by him in respect of rent and rates bears to the aggregate amount due in respect thereof.

(6) In the case of an undertaking by an owner under subsection (1)(c) of this section, unless the undertaking expressly so provides—

(a) the expression “rates due” in the provisions of this section relating to such an undertaking shall not include rates accruing due before the date on which the undertaking comes into operation; and

(b) account shall not be taken for the purposes of subsection (5) of this section of rent which accrues due before that date.

1848 c. clxiii.

(7) Section 177 of the City of London Sewers Act 1848 shall not apply to any hereditament in the City of London so long as an undertaking in respect of that hereditament is in force under subsection (1)(a) of this section.

Provisions
supplementary
to ss. 55 and
56.

57.—(1) Where in the case of any hereditament the owner is rated in respect thereof in pursuance of section 55 of this Act, or has undertaken in pursuance of section 56 of this Act to pay or collect the rates charged in respect thereof, the amount due from him in respect of those rates shall be recoverable by the rating authority from him, or, where the rates are collected by an agent of his, either from him or from that agent, in like manner and subject to the like conditions as rates payable by the occupier of a hereditament (not being an occupier by whom a notice under section 50(1) of this Act has been given and is for the time being in force) are recoverable from the occupier.

(2) Every owner who is rated under the said section 55 instead of the occupier, or who enters into an agreement with the rating authority under the said section 56, in respect of any hereditaments shall, without prejudice to the rights of the occupier of any of those hereditaments, be treated in relation to any right of appeal against a rate under section 7 of this Act as standing in the same position as the occupier.

(3) Every owner who is rated under the said section 55 instead of the occupier or who enters into an agreement with a rating authority under the said section 56 shall from time to time on demand deliver to the rating authority—

(a) a list of the occupiers of the hereditaments in respect of which he is so rated or has so agreed; and

(b) such particulars with respect to the periods for which any of those hereditaments have been unoccupied and with respect to the amount which he has failed to collect from the occupiers as the authority may require

for the purpose of enabling them to determine what amount is properly due from the owner under the said section 55 or 56 ;

and if any such owner refuses or neglects to comply with the provisions of this subsection, or knowingly delivers to any authority particulars which are untrue in any material respect, he shall in respect of each offence be liable on summary conviction to a fine not exceeding five pounds and, in the case of refusal or neglect to deliver particulars, to a further penalty not exceeding one pound for each day during which the offence continues after conviction therefor.

(4) Subject to subsection (5) of this section, the foregoing provisions of this Part of this Act shall have effect in substitution for any provisions contained in any local Act with respect to the rating of owners instead of occupiers.

(5) Where in the case of any rating area a resolution of the rating authority made under Schedule 2 to the Rating and Valuation Act 1928 was in force immediately before the date of commencement of this Act whereby any provisions contained in any local Act with respect to the rating of owners instead of occupiers applied to any rates made by the authority, then, until that resolution is rescinded—

- (a) those provisions shall continue so to apply and, if and so far as they may have been repealed by, or by any order made under, the Rating and Valuation Act 1925, shall have effect as if re-enacted in this Act ; and
- (b) all resolutions, agreements and notices in force under those provisions immediately before the said date shall continue to have effect until they are rescinded or modified.

58. Where a hereditament is let to the occupier for a term not exceeding three months—

- (a) the occupier shall be entitled to deduct any amount paid by him in respect of rates upon that hereditament from the rent due or accruing due to the owner, and every such payment shall be a valid discharge of the rent to the extent of the rates so paid ;
- (b) the occupier shall not be compelled to pay to the rating authority at any one time or within any four weeks a greater amount by way of rates than would be due for one quarter of the year.

59. Where an owner who has undertaken, whether by agreement with the occupier or with the rating authority, to pay rates, or has otherwise become liable to pay rates, omits or neglects to pay any rate, the occupier may pay that rate and

Deduction of rates from rent by lessees for short terms.

Deduction from rent of rates omitted to be paid by owner.

PART IV

deduct the amount of the payment from the rent due or accruing due to the owner, and the receipt for the rate shall be a valid discharge of the rent to the extent of the rate so paid.

Owner's liability for rates where occupier entitled to diplomatic immunity.

60.—(1) Without prejudice to the operation of any other provision of this Act, where—

- (a) any hereditament in a rating area in Greater London is occupied upon terms which provide that the owner shall pay the rate charged on that hereditament; and
- (b) the occupier of the hereditament would in any proceedings against him by the rating authority to enforce payment of the rate be entitled to claim diplomatic immunity,

the owner shall be liable to pay to the rating authority an amount equal to so much of any payment in respect of rent received by him from the occupier as represents the proportion of rate included in that payment, and that amount may be recovered from the owner in the same manner and subject to the same conditions as rates recovered from the occupiers of rated hereditaments.

(2) In this section—

- (a) the expression “ diplomatic immunity ” means immunity from suit and legal process which is accorded by law to an envoy or other public minister of a foreign sovereign power accredited to Her Majesty, or to the family or official or domestic staff of such an envoy or minister or to the families of any such staff, and includes any like immunities and any exemption or relief from rates which is conferred on any person or organisation by or under the Diplomatic Privileges Act 1964 ;
- (b) the expression “ owner ” in relation to a hereditament includes any person who receives any rent of the hereditament whether on his own account or as agent or trustee for another person.

1964 c. 81.

Recovery of rates from tenants and lodgers.

61.—(1) Where the rates due from the person rated for any hereditament are in arrear, it shall be lawful for the rating authority to serve upon any person paying rent in respect of that hereditament, or any part thereof, to the person from whom the arrears are due a notice stating the amount of those arrears of rates and requiring all future payments of rent (whether already accrued due or not) by the person paying the rent to be made direct to the rating authority until those arrears shall have been duly paid ; and that notice shall, subject to subsection (2) of this section, operate to transfer to the rating authority the right to recover, receive and give a discharge for that rent.

(2) The right of the rating authority to recover, receive and give a discharge for any rent by virtue of subsection (1) of this section shall be postponed to any right in respect of that rent which may at any time be vested in a superior landlord by virtue of a notice under section 6 of the Law of Distress 1908 c. 53. Amendment Act 1908. PART IV

(3) In this section, the expression "rent" includes a payment made by a lodger.

62. Notwithstanding that the owner of a hereditament has become liable for payment of the rates assessed thereon, the goods and chattels of the occupier shall be liable to be distrained and sold under Part VI of this Act for payment of such rates as may accrue during his occupation of the hereditament at any time while those rates remain unpaid by the owner, except that— Recovery of rates unpaid by owner.

- (a) no such distress shall be levied unless the rate has been demanded in writing by the rating authority from the occupier and the occupier has failed to pay it within fourteen days of the service of that demand ;
- (b) no greater sum shall be raised by the distress than shall at the time of making the distress be actually due from the occupier for rent of the premises on which the distress is made ;
- (c) the occupier shall be entitled to deduct the amount of rates for which the distress is made, and the expenses of the distress, from the rent due or accruing due to the owner, and every such payment shall be a valid discharge of the rent to the extent of the rates and expenses paid.

63. Any lessee, licensee, or grantee of a mine rateable by virtue of section 16(d) of this Act whose lease, licence or grant was granted or made before 6th April 1875 may, unless before that date he had specifically contracted to pay any rates in respect of the mine in the event of the abolition of his exemption from being so rated, deduct from any rent, royalty, or dues payable by him during the continuance of his lease, licence or grant, or before the arrival of the period at which the amount of the rent, royalty or dues is liable to revision or readjustment, whichever is the less of the following, that is to say— Deduction from rent, etc. of rates by certain tenants of mines.

- (a) one half of any rates paid by him in respect of the mine ; or
- (b) one half of what those rates would have been if calculated upon the rent, royalty or dues so payable by him.

PART IV

Deduction from rent of rate in respect of land used as plantation, etc.

64. Where the rateable value of any land is increased by reason of its being estimated in accordance with section 27(2) or (4) of this Act, the occupier of that land under any lease or agreement made before 6th April 1875 may, during the continuance of the lease or agreement, deduct from his rent any amount paid by him by way of rates in respect of that increase ; and the valuation officer, on the application of the occupier, shall certify in the valuation list or otherwise the fact and amount of that increase.

Deduction from rent in respect of rate for rights of sporting.

65. In a case to which section 29(1) of this Act applies, if the rateable value of any land is increased by reason of its being estimated in accordance with the said section 29(1), but not otherwise, the occupier of the land may, unless he has specifically contracted to pay the rates in the event of such an increase, deduct from his rent such portion of any rate as is paid by him in respect of the increase ; and the valuation officer, on the application of the occupier, shall certify in the valuation list or otherwise the fact and amount of the increase.

General provision as to deduction of rates from rent etc.

66. Where any person is authorised by section 63, 64 or 65 of this Act to deduct any rate or sum in respect of a rate from any rent, royalty, or dues payable by him, then—

- (a) any payment so authorised to be deducted shall be a good discharge for such amount of rent, royalty or dues as is equal to the amount of the payment, and shall be allowed accordingly ;
- (b) any payment so authorised to be deducted may be recovered as an ordinary debt from the person to whom rent, royalty, or dues may be payable ;
- (c) the person receiving the rent, royalty or dues shall have the same right of appeal and objection with reference to the rate and to the valuation of the hereditament in respect of which the rate is payable as he would have if he were the occupier of that hereditament.

PART V

VALUATION LISTS

Maintenance of, and preparation of new, valuation lists

The valuation list.

67.—(1) For the purposes of rates, there shall be maintained for each rating area a valuation list prepared, and from time to time caused to be altered, in accordance with the provisions of this Part of this Act by the valuation officer.

(2) Subject to the provisions of this Act, there shall be inserted in the valuation list such particulars as may be prescribed—

- (a) with respect to every hereditament in the rating area and the value thereof; and
- (b) with respect to totals of values—
 - (i) in respect of the whole rating area; and
 - (ii) in respect of any rating district forming part only of that area which is liable to be charged separately in respect of any expenses; and
 - (iii) except in Greater London, in respect of any other part of that area which is so liable.

(3) In any case where a payment in respect of a deficiency in the assessments for a rate falls to be made by any person under section 133 of the Lands Clauses Consolidation Act 1845 1845 c. 18. or section 27 of the Compulsory Purchase Act 1965, there 1965 c. 56. shall be included among the particulars inserted in the valuation list the assessment on which that payment is based, and any such payment shall be taken into account for the purpose of ascertaining the proceeds of any rate.

(4) Where a rating area comprises more than one rating district, the particulars aforesaid with respect to each respectively of those districts shall be set out in a separate division of the valuation list.

(5) Subject to any alteration duly made under this Act, every valuation list (including every list in force immediately before the commencement of this Act) shall remain in force until it is superseded by a new valuation list.

(6) Subject to subsection (7) of this section, the valuation list in accordance with which, under section 2(4)(b) of this Act, any rate falls or fell to be made, as in force (or about to come into force) at the date of the making of the rate, shall be conclusive evidence for the purposes of the levying of that rate of the values of the several hereditaments included in the list.

(7) As respects any period during which, under this Act, an alteration of the valuation list referred to in subsection (6) of this section is for the time being to be treated as having had effect, the reference in the said subsection (6) to that list shall be construed as a reference to that list as so altered.

68.—(1) In the case of each rating area, new valuation lists New valuation lists. shall be prepared and made by the valuation officer so as to come into force on 1st April in 1973 and each fifth year thereafter.

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(2) The valuation officer by whom a new valuation list is prepared shall, not later than the end of the month of December preceding the date on which the list is to come into force (or if in any particular case the Minister, either before or after the end of that month, allows an extended period, then not later than the end of that period) sign the list and transmit it, together with a copy thereof, to the rating authority, who shall deposit the list at the offices of the authority.

(3) Where, after the valuation officer has transmitted the list to the rating authority, but before the date on which the list is to come into force, it appears to him that, by reason of a material change of circumstances which has occurred since the time of valuation, the list needs to be altered in any respect, he shall cause the list to be altered accordingly before that date.

(4) In subsection (3) of this section, the expression "material change of circumstances" means a change of circumstances which consists of—

- (a) the coming into occupation of a newly erected or newly constructed hereditament or of a hereditament which has been out of occupation on account of structural alterations ; or
- (b) a change in the value of a hereditament caused by the making of structural alterations or by the total or partial destruction of any building or other erection by fire or any other physical cause ; or
- (c) the happening of any event whereby a hereditament or part of a hereditament becomes, or ceases to be, not liable to be rated ; or
- (d) a change in the extent to which any railway or canal premises within the meaning of section 32 of this Act are occupied for non-rateable purposes within the meaning of that section ; or
- (e) property previously rated as a single hereditament becoming liable to be rated in parts ; or
- (f) property previously rated in parts becoming liable to be rated as a single hereditament ; or
- (g) a hereditament becoming or ceasing to be—
 - (i) a dwelling-house ; or
 - (ii) a private garage or private storage premises within the meaning of Schedule 11 to this Act ; or
- (h) a hereditament being, in accordance with Schedule 13 to this Act, used to a greater or lesser extent for the purposes of a private dwelling or private dwellings,

and the expression "the time of valuation", in relation to a change of circumstances, means the time by reference to which

the valuation officer prepared so much of the list as is affected by that change of circumstances.

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(5) The omission from a new valuation list of any matter required by law to be included therein shall not of itself render the list invalid.

(6) In respect of any new valuation list, it shall be the duty of the rating authority immediately upon receipt thereof to take such steps as the authority may consider most suitable for giving notice of the list, and of the rights of persons to inspect the list and to make proposals for altering it.

Alterations of current valuation list

69.—(1) Subject to subsection (6) of this section, any person (including a rating authority) who is aggrieved—

Proposals for alteration of current valuation list.

- (a) by the inclusion of any hereditament in the valuation list ; or
- (b) by any value ascribed in the list to a hereditament or by any other statement made or omitted to be made in the list with respect to a hereditament ; or
- (c) in the case of a building or portion of a building occupied in parts, by the valuation in the list of that building or portion of a building as a single hereditament,

may at any time make a proposal for the alteration of the list so far as it relates to that hereditament.

(2) Subject to subsection (6) of this section, the valuation officer may at any time make a proposal for any alteration of a valuation list and in particular, in addition to the proposals authorised or required by, or by virtue of, the following provisions of this Act, namely, paragraph 6(1) of Schedule 1, paragraph 4(1) of Schedule 4, paragraph 8(4) of Schedule 5, paragraph 13 of Schedule 6 and paragraph 15 of Schedule 7, shall from time to time make such proposals as may be requisite—

- (a) for deleting from the list any premises exempted from rating by virtue of section 33(1)(b) of this Act ;
- (b) for excluding from the list any premises which form part of a hereditament shown in the list and which, by virtue of section 33(1)(a) or (b) of this Act, are not liable to be rated, and for including in the list, as one

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or more separate hereditaments, so much of any such hereditament as remains liable to be rated ;

- (c) for altering the list in consequence of any event whereby premises cease to be within the exemption from rating conferred by section 32(3), 33(1) or 34(1) of this Act.

(3) Without prejudice to any right exercisable by rating authorities by virtue of subsection (1) of this section, where—

- (a) it appears to a rating authority that a hereditament in their rating area which is not included in the list ought to be included therein ; and
- (b) the valuation officer gives notice in writing to the rating authority that he does not intend to make a proposal for inserting that hereditament in the list,

the rating authority, at any time within twenty-eight days after the date on which that notice was given, may make a proposal for the alteration of the list by the insertion of that hereditament therein.

(4) Where a proposal in relation to a hereditament has been made under the foregoing provisions of this section, a further proposal for the alteration of the list in relation to that hereditament may be so made which is contingent on an alteration being made in consequence of the earlier proposal.

(5) Every proposal under this section must—

- (a) be made in writing ; and
- (b) specify the grounds on which the proposed alteration is supported ; and
- (c) comply with any requirements of any regulations made by the Minister with respect to the form of such proposals and otherwise with respect to the making thereof,

and every such proposal made otherwise than by the valuation officer must be served on the valuation officer.

(6) No proposal shall be made under this section—

- (a) for the alteration of a valuation list so far as it relates to a hereditament included in the list by virtue of paragraph 10(b) of Schedule 6 or paragraph 14(b) of Schedule 7 to this Act ; or
- (b) save as provided by paragraph 4(1) or 5(2), or by an order under paragraph 10, of Schedule 4 to this Act,

for the alteration of the rateable value of a water hereditament within the meaning of section 31 of this Act;

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and the provisions of this section shall have effect subject to the provisions of any order under section 35 of this Act.

70.—(1) The valuation officer shall, within twenty-eight days after the date on which a proposal under section 69 of this Act is served on him, or within seven days after the date on which such a proposal is made by him, as the case may be, transmit a copy thereof, together with a statement in writing of the right of objection conferred by subsection (2) of this section, to each of the following persons, not being the maker of the proposal, that is to say—

Provision for objections to proposals.

- (a) the occupier of the hereditament to which the proposal relates; and
- (b) the rating authority for the area in which the hereditament in question is situated.

(2) Any of the following persons, that is to say, the owner or occupier of the whole or any part of a hereditament to which the proposal relates or the rating authority for the area in which that hereditament is situated, may, within twenty-eight days from the date on which notice is served under subsection (1) of this section on the occupier or, in the case of the rating authority (where they are not the occupier), on the rating authority, serve on the valuation officer notice in writing of objection to the proposal; and, where the proposal was made otherwise than by the valuation officer, the valuation officer shall, within twenty-eight days of the date on which a notice of objection is served on him, transmit a copy thereof to the maker of the proposal.

71.—(1) Where in the case of any proposal under section 69 of this Act—

Unopposed proposals.

- (a) no notice of objection is served within the time limited by section 70(2) of this Act, or every such notice is unconditionally withdrawn; and
- (b) either—
 - (i) the proposal was made by the valuation officer; or
 - (ii) the valuation officer is satisfied that the proposal is well-founded; or

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(iii) at the end of the period of four months beginning with the date on which the proposal was served on the valuation officer, that officer has not given a notice under section 74(1) of this Act,

the valuation officer shall cause the valuation list to be altered so as to give effect to the proposal.

(2) Where the proposal was served on the valuation officer before the first anniversary of the coming into force of the valuation list to which the proposal relates, subsection (1)(b)(iii) of this section shall have effect as if for the words "four months" there were substituted the words "six months".

Agreed
alterations
after
proposals.

72.—(1) Where, in the case of any proposal under section 69 of this Act, the requirements of section 71 of this Act are not satisfied, but—

- (a) all the persons referred to in subsection (2) of this section agree on an alteration of the valuation list (whether the alteration is that specified in the proposal or another alteration); and
- (b) the agreement is reached without, or before the determination of, any appeal to a local valuation court, or reference to arbitration, with respect to an objection to the proposal,

the valuation officer shall cause that alteration to be made in the valuation list.

(2) The persons referred to in subsection (1)(a) of this section are—

- (a) the valuation officer;
- (b) the person who made the proposal, where the proposal was not made by the valuation officer;
- (c) any person who has served and who has not unconditionally withdrawn a notice of objection to the proposal;
- (d) the occupier of the hereditament to which the proposal relates, if he is not included by virtue of paragraph (b) or (c) of this subsection;
- (e) the rating authority (if not included by virtue of paragraph (b), (c) or (d) of this subsection), unless they have notified the valuation officer that they do not desire to be included by virtue of this paragraph either generally or as respects a class of hereditament which includes the hereditament to which the proposal relates.

73.—(1) If in the case of any proposal under section 69 of this Act notice of objection thereto has been served and not unconditionally withdrawn, and the proposal is not withdrawn, the valuation officer may at any time within the period of four months beginning with—

- (a) in the case of a proposal made by the valuation officer, the date on which the proposal was made ; or
- (b) in the case of any other proposal, the date on which the proposal was served on the valuation officer,

and shall not later than the end of that period, transmit a copy of the proposal, and of every notice of objection thereto which has not been unconditionally withdrawn, to the clerk to the local valuation panel constituted under section 88 of this Act from the members of which a local valuation court for the hearing of an appeal against that objection would fall to be constituted.

(2) Where under the foregoing subsection the valuation officer transmits a copy of a proposal to the clerk to a local valuation panel—

- (a) the valuation officer shall forthwith notify the fact that he has done so to the person who made the proposal, to any person who served a notice of objection of which a copy is transmitted with the copy of the proposal, and to the rating authority ; and
- (b) the said transmission shall have effect as an appeal to a local valuation court, by the person who made the proposal, against every objection (whether of the valuation officer or of any other person) signified by a notice of which a copy is transmitted with the copy of the proposal.

(3) Where the date referred to in paragraph (a) or (b) of subsection (1) of this section falls before the first anniversary of the coming into force of the valuation list to which the proposal relates, that subsection shall have effect as if for the words “four months” there were substituted the words “six months”.

74.—(1) In the case of a proposal made under section 69 of this Act otherwise than by the valuation officer, the valuation officer may, at any time within the period of three months beginning with the date on which the proposal was served on the valuation officer, give notice in writing to the person who made the proposal that he objects to the proposal, and that the said person, if he does not withdraw the proposal within fourteen days, will be treated as intending to appeal to a valuation court against the valuation officer's objection to the proposal.

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(2) Not less than fourteen nor more than twenty-eight days after the valuation officer has given a notice under subsection (1) of this section, he shall, unless the proposal has then been withdrawn, transmit to the clerk to the local valuation panel constituted under section 88 of this Act from the members of which the local valuation court would fall to be constituted a copy of the proposal together with a copy of the notice under the said subsection (1) and of any notice of objection to the proposal which has been served under section 70(2) of this Act and has not been unconditionally withdrawn.

(3) Where, in accordance with subsection (2) of this section, the valuation officer transmits a copy of a proposal to the clerk to a local valuation panel, section 73(2) of this Act shall apply for the purposes of this section as if any reference in the said section 73(2) to section 73(1) of this Act included a reference to subsection (2) of this section.

(4) Where the proposal was served on the valuation officer before the first anniversary of the coming into force of the valuation list to which the proposal relates, subsection (1) of this section shall have effect as if for the words "three months" there were substituted the words "five months".

Two or more proposals in respect of same hereditament.

75. Where a proposal is made for the alteration of a valuation list so far as it relates to a particular hereditament, and before that proposal is settled a further proposal is made, otherwise than by the occupier, for the alteration of the list in relation to that hereditament, then if no notice of objection to the further proposal is served under section 70(2) of this Act within the time limited for the purpose—

(a) the occupier shall for the purposes of sections 71 to 74 of this Act be deemed to have served such a notice on the last day for doing so; and

(b) the valuation officer in transmitting a copy of the further proposal to the clerk of a local valuation panel under section 73(1) or 74(2) of this Act shall, instead of transmitting a copy of the notice of objection thereto, transmit a notification that the occupier is deemed to have served such a notice; and where such a notification has been transmitted, section 73(2) of this Act shall apply as if a copy of the notice of objection had been so transmitted with a copy of the further proposal.

Appeals to local valuation courts against objections to proposals.

76.—(1) Where a copy of a proposal is transmitted to the clerk to a local valuation panel and by virtue of section 73(2), 74(3) or 75 of this Act that transmission has effect as an appeal to a local valuation court against an objection to the proposal, it shall be the duty of the chairman or a deputy chairman of that panel to arrange for the convening of such a court.

(2) The procedure of a local valuation court shall, subject to any regulations made in that behalf by the Minister, and subject to subsection (3) of this section, be such as the court may determine ; and the court—

- (a) shall sit in public, unless the court otherwise order on the application of any party to the appeal and upon being satisfied that the interests of one or more parties to the appeal would be prejudicially affected ; and
- (b) may take evidence on oath and shall have power for that purpose to administer oaths.

(3) Where, by virtue of section 75 of this Act, the transmission of a copy of a proposal relating to any hereditament has effect as an appeal to a local valuation court, the court may hear and determine the appeal together with any appeal against objections to earlier proposals relating to that hereditament, but except as aforesaid the court shall not hear the first-mentioned appeal until all earlier proposals relating to the hereditament are settled.

(4) On the hearing of an appeal to a local valuation court—

- (a) the appellant ; and
- (b) the valuation officer, when he is not the appellant ; and
- (c) the owner or occupier of the hereditament to which the appeal relates, when he is not the appellant ; and
- (d) the rating authority for the rating area in which the hereditament in question is situated, when that authority are not the appellant ; and
- (e) the objector, where he is not one of the persons aforesaid,

shall be entitled to appear and be heard as parties to the appeal and examine any witness before the court and to call witnesses.

(5) Subject to the provisions of this Act, after hearing the persons mentioned in subsection (4) of this section, or such of them as desire to be heard, the local valuation court shall give such directions with respect to the manner in which the hereditament in question is to be treated in the valuation list as appear to them to be necessary to give effect to the contention of the appellant if and so far as that contention appears to the court to be well founded ; and the valuation officer shall cause the valuation list to be altered accordingly.

77. Any person who in pursuance of section 76 of this Act appears before a local valuation court on the hearing of an appeal and is aggrieved by the decision of the court thereon may, within such period as may be prescribed by rules made by the Lord Chancellor under section 3 of the Lands Tribunal Act 1949, appeal to the Lands Tribunal, and that Tribunal, Appeal from decision of local valuation court to Lands Tribunal. 1949 c. 42.

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after hearing such of the persons as appeared as aforesaid as desire to be heard, may give any directions which the local valuation court might have given; and the valuation officer shall cause the valuation list to be altered accordingly.

Arbitration with respect to proposals.

78.—(1) Notwithstanding anything in the foregoing provisions of this Part of this Act, the persons who would be entitled to appear and be heard before a local valuation court may by agreement in writing agree to refer to arbitration any matter which would but for the agreement fall to be heard or determined by such a court, and the matter shall be referred to arbitration accordingly.

1950 c. 27.

(2) The Arbitration Act 1950 shall apply to any such arbitration.

(3) The award in any such arbitration may include any directions which might under this Part of this Act have been given by the local valuation court; and the valuation officer shall cause the valuation list to be altered accordingly.

Effect of alterations to valuation list made in pursuance of proposals.

79.—(1) Subject to subsection (2) of this section and to the following provisions of this Act, namely, paragraph 6(4) of Schedule 1, paragraph 5(4) of Schedule 4, paragraph 8(4) of Schedule 5, paragraphs 10(b) and 13 of Schedule 6 and paragraphs 14(b) and 15 of Schedule 7, where an alteration is made in a valuation list by virtue of sections 71 to 78 of this Act, then, in relation to any rate current at the date when the proposal in pursuance of which the amendment so made was served on the valuation officer, or, where the proposal was made by the valuation officer, current at the date when notice of the proposal was served on the occupier of the hereditament in question, that alteration shall be deemed to have had effect as from the commencement of the period in respect of which the rate was made, and shall, subject to the provisions of this section, have effect for the purposes of any subsequent rate.

(2) Notwithstanding anything in subsection (1) of this section, where an alteration in the valuation list—

- (a) consists of the inclusion in the valuation list of a newly erected or newly constructed hereditament or an altered hereditament which has been out of occupation on account of structural alterations; or
- (b) is made by reason of any of the events specified in section 68(4)(b) to (h) of this Act,

the alteration shall have effect only as from the date when the new or altered hereditament comes into occupation or as from the happening of the event by reason of which the alteration is made as the case may be.

(3) Where, in the case of an alteration made in a valuation list by virtue of the said sections 71 to 78, the alteration affects the amount of any rate levied in respect of any hereditament in accordance with the list, then, subject to subsection (4) of this section, the difference—

- (a) if too much has been paid, shall be repaid or allowed ;
or
- (b) if too little has been paid, shall be paid and may be recovered as if it were arrears of the rate.

(4) No liability shall be imposed or right conferred on any person by virtue of subsection (3) of this section to pay or receive the difference referred to in that subsection if that person had ceased to occupy or own the hereditament in question before—

- (a) the date when the proposal in pursuance of which the alteration in the valuation list was made was served on the valuation officer ; or
- (b) if the proposal was made by the valuation officer, the date when notice thereof was served on the occupier of the hereditament.

80.—(1) Subject to subsection (2) of this section, the valuation officer may at any time cause to be made in a valuation list any alteration which is necessary to correct any clerical or arithmetical error therein and the list shall have effect, and be deemed always to have had effect, accordingly.

Alteration of valuation list without proposal.

(2) If the alteration referred to in the foregoing subsection is made in respect of any matter other than totals, the valuation officer shall, before causing the alteration to be made, send notice thereof to the occupier of the hereditament affected and to the rating authority of the rating area, and shall allow fourteen days to elapse during which any person concerned may make representations with respect to the proposed alteration.

(3) The valuation officer may at any time, if so requested by the rating authority, cause a valuation list to be altered by the deletion therefrom of any hereditament which the valuation officer is satisfied has ceased to exist ; and section 79(1) of this Act shall apply in relation to the alteration of a valuation list under this subsection as it applies in relation to its alteration under sections 71 to 78 of this Act with the substitution for the reference in the said section 79(1) to any rate current at the date specified therein of a reference to any rate current at the date of the request.

(4) In addition to any alterations in the valuation list required by paragraph 9(4) or 11(9) to (11) of Schedule 4, paragraph 10(b) of Schedule 6 or paragraph 14(b) of Schedule 7 to this

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Act or by any order under section 35 of this Act or under paragraph 10 of the said Schedule 4 to be made without a proposal, the valuation officer shall without any proposal—

- (a) from time to time cause such alterations to be made in the list as may be requisite for deleting from the list any premises which by virtue of section 33(1)(a) of this Act are not liable to be rated ;
- (b) cause the list to be altered by the deletion therefrom of any property which he is satisfied has, by virtue of section 38(2) of the Local Government Act 1966, ceased to be rateable.

1966 c. 42.

Supplementary provisions as to proceedings.

81.—(1) Any person may include in the same proposal, objection or other proceeding under this Part of this Act all or any hereditaments comprised in the same valuation list as respects which he has a right to make or bring any such proposal, objection or other proceeding, notwithstanding that they are separately assessed in that list, if, but only if, those hereditaments are owned or occupied by the same person or are comprised in the same building.

(2) Every owner who is rated under section 55 of this Act instead of the occupier, or who enters into an agreement with the rating authority under section 56 of this Act, in respect of any hereditaments shall, without prejudice to the rights of the occupier of any of those hereditaments, be treated for the purposes of the provisions of this Part of this Act relating to proposals, objections and appeals as standing in the same position as the occupier.

(3) Where any premises are unoccupied, any reference in this Part of this Act to the occupier shall be construed as a reference to the owner of the premises :

Provided that, where the owner is unknown and by virtue of subsection (2) of section 109 of this Act a notice addressed to the occupier has been served in accordance with that section, that notice shall be deemed to have been duly served on the owner.

(4) Any officer of a rating authority acting under any special or general resolution of the authority may authorise the institution, carrying on or defence of any proceedings, or the taking of any step, in relation to a valuation list which the authority are authorised or required to institute, carry on, defend or take.

Power for valuation officer to call for returns.

82.—(1) In every case where a new valuation list is to be made for any rating area, the valuation officer may serve a notice on the occupier, owner or lessee of any hereditament or premises in the area, or on any one or more of them, requiring him or

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them to make a return containing such particulars as may be reasonably required for the purpose of enabling him accurately to compile the list.

(2) The valuation officer may at any time in connection with a proposal which has been made for the alteration of the valuation list for the time being in force for a rating area, or with a view to the making of such a proposal, serve a notice on the occupier, owner or lessee of any hereditament or premises in the area, or on any one or more of them, requiring him or them to make a return containing such particulars as may be reasonably required for the purpose of enabling him to decide whether or not to make or, as the case may be, to object to the proposal.

(3) Every person upon whom a notice to make a return is served in pursuance of the provisions of this section shall within twenty-one days after the date of the service of the notice make a return in such form as is required in the notice and deliver it in manner so required to the valuation officer.

(4) If any person on whom notice has been served under the provisions of this section fails without reasonable excuse to comply with the notice, he shall for each offence be liable on summary conviction to a fine not exceeding twenty pounds.

(5) Where a person is convicted under subsection (4) of this section in respect of a failure to comply with a notice and the failure continues after the conviction, then, unless he has a reasonable excuse for the continuance of the failure, he shall be guilty of a further offence under the said subsection (4) and may, on summary conviction, be punished accordingly.

(6) If any person, in a return made under 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 liable on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to both.

83.—(1) The provisions of this section shall apply to the use of returns as evidence of— Use of returns as evidence.

- (a) any return made under section 82 of this Act, section 58 of the Local Government Act 1948, section 40 or 41 of the Rating and Valuation Act 1925, or section 55, 56 or 57 of the Valuation (Metropolis) Act 1869 ; 1948 c. 26.
1925 c. 90.
1869 c. 67.
- (b) any return made in compliance with a request of the valuation officer, being a request made before 31st July 1953 for information which would have been reasonably required by the valuation officer for the purpose of

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1953 c. 42.

preparing a valuation list if the Valuation for Rating Act 1953 had been in operation when the request was made.

(2) Subject to the following provisions of this section, any return to which this section applies shall in any valuation proceedings be admissible as evidence of the facts stated in the return; and any document purporting to be a return to which this section applies shall, in any valuation proceedings, be presumed, unless the contrary is shown—

- (a) to be such a return;
- (b) to have been made by the person by whom it purports to have been made; and
- (c) if it purports to have been made by that person as occupier, owner or lessee of a hereditament, or in any other capacity specified in the document, to have been made by him as such occupier, owner or lessee, or in that other capacity, as the case may be.

(3) Returns to which this section applies shall not be used by or on behalf of the valuation officer as evidence in any valuation proceedings unless—

- (a) not less than fourteen days' notice, specifying the returns to be so used and the hereditaments to which they relate, has previously been given to the person who made the proposal to which the proceedings relate (where the proposal was not made by the valuation officer) and to every person who has served, and has not unconditionally withdrawn, a notice of objection to the proposal; and
- (b) the valuation officer has permitted any such person, who has given not less than twenty-four hours' notice of his desire to do so, to inspect at any reasonable time, and to take extracts from, any of the returns specified in the notice under paragraph (a) of this subsection.

(4) Subsections (2) and (3) of this section shall not apply to any proceedings relating to the ascertainment of the net annual value of a hereditament on the profits basis:

Provided that this subsection shall not be construed as preventing the use of any return in any such proceedings in circumstances where the return could be so used apart from this section.

(5) Any person to whom notice relating to any hereditaments has been given under subsection (3)(a) of this section for the purposes of any valuation proceedings may give notice to the valuation officer specifying one or more other hereditaments

as being hereditaments which are comparable in character or are otherwise relevant to the said person's case, and requiring the valuation officer—

- (a) to permit him at any reasonable time specified in the notice under this subsection to inspect, and (if he so desires) to take extracts from, all returns (if any) to which this section applies which relate to those other hereditaments and are in the possession of the valuation officer ; and
- (b) to produce to him at the hearing such of those returns as before the hearing he has informed the valuation officer that he requires :

Provided that the number of hereditaments specified in a notice under this subsection shall not exceed the number of hereditaments specified in accordance with paragraph (a) of subsection (3) of this section in the notice given by the valuation officer under that paragraph.

(6) Where a notice has been given to the valuation officer under subsection (5) of this section, and the valuation officer refuses or fails to comply with the notice, the person who gave the notice may apply to the court or tribunal before which the valuation proceedings in question are to be brought ; and if on any such application the court or tribunal is satisfied that it is reasonable to do so, the court or tribunal may by order direct the valuation officer to comply with the notice, either with respect to all the hereditaments specified therein or with respect to such one or more of those hereditaments as the court or tribunal may determine.

(7) Subsection (6) of this section shall apply, with the necessary modifications, to proceedings on an arbitration as it applies to proceedings before a court.

(8) An appeal shall lie from the decision of a local valuation court on an application under subsection (6) of this section as if it were a decision in the valuation proceedings to which the application relates.

(9) In this section " valuation proceedings " means any of the following, that is to say, any proceedings on or in consequence of an appeal to a local valuation court, and any proceedings on or in consequence of a reference to arbitration under section 78 of this Act.

84. The contents of a valuation list as for the time being in force, or an extract from any such list, may be proved by the production of a copy of the list or of the relevant part thereof purporting to be certified by the clerk of the rating authority to be a true copy. Evidence of valuation lists.

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Duty of local authorities with respect to alteration of valuation list.

85.—(1) If in the course of the exercise of their functions any information comes to the notice of any local authority which leads them to suppose that a valuation list requires alteration as respects a hereditament it shall be the duty of that authority to inform the valuation officer.

(2) In this section, the expression “local authority” means the council of a county, county borough, London borough or county district, the Greater London Council, or the Common Council of the City of London, and includes any joint committee of any two or more local authorities and any joint authority on which any local authority are represented.

Powers of entry of valuation officer.

86.—(1) The valuation officer and any person authorised by him in writing in that behalf shall have power, at all reasonable times and after giving not less than twenty-four hours’ notice in writing and, in the case of a person authorised as aforesaid, on production if so required of his authority, to enter on, survey and value any hereditament in the area for which the valuation officer acts.

(2) If any person wilfully delays or obstructs any person in the exercise of any of his powers under this section, he shall be liable on summary conviction to a fine not exceeding five pounds.

Duty of rating authority to give effect to directions as to alteration of list.

87. The rating authority shall give effect to any directions which may from time to time be given to them by the valuation officer in pursuance of any provision of this Act authorising or requiring the valuation officer to cause or direct alterations to be made in a valuation list.

Local valuation courts and panels

Constitution of local valuation courts and panels.

88.—(1) Local valuation courts constituted as hereinafter provided shall be convened as often as may be necessary for the purpose of hearing and determining appeals under the foregoing provisions of this Part of this Act against objections to proposals for the alteration of valuation lists.

(2) The local valuation court which hears and determines an appeal with respect to any hereditament shall consist of members of a local valuation panel constituted under a scheme for the time being in force for the purposes of this section, being, subject to subsections (3) and (4) of this section, the panel for the area within which that hereditament is situated.

(3) Regulations made by the Minister may provide, in relation to hereditaments the value of which is or may be ascertained on the profits basis, that jurisdiction as respects all or any of the hereditaments occupied for the purposes of a particular undertaking shall be exercised by a local valuation court consisting of members of such one of the local valuation panels

within whose areas any of those hereditaments are situated as may be specified by or under the regulations.

PART V

(4) The Minister may by regulations make provision whereby hereditaments which are within the same curtilage, or are contiguous and in the same occupation, but (in either case) not within the area of a single local valuation panel, shall be treated for the purposes of appeals to local valuation courts as both or all being within the area of such one of the local valuation panels in question as may be determined by or under the regulations; and any such regulations may revoke so much of any scheme for the purposes of this section as makes provision for treating as in the same area hereditaments which are within the same curtilage or contiguous and in the same occupation.

(5) Subject to subsection (6) of this section, a local valuation court shall consist of—

- (a) either the chairman of the local valuation panel or the deputy chairman (or, if more than one, one of the deputy chairmen) of the panel; and
- (b) two other members of the panel selected in accordance with the scheme under which the panel is constituted.

(6) If all persons appearing before a local valuation court on the hearing of an appeal consent thereto, the court may consist of any two of the persons mentioned in subsection (5) of this section; but if the members of a court so constituted are unable to agree on a decision, the appeal shall be reheard by another valuation court.

89.—(1) Subject to section 90 of this Act, each scheme for the purposes of section 88 of this Act shall provide, as respects any local valuation panel to which the scheme relates—

Schemes for purposes of s. 88.

- (a) for fixing the number of members of the panel and for determining their respective tenures of office and the persons by whom they are to be appointed respectively; and
- (b) for the appointment of one of those members as chairman of the panel and of such number of the members as the scheme may provide as deputy chairmen thereof;
- (c) subject to the provisions of the said section 88, for the manner in which members of local valuation courts are to be selected from members of the panel.

(2) Subject to section 91 of this Act, any scheme in force for any area on the date of commencement of this Act under section 45 of the Local Government Act 1948 or under paragraph 19 of Schedule 15 to the London Government Act 1963 shall be in force for that area on and after that date for the purposes of the said section 88.

1948 c. 26.
1963 c. 33.

PART V
Disqualifi-
cation for
membership
of panels.

90.—(1) Subject to the provisions of this section, a person shall be disqualified from being appointed or being a member of any local valuation panel if he is a person who—

- (a) has been adjudged bankrupt ; or
- (b) has made a composition or arrangement with his creditors ; or
- (c) has, within the five years immediately preceding his appointment or since his appointment, been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and ordered to be imprisoned for a period of three months or more without the option of a fine.

(2) A disqualification attaching to a person by reason of subsection (1)(a) of this section shall cease—

- (a) if the bankruptcy is annulled on the ground that he ought not to have been adjudged bankrupt or that his debts have been paid in full, on the date of the annulment ; or
- (b) if he is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his part, on the date of his discharge ; or
- (c) in any other case, on the expiration of five years from the date of his discharge.

(3) A disqualification attaching to a person by reason of subsection (1)(b) of this section shall cease—

- (a) if he pays his debts in full, on the date on which the payment is completed ; or
- (b) in any other case, on the expiration of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.

(4) For the purposes of subsection (1)(c) of this section, the ordinary date on which the period allowed for making appeal from a conviction expires, or, if such an appeal is made, the date on which it is finally disposed of or abandoned or fails by reason of the non-prosecution thereof, shall be deemed to be the date of the conviction.

New schemes
for purposes
of s. 88.

91.—(1) Any scheme for the time being in force for the purposes of section 88 of this Act may be revoked or varied—

- (a) by a new scheme made and submitted to and approved by the Minister in accordance with subsections (2) to (5) of this section ; or
- (b) by a new scheme made by the Minister on a representation made by any local valuation panel or valuation officer and after consultation with any of the following councils concerned, namely, the council of any county or county borough and the Greater London Council.

(2) A new scheme under subsection (1)(a) of this section for any area may be made by that one of the councils aforesaid within whose area the area to which the new scheme relates is situated; and any two or more of the councils aforesaid may, and if so directed by the Minister shall, make under the said subsection (1)(a) a joint new scheme providing for a local valuation panel or local valuation panels for the whole of their respective areas, or for areas which together comprise the whole of their respective areas.

(3) The council or councils by whom a new scheme is made under subsection (1)(a) of this section shall submit it to the Minister and, as soon as they have so submitted it, shall publish in one or more newspapers circulating in their area or areas a notice stating that it has been so submitted and that a copy is open to inspection at a specified place.

(4) Except in the case of a scheme submitted only by one or more county borough councils, the council or councils submitting a scheme under subsection (3) of this section shall, at the same time as they submit it, send a copy of it to each of the rating authorities within the area of that council or any of those councils.

(5) No scheme submitted to the Minister under subsection (3) of this section shall be of any effect unless and until it is approved by the Minister; and the Minister, after considering any objections to the scheme which may be submitted to him by persons appearing to him to be interested, may approve the scheme with or without modifications.

(6) Before a new scheme is made by the Minister under subsection (1)(b) of this section, he shall publish in one or more newspapers circulating in the area to which the scheme relates a notice stating his proposal to make the scheme, and that a copy of a draft of the scheme is open to inspection at a specified place, and specifying a date by which any person may send to him any representations respecting the draft.

92.—(1) To assist the panel, the chairman thereof and the local valuation courts constituted from members thereof in the performance of their functions under this Part of this Act, every local valuation panel shall appoint a person to be their clerk and may appoint such other officers and servants as they may with the approval of the Minister determine, and may pay to them such salaries, allowances and other remuneration as they may with the approval of the Minister and the Treasury determine, and every such panel shall be deemed for the purposes of the Local Government Superannuation Acts 1937 to 1953 to be a local authority included in Part I of Schedule 1 to the said Act of 1937; but the functions of

Staff,
expenses etc.,
of local
valuation
panels and
courts.

PART V

the officers and servants appointed under this subsection shall not extend to the valuation of hereditaments, and the power to appoint officers and servants conferred by this subsection shall be exercised accordingly.

(2) The expenses of every such panel, including the expenses of the local valuation courts from time to time constituted from the members thereof, shall be defrayed by the Minister out of moneys provided by Parliament.

(3) Minutes of the proceedings of a local valuation panel and of a local valuation court constituted from members thereof shall be kept, and shall either be kept in books provided for that purpose or be preserved in book form by means provided for that purpose; and a minute of any such proceedings signed—

(a) in the case of a meeting of the panel, at the same or the next subsequent meeting of the panel, by the person acting as chairman at the meeting at which the minute is signed; and

(b) in the case of a meeting of a local valuation court, at or not later than two days after the date of the meeting to which the minute relates, by the person acting as chairman at that meeting,

shall be received in evidence without further proof.

Supplementary provisions

Membership of local authority, etc. not to be disqualification in certain cases.

93.—(1) A person shall not be disqualified to act as a member, or as the clerk or an officer, of a local valuation panel or local valuation court by reason only that he is—

(a) a member of an authority deriving revenue directly or indirectly from rates which may be affected by the exercise of his functions; or

(b) the owner or occupier of any property within any rating area the rates within which are affected by the exercise of his functions,

and a person shall not be disqualified from acting as aforesaid in relation to any property by reason only that an authority of which he is a member either own or occupy the whole or any part of that property.

(2) A person shall not be disqualified to act as a valuation officer or deputy valuation officer by reason only that he is the owner or occupier of any property within any rating area the rates within which are affected by the exercise of his functions.

(3) Nothing in this section shall authorise any person to whom this section applies to act in relation to any property which, or any part of which, he himself owns or occupies.

94.—(1) The valuation officer may request the permission of any authority (being a county council, the Greater London Council or a rating authority) the whole or any part of whose area is within the area for which the officer acts for the use by him and his staff on such days or for such periods as may be specified in the request of such premises belonging to the authority as may be so specified, and the authority shall not unreasonably withhold their permission. PART V
Use of public rooms.

(2) The chairman of any local valuation panel may request the permission of any such authority as aforesaid the whole or any part of whose area is within the area for which the panel acts for the use for meetings of the panel or any local valuation court constituted from the members of the panel, or for the use of the chairman, clerk or officers of the panel, on such days as may be specified in the request of any premises belonging to the authority, and the authority shall not unreasonably withhold their permission.

(3) Any person having the control of any room maintained out of any rate may put that room at the disposal of the valuation officer or any local valuation panel or local valuation court for the purpose of the exercise by them or their officers, or, in the case of a panel, by the chairman thereof, of any functions directly or indirectly affecting the valuation list by reference to which that rate is levied.

(4) Where a request is made under subsection (1) or (2) of this section, any dispute as to whether the permission of the authority in question has been unreasonably withheld shall be determined by the Minister.

95. The remuneration of, and any expenses incurred by, valuation officers in carrying out their functions under this Part of this Act, including the remuneration and expenses of persons, whether in the service of the Crown or not, employed to assist valuation officers in the exercise of those functions, shall be paid out of moneys provided by Parliament. Remuneration and expenses of valuation officers.

PART VI

DISTRESS FOR RATES

96.—(1) Subject to section 62 of this Act and to subsection (2) of this section, if any person fails to pay any sum legally assessed on and due from him in respect of a rate for seven days after it has been legally demanded of him, the payment of that sum may, subject to and in accordance with the provisions of this Part of this Act, be enforced by distress and sale of his goods and chattels under warrant issued by a magistrates' court; and, if there is insufficient distress, he may be liable to imprisonment under the provisions of this Part of this Act in that behalf. Enforcement of payment of rates.

PART VI

(2) Where the rates charged on any person in respect of any hereditament are under section 3(4) or section 50(1) of this Act payable by instalments, those rates shall be recoverable only to the extent of each respectively of those instalments as and when it falls due; and for the purposes of subsection (1) of this section no sum by way of rates in respect of any year or part of a year shall be treated as having been legally demanded from any person in respect of any hereditament in respect of which he is entitled to give but has not given a notice under the said section 50(1) until the expiration of the period for the giving of such a notice by that person in that year.

1848 c. clxiii.

(3) The reference in subsection (1) of this section to a sum legally assessed on and due from a person in respect of a rate shall include a reference to a sum a person is liable to pay in respect of any rate to which section 177 of the City of London Sewers Act 1848 applies, and references in other provisions of this Part of this Act to a sum to which a person has been rated or to the rating or assessment of a person shall be construed accordingly.

Application
for warrant
of distress.

97.—(1) The proceedings for the issue of a warrant of distress under this Part of this Act may be instituted by making complaint before a justice of the peace and applying for a summons requiring the person named in the complaint to appear before a magistrates' court to show why he has not paid the rate specified in the complaint.

(2) The forms of complaint and summons in Schedule 12 to this Act, or forms to the like effect, may be used in proceedings under this Part of this Act.

1949 c. 101.

(3) If the person summoned fails to appear in obedience to the summons and it is proved to the magistrates' court on oath, or in such other manner as may be prescribed by rules under section 15 of the Justices of the Peace Act 1949, that the summons was duly served a reasonable time before the time appointed by the summons for his appearance, the magistrates' court may, if it thinks fit, proceed in his absence as if he had appeared in person in obedience to the summons.

Statement
of case on
application
for warrant.
1952 c. 55.

98. The justices may state a case under the Magistrates' Courts Act 1952 when called upon to issue a warrant of distress under this Part of this Act.

Execution
of warrant
of distress.

99.—(1) A warrant of distress under this Part of this Act may be directed to the rating authority, to the constables of the police area in which the warrant is issued and to such other persons, if any, as the magistrates' court issuing the warrant may think fit.

and the warrant shall authorise the persons to whom it is directed to levy the amount which the person against whom the warrant is issued is liable to pay by distress and sale of his goods and chattels.

(2) The foregoing provisions of this Part of this Act shall not affect the operation of any enactment which protects goods and chattels of any class from distress or which restricts in any other manner the right to obtain a warrant of distress or its execution.

(3) A warrant of distress under this Part of this Act may be executed anywhere in England or Wales by any person to whom it is directed or by any constable acting within his police area.

(4) The forms of warrant of distress in Schedule 12 to this Act, or forms to the like effect, may be used in proceedings under this Part of this Act and, to save expense, one warrant of distress may be issued against any number of persons in default, as in the second of the said forms.

(5) Any person aggrieved by a distress under this Part of this Act for a rate may appeal to the next court of quarter sessions for the area where the rate was made and the appeal shall be heard and finally determined by that court.

(6) A distress under this Part of this Act shall not be deemed to be unlawful on account of any defect or want of form in the rate or assessment or in the warrant of distress and no person making the distress shall be deemed a trespasser on that account.

(7) No person making a distress under this Part of this Act shall be deemed to be a trespasser from the beginning on account of any subsequent irregularity in the execution of the warrant of distress, but a person who has sustained special damage by reason of the irregularity may recover full satisfaction for the special damage (and no more) by proceedings in trespass or otherwise.

100.—(1) The magistrates' court issuing a warrant of distress under this Part of this Act may, if it thinks fit, include in the warrant an order that such sum as it may deem reasonable for the costs incurred in obtaining the warrant shall be levied under the warrant. Costs of obtaining warrant of distress.

(2) This section shall have effect subject to the restriction on the allowance of costs imposed by the Poor Rates Recovery Act 1862 (which, in a case where several rates of the same or different kinds are due from the same person, authorises their inclusion in one warrant of distress or other document and directs that no costs be allowed if several such documents are used where one would be enough). 1862 c. 82.

PART VI
Charges for
levying
distress.

101.—(1) The Minister may make an order regulating the charges in respect of, and incidental to, the levying of distress for rates ; and a warrant of distress under this Part of this Act may provide that the charges attending the distress, to the amount authorised by the order, shall be levied under the warrant.

(2) Without prejudice to the generality of the foregoing subsection, an order under this section may include provision as to charges in cases where, in pursuance of an agreement in that behalf, the goods distrained are not removed from the premises where the distress is levied, whether any person is left in physical possession of the goods or not.

(3) An order under this section may contain such incidental and supplementary provisions (including provisions as to the settlement of disputes with respect to any charges to which the order relates) as may appear to the Minister to be necessary or expedient for the purposes of the order.

Imprisonment
in default of
sufficiency
of distress.

102.—(1) If the person charged with the execution of a warrant of distress for levying a sum to which some other person has been rated makes a return to the magistrates' court that he could find no goods or chattels (or no sufficient goods or chattels) on which to levy the sums directed to be levied under the warrant on that other person's goods and chattels, a magistrates' court may, if it thinks fit, and subject to the provisions of section 103 of this Act, issue a warrant of commitment against that other person.

(2) A warrant of commitment under this section may be directed to the rating authority, to the constables of the police area in which the warrant is issued and to such other persons, if any, as the magistrates' court issuing the warrant may think fit ; and the warrant may be executed anywhere in England or Wales by any person to whom it is directed or by any constable acting within his police area.

(3) The warrant of commitment shall be made not only for non-payment of the sum alleged to be due for rates but also for—

- (a) such costs incurred in obtaining the warrant of distress as may have been included in the warrant of distress ;
- (b) the charges attending the distress ; and
- (c) the costs of commitment ;

and the said costs and charges shall be stated in the warrant of commitment.

(4) The form of warrant of commitment in Schedule 12 to this Act, or a form to the like effect, may be used in proceedings under this Part of this Act.

(5) The order in the warrant of commitment shall be that the said person be imprisoned for a time therein specified but not exceeding three months, unless the sums mentioned in the warrant shall be sooner paid ; but if payment is made in accordance with rules under section 15 of the Justices of the Peace Act 1949 of part of the said sums mentioned in the warrant, the period of imprisonment shall be reduced by such number of days as bears to the total number of days in the period specified in the warrant less one day the same proportion as the amount so paid bears to so much of the said sums as was due at the time when the period of imprisonment was imposed ; and in calculating the reduction required under this subsection any fraction of a day shall be left out of account.

(6) A single warrant of commitment shall not be issued under this section against more than one person.

103.—(1) Section 102 of this Act shall have effect subject to and in accordance with the following provisions :—

Inquiry as to means before issue of warrant of commitment.

(a) on the application for the issue of a warrant for the commitment of any person, the magistrates' court shall make inquiry in his presence as to whether his failure to pay the sum to which he was rated and in respect of which the warrant of distress was issued was due either to his wilful refusal or to his culpable neglect ;

(b) if the magistrates' court is of opinion that the failure of the said person to pay the said sum was not due either to his wilful refusal or to his culpable neglect, it shall not issue the warrant.

(2) Where on the application no warrant of commitment is issued, the magistrates' court may remit the payment of any sum to which the application relates, or of any part of that sum.

(3) Where on the application no warrant of commitment is issued, the application may be renewed, except so far as regards any sum remitted under subsection (2) of this section, on the ground that the circumstances of the person to whom the application relates have changed.

(4) A statement in writing to the effect that wages of any amount have been paid to a person during any period, purporting to be signed by or on behalf of his employer, shall be evidence of the facts therein stated in any proceedings taken before a magistrates' court under this Part of this Act against that person.

104.—(1) For the purpose of enabling inquiry to be made in his presence as to the conduct and means of a person in relation to whom a return of insufficiency of distress has been made as mentioned in section 102(1) of this Act, a justice of the peace having jurisdiction in the petty sessions area in which the return is made may at any time issue a summons to that person to

Attendance of default for purpose of inquiry.

PART VI

appear before a magistrates' court having jurisdiction under this Part of this Act and, if he does not appear in obedience to the summons, may issue a warrant for his arrest or, without issuing a summons, issue in the first instance a warrant for his arrest.

(2) Where a warrant is issued under this section, then, unless the sum in respect of which the warrant is issued is sooner paid to the police officer holding the warrant, the warrant may be executed in the like manner, and the like proceedings may be taken for the execution thereof, in any part of the United Kingdom, as if it had been a warrant of arrest issued under section 15 of the Magistrates' Courts Act 1952.

1952 c. 55.

Abatement of proceedings on payment of rate and costs.

105.—(1) If after proceedings have been taken under this Part of this Act against a person to compel payment of any sum for rates, but not after he has been imprisoned in default of a sufficiency of distress, that person pays or tenders to the rating authority, or to some other person authorised to receive the rates, the sum sought to be recovered together with the amount of all costs and charges up to that time incurred in the proceedings, the rating authority or other person shall accept the amount so paid or tendered and no further proceedings shall be taken for the recovery thereof.

(2) If after the issue of a warrant of distress under this Part of this Act for a rate the person against whom it is issued tenders the amount of the rate before any levy is made, he shall nonetheless be liable to pay the cost of the warrant and of any person for his attendance to make the levy.

Jurisdiction of justices.

106.—(1) Subject to the provisions of section 104(1) of this Act, justices of the peace may act under the provisions of this Part of this Act as respects a rate if they are justices appointed for an area which comprises the rating area or, in Greater London, a part of the rating area.

(2) Subject to any enactment in any other Act authorising a stipendiary magistrate or other person to act by himself, a magistrates' court shall not hear a summons for the issue of a warrant of distress under this Part of this Act, or entertain an application for a warrant of commitment under this Part of this Act, or hold an inquiry as to means on such an application, except when composed of at least two justices.

Application of other Acts.

107.—(1) For the purposes of section 122(3) of the Magistrates' Courts Act 1952 (under which enactments passed before 16th December 1949 may be amended by rules governing the procedure of magistrates' courts), this Part of this Act shall be deemed to have been passed before that date.

1817 c. 93.
1827 c. 17.

(2) Nothing in the Distress (Costs) Act 1817, as extended by the Distress (Costs) Act 1827 (which make provision as to the

costs and expenses chargeable in respect of the levying of certain (PART VI
distresses) shall apply to distress for rates.

PART VII

MISCELLANEOUS AND GENERAL

108.—(1) Any ratepayer (whether a ratepayer in the rating area to which the documents relate or in some other area) and any valuation officer (for whatever area) may at all reasonable times, on payment in the case of a document which is more than ten years old of the prescribed fee, and in any other case without payment, inspect and take copies of and extracts from—

- (a) any valuation list, whether prepared under Part V of this Act, under Part III of the Local Government Act 1948, or under the Rating and Valuation Act 1925 ;
- (b) any draft list prepared under the said Act of 1925 ;
- (c) any notice of objection, proposal or notice of appeal with respect to any such valuation list ;
- (d) minutes of the proceedings of any local valuation court constituted under the said Part V or Part III ;
- (e) any record of totals prepared under the said Act of 1925 ;
- (f) any valuation made by a valuer appointed by an assessment committee constituted under the said Act of 1925 ;
- (g) minutes of the proceedings under the said Act of 1925 of any such assessment committee ;
- (h) minutes of the proceedings under this Act or the said Act of 1925 of any rating authority.

(2) If any person having the custody of any document to which subsection (1) of this section applies—

- (a) obstructs any person in making any inspection or taking a copy thereof or extract therefrom which he is entitled to make under this section ; or
- (b) demands, when not authorised under this Act, a fee for allowing him so to do,

he shall on summary conviction be liable for each offence to a fine not exceeding five pounds.

(3) For the purposes of this section the expression “ratepayer” includes an occupier who pays a rent inclusive of rates, and also includes any person authorised by a ratepayer to act on his behalf under this section.

109.—(1) Any notice, demand note, application, summons, order or other document of any description required or

PART VII authorised to be sent, given, made or served under or for the purposes of this Act may be sent, given, made or served either—

- (a) by delivering it to the person to or on whom it is to be sent, given, made or served ; or
- (b) by leaving it at the usual or last known place of abode of that person, or in the case of a company at its registered office ; or
- (c) by forwarding it by post addressed to that person at his usual or last known place of abode, or in the case of a company at its registered office ; or
- (d) by delivering it to some person on the premises to which it relates or (except in the case of a summons) if there is no person on the premises to whom it can be so delivered, then by fixing it on some conspicuous part of the premises ; or
- (e) without prejudice to the foregoing provisions of this subsection, where the hereditament to which the document relates is a place of business of the person to or on whom it is to be sent, given, made or served, by leaving it at, or forwarding it by post addressed to that person at, the said place of business.

(2) Any such document as aforesaid by this Act required or authorised to be served on the owner or occupier of any premises may be addressed by the description of “owner” or “occupier” of the premises (naming them) without further name or description.

(3) Any such document as aforesaid—

- (a) if required or authorised for the purposes of this Act to be sent, given, made or transmitted to or served on any public or local authority shall be deemed to be duly sent, given, made, transmitted or served if in writing and delivered at or sent by post to the office of the authority addressed to that authority or to their clerk ;
- (b) if required or authorised to be sent, given, made, transmitted or served under this Act by any authority or body shall be sufficiently authenticated if signed by the clerk of the authority or body.

(4) Any notice required by this Act to be served on the valuation officer need not name the valuation officer but may describe him as the valuation officer for the rating area in question, without further description, and may be served by post.

(5) The foregoing provisions of this section shall be without prejudice to paragraph 8(6) of Schedule 1 to this Act and to the application to the service of documents under Part VI of this Act of any rules made under section 15 of the Justices of the Peace Act 1949.

(6) In this section, the expression "local authority" means any body having power to levy a rate or to issue a precept to a rating authority. PART VII

110. The Minister may direct any inquiries to be held by his inspectors which he might have directed to be so held under section 61(1) of the Rating and Valuation Act 1925 if this Act had not been passed. Inquiries.

111. The interest of any council in any property of which they or the corporation for which they act are owners or occupiers shall not disqualify the council or any member thereof for acting under this Act in relation to that property. Interest in municipal property not to disqualify.

112. Any sums received under section 32(5) of this Act— Treatment of certain payments.

(a) where received by the council of a borough or urban district, shall be receipts for the benefit of the whole of the borough or district ;

(b) where received by the council of a rural district, shall be receipts in respect of general expenses ;

and any other sums received under this Act by any authority, not being receipts from a rate, shall be applied in the reduction of the expenses of the authority under this Act.

113.—(1) The Minister, after consultation with any local authority or association of local authorities with whom consultation appears to him to be desirable, may by rules— Power to make rules.

(a) prescribe anything which by this Act is to be prescribed and the form of any rate, demand note, valuation list, statement, return or other document whatsoever which is required or authorised to be used under or for the purposes of this Act ;

(b) make any provision required by section 14(1) of this Act to be made by rules ;

(c) make provision as to the manner in which the product of a rate of one penny in the pound for any area is to be estimated or determined for such purposes of this Act and of any other Act, whether passed before or after this Act, as may be specified by the rules.

(2) Rules made by virtue of subsection (1)(c) of this section may—

(a) make different provision for different purposes ;

(b) repeal any provisions of, or of an instrument made under, this Act or any Act passed before 13th December 1966 which the Minister considers will become unnecessary in consequence of the rules ;

PART VII

- (c) amend any provisions of, or of an instrument made under, this Act or any Act passed before 13th December 1966 in such manner as the Minister considers appropriate in consequence of the rules ;
- (d) provide that the provisions of any instrument having effect by virtue of an enactment repealed or amended by the rules shall continue in force as if they were contained in the rules.

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

Rules,
regulations
and orders—
general
provisions.

114.—(1) Any power to make rules, regulations or orders under this Act shall be exercisable by statutory instrument.

(2) Any regulations made under 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 other than section 52(1) may be varied or revoked by a subsequent order under that provision.

Interpretation.

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

“ agricultural land ” has the meaning assigned by section 26(3) of this Act ;

“ charges ”, in Part VI of this Act, includes fees and expenses ;

“ clerk ”, in relation to any authority or body, includes any officer of the authority or body authorised by them to act on their behalf either generally or in relation to any particular matter ;

“ the Commissioners ” means the Commissioners of Inland Revenue ;

“ dwelling-house ” means a hereditament which, in accordance with Schedule 13 to this Act, is used wholly for the purposes of a private dwelling or private dwellings ;

“ excepted rate ” means any of the following, that is to say—

(a) any rate which is assessed under any commission of sewers, or in respect of any drainage, wall, embankment, or other work for the benefit of the land ;

(b) any rate of the description commonly known as a church rate, a tithe rate, or a rector's rate, or any other rate of a similar character ;

(c) any rate which is leviable by the conservators of a common ;

(d) any rate payable by consumers for a supply of water ;

(e) any rate of the description commonly known as a garden rate or square rate, if levied by any persons other than a rating authority ;

“ hereditament ” means property which is or may become liable to a rate, being a unit of such property which is, or would fall to be, shown as a separate item in the valuation list ;

“ local Act ” includes a provisional order confirmed by Act of Parliament ;

“ the Minister ” means, subject to subsection (2) of this section, the Minister of Housing and Local Government ;

“ owner ”—

(a) except in, or in connection with, section 49, 50, 55 or 56 of this Act and except in section 60 of or Schedule 1 to this Act, means any person for the time being receiving or entitled to receive the rack-rent of the lands or premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive or be entitled to receive that rent if the lands or premises were let on a rack-rent ;

(b) in, or in connection with, the said section 49, 50, 55 or 56, means the person who is, or if the hereditament in connection with which the word is used were occupied would be, entitled to receive the rent payable in respect thereof or, where that hereditament is occupied free of rent, the person by whose permission it is so occupied ;

“ prescribed ” means prescribed by rules made under section 113 of this Act ;

“ profits basis ”, in relation to the valuation of a hereditament, means the ascertainment of the value of that hereditament by reference to the accounts, receipts or profits of an undertaking carried on therein ;

“ rate ”, subject to section 2(5) of this Act, and except in sections 1 and 2 of this Act and in the expression “ excepted rate ”, means the general rate and, in the

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- 1910 c. xxx. application of Part VI of this Act to the City of London, includes the St. Botolph tithe rate, that is to say, any rate made and levied by the Common Council or the Corporation of the City under the powers transferred to them by the City of London (Tithes and Rates) Act 1910; and cognate expressions shall be construed accordingly, so, however, that this definition shall not affect the construction of the expression "usual tenant's rates" in this Act, and that expression shall be construed as if this Act had not been passed;
- "rate period" means a year or part of a year, being a year or part for which a rate is made;
- "ratepayer" means a person who is liable to any rate in respect of property entered in any valuation list;
- "rating area" and "rating authority" shall be construed in accordance with section 1(1) of this Act;
- "rating district"—
- (a) in relation to Greater London, means a rating area and, subject to paragraph 8(1)(b) of Schedule 4 to this Act, includes any part of a rating area which is subject (otherwise than in respect of a garden or square or by reason of any provision of the City of London (Tithes and Rates) Act 1910 or the City of London (Tithes) Act 1947) to separate or differential rating;
- (b) in relation to any other area, subject to any alteration of area made by or in pursuance of any Act, means a place which immediately before the commencement of this Act was a parish within the meaning and for the purposes of the Rating and Valuation Act 1925;
- 1947 c. xxxi. "rebate application" means an application under section 49 of this Act;
- "rebate period" has the meaning assigned by section 49(1) of this Act;
- "the Temples" means the Inner Temple and the Middle Temple;
- "valuation list", in relation to any rating area, means the valuation list maintained for that area under Part V of this Act;
- "valuation officer", in relation to a valuation list, a rating area or any premises, means any officer of the Commissioners who is for the time being appointed by the Commissioners to be the valuation officer or one of the valuation officers, or to be the deputy valuation
- 1925 c. 90.

officer or one of the deputy valuation officers, in relation to that list, the valuation list for that rating area or the valuation list for the rating area in which those premises are situated, as the case may be ;

“ year ” means a period of twelve months beginning with 1st April.

(2) In the application to Wales and Monmouthshire of the following provisions (and, notwithstanding anything in article 2(1) of the Secretary of State for Wales and Minister of Land and Natural Resources Order 1965, in those provisions only) of this Act, namely, sections 13, 15, 40(10), 68(2), 88(4), 91, 92, 94(4), 110 and 117(9), and paragraph 10(1) of Schedule 4, any reference therein to the Minister shall be construed as a reference to the Secretary of State ; and in the application of the said section 88(4) or the said paragraph 10(1) in relation to a hereditament falling partly but not wholly in Wales and Monmouthshire, any reference therein to the Minister shall be construed as references to the Minister of Housing and Local Government and the Secretary of State acting jointly. S.I. 1965/319.

(3) For the purposes of sections 49 and 50 of this Act, a hereditament which is not a dwelling-house shall be deemed to be used mainly for the purposes of a private dwelling or private dwellings—

(a) if it appears to the rating authority that, having regard to all the circumstances at the relevant date, that is to say—

(i) for the purposes of a rebate application, the date of the making of the application ; or

(ii) for the purposes of a notice under section 50(1) of this Act, the date of the giving of the notice, the proportion of the rateable value of the hereditament as shown in the valuation list in force at that date which is attributable to the part of the hereditament used for the purposes of a private dwelling or private dwellings is greater than the proportion thereof which is attributable to the part used for other purposes ; or

(b) for the purposes of a rebate application in respect of a hereditament or any part thereof, if at the date of the making of the application either—

(i) a rebate under the said section 49 in respect of the rebate period in question has already been granted to some other person entitled to make a rebate application in respect of that hereditament or any part thereof ; or

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(ii) a notice under the said section 50(1) is for the time being in force in respect of the hereditament ;
or

(c) for the purposes of a notice under the said section 50(1), if at the date of the giving of the notice a rebate under the said section 49 is for the time being payable in respect of the hereditament or any part thereof.

(4) For the purposes of this Act and of any other Act, whether passed before or after this Act, a proposal to alter a valuation list shall be taken to be settled when an alteration is made in the list so as to give effect to the proposal, or to an agreement made in consequence of the proposal, or when proceedings on an appeal against, or a reference to arbitration relating to, an objection to the proposal (including any proceedings consequent on such an appeal or reference to arbitration) are finally determined, or when the proposal is withdrawn, whichever first occurs.

(5) Any reference in this Act to the alteration of a valuation list includes a reference to the insertion in the list, or the deletion from the list, of a hereditament.

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

Construction
of references
etc.

1966 c. 42.

116.—(1) Subject to the provisions of this Act, all enactments relating to the poor rate which were in force immediately before the commencement of this Act, including enactments relating to appeals against a poor rate, shall, so far as not repealed by this Act or by the Local Government Act 1966, apply in relation to the general rate.

(2) References in any Act or other document to any rate which is a rate in lieu of which a general rate under this Act is levied or in lieu of which an amount is leviable together with, and as an additional item of, the general rate shall, unless the context otherwise requires, be construed as references respectively to the general rate and the additional item thereof.

(3) References in any Act or other document to gross value or gross estimated rental or to net annual value or rateable value as determined by valuation lists made under the Union Assessment Acts 1862 to 1880 or as shown in, or ascertained in accordance with, the Acts relating to the basis or standard of county rates shall, unless the context otherwise requires, be construed as references to gross value or net annual value, as the case may be, as ascertained under section 19 of this Act.

(4) References in any Act or other document to assessable value shall, except where the term is used in relation to income tax, be construed as references to rateable value as ascertained under this Act.

(5) References in any Act or other document to the valuation list or supplemental list under the said Acts of 1862 to 1880 shall, unless the context otherwise requires, be construed as references to the valuation list under this Act.

(6) So much of any Act or other document as refers, or as immediately before the commencement of this Act fell to be construed as referring, expressly or by implication—

(a) to, or to the Act containing, any enactment repealed and re-enacted by this Act ; or

(b) to, or to the instrument containing, any instrument or provision of an instrument specified in Part II of Schedule 14 to this Act,

shall, if and so far as the context permits, be construed as referring to, or as the case may require to the corresponding provision of, this Act.

(7) Without prejudice to the generality of subsection (6) of this section—

(a) any enactment which refers to the procedure for enforcing payment of poor rate, or to any part of that procedure, shall be construed as referring to the procedure prescribed by Part VI of this Act, or to the corresponding part of that procedure ; and

(b) the reference in rule 45 of the Magistrates Courts Rules S.I. 1952/2190 1952 to section 67(2) of the Magistrates Courts Act 1952 c. 55. 1952 shall include a reference to section 102(5) of this Act.

(8) Any reference in any Act passed before this Act to a parish shall, unless the contrary intention appears, be construed as a reference to an area which is a rating district within the meaning of this Act, except that—

(a) it shall not include any area which, under section 68(4) of the Rating and Valuation Act 1925, was a parish 1925 c. 90. within the meaning and for the purposes of that Act only by reason of being a contributory place or an area otherwise subject to separate or differential rating ;

(b) it shall not include a rating district consisting of part only of a rating area in Greater London except when used in an enactment relating to rating or valuation.

(9) In section 2(7) of the Rating and Valuation Act 1925, for the words “an urban rating area”, and, in paragraph 5(a)

PART VII of Schedule 2 to the Licensing Act 1964, for the words “an
1964 c. 26. urban parish”, there shall be substituted the words “a rating
 area other than a rural district”.

1966 c. 42. (10) In Schedule 1 to the Local Government Act 1966—
 (a) in paragraph 6 of Part II, for the reference to rules
 under section 25 of that Act there shall be substituted
 a reference to rules made by virtue of section 113(1)(c)
 of this Act ;
 (b) in paragraph 1 of Part III, for the reference to section
 6 of that Act there shall be substituted a reference to
 section 48 of this Act.

**Repeals and
 savings.**

117.—(1) The enactments specified in Part I of Schedule 14 to
 this Act are hereby repealed to the extent respectively specified
 in the third column of that Schedule ; and the instruments or
 parts of instruments specified in Part II of that Schedule are
 hereby revoked.

1964 c. 18. (2) The following enactments, namely, the Rating (Interim
 Relief) Act 1964 and section 47 of this Act, are hereby repealed
 as from 1st April 1968 except as respects any period before that
 date ; but nothing in this Act shall affect the operation of the
 said Act of 1964 as respects any such period.

(3) Any instrument in force at the commencement of this Act
 and made or having effect as if made under any enactment
 repealed by and re-enacted in this Act, and anything whatsoever
 done under or by virtue of any such enactment, shall be deemed
 to have been made or done under or by virtue of the correspond-
 ing provision of this Act ; and anything begun under any such
 enactment may be continued under this Act as if begun under
 this Act.

(4) Any question with respect to the matters dealt with by
 this Act arising in respect of, or of a liability incurred during,
 any period before the commencement of this Act shall be deter-
 mined as if this Act had not been passed.

(5) Subject as otherwise expressly provided in this Act,
 nothing therein contained shall affect—

- (a) the principles on which hereditaments are to be valued
 or any privilege or any provision for the making of a
 valuation on any exceptional principle ; or
- (b) any exemption from or privilege in respect of rating
 conferred by any local Act or order ; or
- (c) any provision in any local Act under which the owner
 of a hereditament is liable to pay or bear a portion of

any rate in relief of the occupier without being entitled to any commission, reduction, or allowance in respect of that liability; or

- (d) any statutory provision authorising appointment of a person to raise a rate on default being made by a local authority in performing any duty or making any payment.

(6) Subsection (5) of this section shall not apply to any exemption or privilege conferred by a local Act or order passed or made before 22nd December 1925 unless that exemption or privilege either—

- (a) is continued in operation by a scheme such as is mentioned in subsection (7) of this section which is for the time being in force; or

- (b) was enjoyed in practice immediately before the commencement of this Act;

and, without prejudice to subsection (12) of this section, paragraphs (b) to (d) of the said subsection (5) shall not apply to the inner London boroughs, the City of London or the Temples.

(7) Notwithstanding anything in this Act or in the provisions with respect to county roads of the Highways Act 1959, but 1959 c. 25. subject to subsections (8) and (9) of this section, any scheme such as is mentioned in section 64(2) of the Rating and Valuation Act 1925 or section 301 of the said Act of 1959 for the purpose of securing the continued operation of any exemption from or privilege in respect of rating, being a scheme in force immediately before the commencement of this Act, shall continue in force and have effect as if included in this Act. 1925 c. 90.

(8) In the case of any hereditament the rating authority (or, where the exemption continued is an exemption from a highways rate, the council of the county in which the hereditament is situated) and all persons interested in the hereditament may agree that any privilege or exemption in respect of that hereditament continued by any such scheme as is mentioned in subsection (7) of this section shall be surrendered and extinguished in consideration of such payments as may be agreed between them.

(9) The Minister may, on an application in that behalf made by any person affected by a scheme such as is mentioned in subsection (7) of this section and after publishing notice of the proposed order in such manner as he thinks proper, by order vary or amend the scheme as he thinks proper; but if any person, being a person who will in the opinion of the Minister

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PART VII be affected by the proposed order, gives notice in writing to the Minister that he objects to the proposed order—

(a) the Minister shall, before making the order, direct a local inquiry to be held for the purpose of determining whether the order ought or ought not to be made; and

(b) if the Minister after receiving the report of the inquiry is of opinion that the order ought to be made either as originally proposed by him or with any variations or modifications, he may make the order accordingly, but, unless the objection is withdrawn, the order shall be a provisional order only and shall not be of any validity unless and until it has been confirmed by Act of Parliament.

(10) Any of the following instruments in force immediately before the commencement of this Act, that is to say—

1925 c. 90.

(a) any order made under section 66 of the Rating and Valuation Act 1925 adapting the provisions of any local Act;

1948 c. 26.

(b) any order made under section 70(3) of the Local Government Act 1948 for the continuance in force of any provision of any local Act;

(c) any regulations made under section 71(a) to (c) of the said Act of 1948,

shall continue in force in the like manner, subject to the like power of revocation or variation, as if the said section 66, 70(3) or 71(a) to (c), as the case may be, had been re-enacted in this Act.

1961 c. 45.

1962 c. 58.

1965 c. 36.

S.I. 1960/122.

(11) Notwithstanding the repeal by this Act of section 5(4) of the Rating and Valuation Act 1961, section 41(2) of the Pipe-lines Act 1962 and section 3(7) of the Gas Act 1965, the Schedule to the Plant and Machinery (Rating) Order 1960 shall continue to have effect as amended by virtue of the said sections 5(4), 41(2) and 3(7).

(12) Nothing in this Act shall affect the operation of any provision of a local Act or order so far as that provision was in force immediately before the commencement of this Act.

1889 c. 63.

(13) The provisions of this section and of sections 107 and 116 of this Act shall be without prejudice to the general application to this Act of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).

Application
to Isles of
Scilly.

118.—(1) Subject to any order under subsection (2) of this section, references in this Act to a rating area or rating authority shall, in relation to the Isles of Scilly, be construed as references respectively to those Isles and to the Council of those Isles.

(2) The Minister may by order direct that the provisions of this Act shall apply to the Isles of Scilly subject to such exceptions, adaptations and modifications, if any, as may be specified in the order.

119.—(1) This Act may be cited as the General Rate Act 1967.

Short title, extent and commencement. 1960 c. 12.

(2) This Act except section 104(2) and the repeal of section 9(2) of the Distress for Rates Act 1960 shall not extend to Northern Ireland.

(3) This Act, except as aforesaid and except for paragraph 6 of Schedule 5, shall not extend to Scotland.

(4) This Act shall come into force on such day as the Minister of Housing and Local Government may by order appoint, not being earlier than whichever of the following dates is the latest, that is to say—

- (a) 1st April 1967 ;
- (b) the day appointed under section 38(1) of the Local Government Act 1966 ;
- (c) the date of commencement of the first order to be made under section 118(2) of this Act.

SCHEDULES

Section 17.

SCHEDULE 1

RATING OF UNOCCUPIED PROPERTY

Liability to be rated in respect of certain unoccupied property

1.—(1) Where, in the case of any rating area in which, by virtue of a resolution under section 17 of this Act, this Schedule is in operation, any relevant hereditament in that area is unoccupied for a continuous period exceeding three months, the owner shall, subject to the provisions of this Schedule, be rated in respect of that hereditament for any relevant period of vacancy; and the provisions of this Act shall apply accordingly as if the hereditament were occupied during that relevant period of vacancy by the owner.

(2) Subject to the provisions of this Schedule, the amount of any rates payable by an owner in respect of a hereditament by virtue of this paragraph shall be one-half of the amount which would be payable if he were in occupation of the hereditament; and no reduction shall be made under section 48 of this Act in respect of any rates so payable.

(3) Where a relevant hereditament which is unoccupied becomes occupied on any day and becomes unoccupied again on the expiration of a period of less than six weeks beginning with that day, then, for the purpose of ascertaining any period of three months during which the hereditament has been continuously unoccupied and any relevant period of vacancy in respect of the hereditament, it shall be deemed to have remained unoccupied on that day and during that period.

(4) In relation to a relevant hereditament which is a newly-erected dwelling-house within the meaning of this Schedule, the foregoing provisions of this paragraph and the definition of "relevant period of vacancy" in paragraph 15 of this Schedule shall have effect as if for any reference to three months there were substituted a reference to six months.

2. No rates shall be payable under paragraph 1 of this Schedule in respect of a hereditament for, or for any part of the three months beginning with the day following the end of, any period during which—

- (a) the owner is prohibited by law from occupying the hereditament or allowing it to be occupied;
- (b) the hereditament is kept vacant by reason of action taken by or on behalf of the Crown or any local or public authority with a view to prohibiting the occupation of the hereditament or to acquiring it;
- (c) the hereditament is the subject of a building preservation order under section 30 of the Town and Country Planning Act 1962, or is included in a list compiled or approved under section 32 of that Act, or is notified to the rating

1962 c. 38.

authority by the Minister as a building of architectural or historic interest ;

SCH. 1

- (d) the hereditament is the subject of a preservation order or an interim preservation notice under the Ancient Monuments Acts 1913 to 1953, or is included in a list published by the Minister of Public Building and Works under those Acts ;
- (e) an agreement is in force with respect to the hereditament under section 56(1)(a) of this Act ; or
- (f) the hereditament is held for the purpose of being available for occupation by a minister of religion as a residence from which to perform the duties of his office.

3. The Minister may by regulations provide that rates shall not be payable under paragraph 1 of this Schedule in respect of hereditaments of such descriptions as may be prescribed by the regulations or in such circumstances as may be so prescribed and the regulations may make different provision for hereditaments of different descriptions and for different circumstances.

4. Section 40 of this Act shall apply in relation to any relevant hereditament to which that section applied when it was last occupied as if it were used for the purpose for which it was then used.

Determination of rateable values

5.—(1) Subject to the provisions of this Schedule, the rateable value of a hereditament for the purposes of paragraph 1 thereof shall be the rateable value ascribed to it in the valuation list in force for the area in which the hereditament is situated or, if the hereditament is not included in that list, the first rateable value subsequently ascribed to the hereditament in a valuation list in force for that area.

(2) If the relevant period of vacancy in respect of a hereditament begins before and ends at or after the time when a new valuation list comes into force for the area of the rating authority and the hereditament is not included in the previous valuation list, then—

- (a) the valuation officer shall, at the request of the rating authority or the owner of the hereditament, certify to that authority the rateable value which in his opinion would (in accordance with section 20 of this Act) have been ascribed to the hereditament if it had been included in the previous list by alteration of that list ;
- (b) the provisions of Part V of this Act shall apply in relation to any such certificate as if it were a proposal by the valuation officer for the alteration of a valuation list ; and
- (c) for the purposes of the liability of the owner to be rated in respect of so much of the relevant period of vacancy as fell before the coming into force of the new valuation list, the rateable value of the hereditament shall be taken to be the value as settled in pursuance of the certificate and any proceedings consequent thereon.

(3) Where two or more persons are or have been severally entitled to possession of different parts of any property which is included

SCH. 1 in a valuation list as a hereditament or to which a certificate under sub-paragraph (2) of this paragraph relates and any of those parts—

- (a) consists of property suitable for inclusion in a valuation list as a separate hereditament ; and
- (b) would be a relevant hereditament if it were included in a valuation list as a separate hereditament,

the part may be treated as a relevant hereditament for the purposes of this Schedule and the valuation officer may give such directions as he thinks fit for apportioning between those parts the rateable value ascribed to the property by the list or certificate aforesaid.

6.—(1) A rating authority may request the valuation officer to make a proposal for including in the valuation list in force for their area any unoccupied building in their area (together with any garden, yard, court or other land intended for use for the purposes of the building) which in their opinion is, or when completed will be, a newly erected dwelling-house ; and if the valuation officer thinks fit to comply with the request he may make a proposal for including the building (together with any such garden, yard, court or other land as aforesaid) as a dwelling-house in that list and for ascribing to it in the list such values as he considers are appropriate or will be appropriate when the building is completed.

(2) Where such a request is made by a rating authority and the valuation officer serves notice in writing by post or otherwise on the authority stating that he does not propose to comply with the request, the rating authority may, if they think fit, within the period of twenty-eight days beginning with the date of service of the notice, make a proposal for including the building and any other land to which the request relates as a dwelling-house in the list aforesaid and for ascribing to it in the list such values as the authority consider are appropriate or will be appropriate when the building is completed.

(3) Where a new valuation list is prepared for any area, the valuation officer shall include in the list as transmitted to the rating authority—

- (a) any dwelling-house included in the current list for that area in pursuance of a proposal under sub-paragraph (1) or (2) of this paragraph ; and
- (b) any building (with or without other land) in respect of which a proposal for its inclusion in the current list as a dwelling-house has been made by him under the said sub-paragraph (1) and has not been settled,

and if any such proposal is made by him after the new list has been so transmitted, shall cause that list to be altered so as to include the building (with or without other land) as a dwelling-house in the new list.

(4) Where a newly erected dwelling-house is first occupied after its completion and a rateable value has, in pursuance of the foregoing provisions of this paragraph, previously been ascribed to it in the valuation list currently in force for the area in which it is situated, any different rateable value subsequently ascribed to it

in that list and which, apart from this sub-paragraph, would have effect from the date when the dwelling-house is first occupied as aforesaid shall be deemed to have effect from the date on which the current list came into force or the date from which the previous rateable value had effect, whichever is the later.

SCH. 1

Completion of newly erected or altered buildings

7. For the purposes of paragraph 1 of this Schedule, a newly erected building which is not occupied on the date determined under the subsequent provisions of this Schedule as the date on which the erection of the building is completed shall be deemed to become unoccupied on that date.

8.—(1) Where a rating authority are of opinion—

(a) that the erection of a building within their area has been completed ; or

(b) that the work remaining to be done on a building within their area is such that the erection of the building can reasonably be expected to be completed within three months, and that the building is, or when completed will be, comprised in a relevant hereditament, the authority may serve on the owner of the building a notice (hereafter in this paragraph referred to as “a completion notice”) stating that the erection of the building is to be treated for the purposes of this Schedule as completed on the date of service of the notice or on such later date as may be specified by the notice.

(2) If a person on whom a completion notice is served agrees in writing with the authority by whom the notice was served that the erection of the building to which the notice relates shall be treated for the purposes of this Schedule as completed on a day specified by the agreement, it shall be treated for those purposes as completed on that day and the notice shall be deemed to be withdrawn.

(3) Where a rating authority has served a completion notice on any person, the authority may withdraw the notice by a subsequent notice served on that person ; and a notice under this sub-paragraph may be served—

(a) at any time before an appeal in pursuance of sub-paragraph (4) of this paragraph is brought against the completion notice ; and

(b) with the agreement of the person aforesaid, at any time thereafter and before the appeal is determined.

(4) A person on whom a completion notice is served may, during the period of twenty-one days beginning with the date of service of the notice, appeal to the county court against the notice on the ground that the erection of the building to which the notice relates has not been or, as the case may be, cannot reasonably be expected to be completed by the date specified by the notice.

(5) If a completion notice served in respect of a building is not withdrawn and no appeal in pursuance of sub-paragraph (4) of this paragraph is brought against the notice or such an appeal is abandoned or dismissed, the erection of the building shall be treated for the purposes of this Schedule as completed on the date specified

SCH. 1 by the notice ; and if the notice is not withdrawn and such an appeal is brought and is not abandoned or dismissed, the erection of the building shall be treated for those purposes as completed on such date as the court shall determine.

(6) A notice under this paragraph may, without prejudice to any other mode of service, be served on any person—

- (a) by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at his usual or last known place of abode, or, in a case where an address for service has been given by that person, at that address ; or
- (b) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office ; or
- (c) where the name or address of that person cannot be ascertained after reasonable inquiry, by addressing it to him by the description of "owner" of the building (describing it) to which the notice relates and by affixing it to some conspicuous part of the building.

9. In the case of a building to which work remains to be done of a kind which is customarily done to a building of the type in question after the erection of the building has been substantially completed, it shall be assumed for the purposes of paragraph 8 of this Schedule that the erection of the building has been or can reasonably be expected to be completed at the expiration of such period beginning with the date of its completion apart from the work as is reasonably required for carrying out the work.

10. Where by reason of the structural alteration of any building a relevant hereditament becomes or becomes part of a different hereditament or different hereditaments, the relevant hereditament shall be deemed for the purposes of this Schedule to have ceased to exist on the date (as determined in pursuance of the foregoing provisions of this Schedule) of the completion of the structural alteration and, in particular, to have been omitted on that date from any valuation list in which it is then included ; but nothing in this paragraph shall be construed as affecting any liability for rates under paragraph 1 of this Schedule in respect of the hereditament for any period before that date.

Supplemental

11.—(1) Where a person for the time being liable to be rated under paragraph 1 of this Schedule—

- (a) in respect of a relevant hereditament which is not included in a valuation list ; or
- (b) in respect of a dwelling-house included in such a list in pursuance of paragraph 6 of this Schedule but not occupied since it was so included,

serves on the valuation officer a notice referring to the hereditament or dwelling-house and stating his name and address and that he is

so liable, then, in relation to any proposal for including the hereditament in a valuation list or, as the case may be, any proposal served in respect of the dwelling-house before the end of the rate period during which it is first occupied after it was so included in the list, the person aforesaid shall be treated for the purposes of the provisions of Part V of this Act relating to proposals, objections and appeals as standing in the same position as the occupier of the hereditament or dwelling-house.

(2) A notice served under sub-paragraph (1) of this paragraph in respect of a hereditament such as is mentioned in paragraph (a) of that sub-paragraph which subsequently becomes a dwelling-house such as is mentioned in paragraph (b) thereof shall be treated as served in respect of the dwelling-house as well as in respect of the hereditament.

(3) Where, in pursuance of such a proposal in respect of a dwelling-house as is mentioned in sub-paragraph (1) of this paragraph, an alteration is made in a valuation list which affects the amount of any rate levied under paragraph 1 of this Schedule in respect of the dwelling-house, the difference—

(a) if too much has been paid, shall be repaid or allowed ;
or

(b) if too little has been paid, shall be paid and may be recovered as if it were arrears of the rate.

(4) References in sub-paragraph (1) of this paragraph to a person liable as there mentioned include references to a person who would be so liable if a relevant period of vacancy had begun in relation to the hereditament or dwelling-house in question.

12. No rate shall be payable under paragraph 1 of this Schedule in respect of a hereditament for any period during which it is deemed by virtue of sub-paragraph (3) of that paragraph to have been unoccupied ; and any rate paid under that paragraph in respect of such a period shall be recoverable by the person by whom it was paid.

13. Any amount due in respect of rates payable by virtue of paragraph 1 of this Schedule shall, without prejudice to the operation of any other enactment under which it is recoverable, be recoverable as a simple contract debt in any court of competent jurisdiction.

14. In calculating any period for the purposes of this Schedule, any period when this Schedule is not in force in the rating area in question shall be disregarded ; but the fact that this Schedule has ceased to be in force in any area shall not affect its operation as respects any period when it was in force in the area.

15. In this Schedule, the following expressions have the following meanings respectively, that is to say—

“ building ” includes part of a building ;

“ local authority ” means the council of a county, county borough or county district, the Greater London Council, the council of a London borough, the Common Council of the City of London or the Council of the Isles of Scilly ;

“ owner ”, in relation to a relevant hereditament or to a building, means the person entitled to possession of the hereditament or building ;

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“relevant hereditament” means any hereditament consisting of, or of part of, a house, shop, office, factory, mill or other building whatsoever, together with any garden, yard, court or other land ordinarily used or intended for use for the purposes of the building or part ;

“relevant period of vacancy”, in relation to any relevant hereditament, means, subject to paragraph 1(4) of this Schedule, any period beginning with the day following the end of a period of three months during which the hereditament has been continuously unoccupied and ending with the day preceding that on which the hereditament becomes or next becomes occupied or ceases to exist ;

and references to a newly erected building or dwelling-house include references to a building or dwelling-house produced by the structural alteration of a building included in a relevant hereditament which by virtue of paragraph 10 of this Schedule has ceased or will cease to exist on the completion of the structural alteration and, in relation to a building or dwelling-house so produced, references to erection of a building shall be construed as references to the structural alteration producing it.

Section 20.

SCHEDULE 2

TRANSITIONAL PROVISIONS AS TO VALUATION ACCORDING TO TONE OF LIST

1. Where a proposal for the alteration of a valuation list in respect of any hereditament was served on or made by the valuation officer on or after 3rd December 1965 and settled before 13th December 1966, then if—

(a) a further proposal for the alteration of the valuation list in respect of that hereditament was served or made before the end of March 1967 and remains to be settled ; and

(b) that further proposal is expressed to be made on the ground only that the value or altered value determined pursuant to the original proposal exceeds that which would have been so determined if section 17 of the Local Government Act 1966 had applied to it,

1966 c. 42.

section 20 of this Act shall apply to the further proposal as if for references therein to the time of valuation there were substituted references to the time of valuation for the purposes of the original proposal ; and any alteration made in the valuation list in respect of the hereditament in pursuance of the further proposal shall have effect for the purposes of this Act and any other enactment relating to rating and valuation as if the further proposal had been served or made immediately after the original proposal.

2. Where a further proposal for the alteration of the valuation list in respect of a hereditament has been served on the valuation officer by any other person before the end of March 1967 but is not expressed to be made on the ground specified in paragraph 1(b) of this Schedule, and that person gives or has given, either before or within one month after the settlement of the further proposal, notice

in writing to the valuation officer of his intention to make a further **SCH. 2** proposal in respect of the hereditament on that ground, any such further proposal made by that person which—

- (a) is expressed to be made on that ground only ; and
- (b) is or was served within one month after the service of the notice,

shall be treated for the purposes of paragraph 1 of this Schedule as if it had been served before the end of March 1967.

SCHEDULE 3

Section 21.

CLASSES OF MACHINERY AND PLANT DEEMED TO BE PART OF HEREDITAMENT

CLASS 1

1. Machinery and plant (together with the shafting, pipes, cables, wires and other appliances and structures accessory thereto) which is used or intended to be used mainly or exclusively in connection with any of the following purposes, that is to say—

- (a) the generation, storage, primary transformation or main transmission of power in or on the hereditament ; or
- (b) the heating, cooling, ventilating, lighting, draining, or supplying of water to the land or buildings of which the hereditament consists, or the protecting of the hereditament from fire :

Provided that, in the case of machinery or plant which is in or on the hereditament for the purpose of manufacturing operations or trade processes, the fact that it is used in connection with those operations or processes for the purpose of heating, cooling, ventilating, lighting, draining, supplying water, or protecting from fire shall not cause it to be treated as falling within the classes of machinery or plant specified in this Schedule.

CLASS 2

- 2. Lifts and elevators mainly or usually used for passengers.

CLASS 3

- 3. Railway and tramway lines and tracks.

CLASS 4

4. Such part of any plant or any combination of plant and machinery, including gas holders, blast furnaces, coke ovens, tar distilling plant, cupolas, and water towers with tanks, as is, or is in the nature of, a building or structure.

CLASS 5

5.—(1) A pipe-line, that is to say, a pipe or system of pipes for the conveyance of any thing, not being—

- (a) a drain or sewer ;
- (b) a pipe or system of pipes vested in an area board established by the Gas Act 1948, in the Gas Council, in a board 1948 c. 67. established by the Electricity Act 1947, or in the Central 1947 c 54. Electricity Generating Board ;

SCH. 3 (c) a pipe or system of pipes forming part of the equipment of, and wholly situate within, a factory or petroleum storage depot or premises comprised in a mine, quarry or mineral field,

and exclusive of so much of a pipe or system of pipes forming part of the equipment of, and situate partly within and partly outside, a factory or petroleum storage depot or premises comprised in a mine, quarry or mineral field as is situate within, as the case may be, the factory or petroleum storage depot or those premises.

(2) In this paragraph—

1961 c. 34.

(a) “factory” has the same meaning as in the Factories Act 1961 ;

1954 c. 70.

(b) “mine” and “quarry” have the same meanings respectively as in the Mines and Quarries Act 1954 ;

(c) “mineral field” means an area comprising an excavation being a well or borehole or a well and borehole combined, or a system of such excavations, used for the purposes of pumping or raising brine or oil, and so much of the surface (including buildings, structures and works thereon) surrounding or adjacent to the excavation or system as is occupied, together with the excavation or system, for the purpose of the working of the excavation or system ;

(d) “petroleum storage depot” means premises used primarily for the storage of petroleum or petroleum products (including chemicals derived from petroleum) or of materials used in the manufacture of petroleum products (including chemicals derived from petroleum).

Section 31.

SCHEDULE 4

VALUATION OF WATER HEREDITAMENTS OF STATUTORY WATER UNDERTAKING

Ascertainment of cumulo-value for undertaking

1.—(1) There shall be ascertained in accordance with the provisions of this paragraph for the undertaking as a whole an amount hereafter in this Schedule referred to as the “cumulo-value”.

(2) Subject to the provisions of this Schedule, the cumulo-value for the purposes of valuation lists in force or to come into force at any time (hereinafter in this Schedule referred to as the “relevant lists”) shall be determined in accordance with the following provisions of this paragraph by reference to the amount (hereafter in this Schedule referred to as the “previous cumulo-value”) of the cumulo-value determined for the purposes of the valuation lists (hereafter in this Schedule referred to as the “previous lists”) last coming into force before the relevant lists.

(3) If the yearly average supply of the undertakers in the basic period for the relevant lists exceeds their yearly average supply in the basic period for the previous lists, there shall be added to the amount of the previous cumulo-value an amount which bears to the aggregate of the previous cumulo-values for all undertakings in

England and Wales the proportion which the difference between the said yearly average supplies bears to the yearly average supply of all undertakers in England and Wales in the basic period for the previous lists.

(4) If the yearly average supply of the undertakers in the basic period for the relevant lists falls short of their yearly average supply in the basic period for the previous lists, the amount of the previous cumulo-value shall be reduced in the proportion which the one bears to the other.

(5) The amount of the previous cumulo-value, after any adjustment in accordance with sub-paragraph (3) or (4) of this paragraph, shall be apportioned among rating areas in which water hereditaments of the undertaking are situated.

(6) The amount apportioned under sub-paragraph (5) of this paragraph to each county borough, to each rating area in Greater London and to the Isles of Scilly, and the aggregate of the amounts apportioned to the rating areas in each county, shall be adjusted by multiplying it by the proportional change in the level of net annual values appearing, on the average, from a comparison of the values expected to be shown in the relevant lists for the borough, rating area, Isles or county, as transmitted to rating authorities in pursuance of section 68(2) of this Act, with those shown in the previous lists for the borough, rating area, Isles or county at the beginning of April last before the coming into force of the relevant lists.

(7) The sum of the amounts and the aggregates referred to in sub-paragraph (6) of this paragraph, adjusted in accordance with that paragraph, shall be the cumulo-value for the undertaking for the purposes of the relevant lists.

(8) In relation to the valuation lists in force at the commencement of this Act, the cumulo-value and the previous cumulo-value for any undertaking shall be those determined for the purposes of those lists in accordance with Part II of the Rating and Valuation Act 1961. 1961 c. 45.

Rateable value of water hereditaments

2. The amount of the cumulo-value as determined under paragraph 1(7) of this Schedule shall be apportioned among rating districts in which water hereditaments of the undertaking are situated; and for the purposes of the relevant lists the amount apportioned to any rating district shall be the rateable value of such hereditaments in that district, and rateable values (but no net annual values) shall be shown accordingly in lists transmitted to rating authorities in pursuance of section 68(2) of this Act.

Adjustment of cumulo-value during currency of valuation lists

3.—(1) If in any of the successive periods of five calendar years ending respectively with the December last before the coming into force of the relevant lists and the subsequent Decembers falling earlier than two years before the date on which those lists cease to be in force—

- (a) the yearly average supply of any statutory water undertakers exceeds or falls short of their yearly average supply in the basic period for those lists; and

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- (b) the excess or deficiency is greater than ten per cent. of the last-mentioned average supply,

the cumulo-value for the undertaking as determined for the purposes of those lists shall be adjusted in accordance with the following provisions of this paragraph, and the rateable values of the water hereditaments of the undertaking shall be varied in accordance with paragraph 4 of this Schedule for any rate period beginning fifteen months or more after the end of the said period of five years and ending not later than the date on which the lists cease to be in force or on which a subsequent variation in accordance with the said paragraph 4 takes effect (hereafter in this paragraph and in the said paragraph 4 referred to as a "relevant rate period").

(2) If there is such an excess as aforesaid, the said cumulo-value shall be increased by an amount which bears to the aggregate of the cumulo-values for all undertakings in England and Wales, as determined for the purposes of the relevant lists, the proportion which the excess bears to the yearly average supply of all undertakers therein in the basic period for those lists.

(3) If there is such a deficiency as aforesaid, the said cumulo-value shall be reduced in the proportion which the one average supply mentioned in sub-paragraph (1) of this paragraph bears to the other.

(4) Where the cumulo-value for an undertaking is adjusted under this paragraph, the Commissioners shall, not later than five months before the beginning of the first relevant rate period, furnish to the undertakers and to any rating authority concerned the particulars required for determining the amount of the adjustment.

(5) Where the cumulo-value for any undertaking falls to be adjusted under this paragraph as respects any of the successive periods mentioned in sub-paragraph (1) thereof, then (whether or not the consequential variation of the rateable values of the water hereditaments of the undertaking has taken effect) in the application, in the case of that undertaking, of the foregoing provisions of this paragraph to any subsequent such period—

- (a) for the reference in paragraph (a) of the said sub-paragraph (1) to the basic period for the relevant lists there shall be substituted a reference to the preceding or last preceding period of five calendar years as respects which the conditions specified in paragraphs (a) and (b) of the said sub-paragraph (1), or those conditions as modified by this sub-paragraph, are satisfied ;
- (b) for the references in the foregoing provisions of this paragraph to the cumulo-value for the undertaking as determined for the purposes of the relevant lists there shall be substituted references to the cumulo-value for the undertaking as adjusted or last adjusted under this paragraph.

(6) In the application of the foregoing provisions of this paragraph to the valuation lists in force at the commencement of this Act, references to a period of five calendar years do not include references to any period beginning before the basic period for those lists, but do include references to a period of three or four calendar years beginning with that basic period.

Alterations of valuation lists consequential on adjustment of cumulo-value

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4.—(1) Where the cumulo-value for an undertaking has been adjusted under paragraph 3 of this Schedule, that cumulo-value as so adjusted shall be apportioned among rating districts in which water hereditaments of the undertaking are situated, and the valuation officer shall make proposals for such alterations of valuation lists as are requisite for increasing or decreasing, as the case may require, the rateable values of the water hereditaments of the undertaking to accord with the apportionment.

(2) Any such proposals shall be made not later than three months before the beginning of the first relevant rate period, and in relation to such proposals section 79(1) of this Act shall have effect as if after the words "commencement of" there were inserted the words "the year immediately following".

(3) Where the valuation officer transmits copies of any proposals under this paragraph, he shall transmit with them particulars of the manner in which the adjusted cumulo-value has been apportioned among rating districts so as to produce the alterations in valuation lists which are the subject of the proposals; and effect shall not be given to objections to the proposals on any grounds other than the grounds that the apportionment was not properly made.

Other alterations of valuation lists with respect to water hereditaments

5.—(1) Where, after the valuation officer has transmitted a valuation list to the rating authority, but before the date on which the list is to come into force, it appears to him that in the case of a statutory water undertaking of which water hereditaments are included in the list the cumulo-value for the undertaking ought to be redetermined to conform with paragraph 1 of this Schedule and that on that account the list needs to be altered in any respect, he shall cause the list to be altered accordingly before that date.

(2) A proposal for the alteration of a valuation list so far as it relates to a water hereditament of a statutory water undertaking may be made on the grounds that the apportionment required by paragraph 2 or 4(1) of this Schedule was not properly made, or that the cumulo-value for the undertaking ought to be re-apportioned among rating districts in which water hereditaments of the undertaking are situated.

(3) Where, in the case of any rating area, a proposal is made falling within sub-paragraph (2) of this paragraph, or an objection is made falling within paragraph 4(3) of this Schedule, the valuation officer shall cause copies of the proposal or objection to be served on the rating authority for every other rating area in which there are water hereditaments of the undertaking in question which appear relevant to the proposal or objection.

(4) Where it appears to the valuation officer that the valuation list may be affected by any such proposal or objection as aforesaid relating to another valuation list, and he makes a proposal

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SCH. 4 for any consequential alteration of the first-mentioned list which appears to him to be required if effect is given, in whole or in part, to the original proposal or objection, then, if the valuation officer states in his proposal that it is one to which this sub-paragraph applies, any alteration of the list which is made in consequence of his proposal shall have effect as from such date as may be specified in the proposal notwithstanding that the date is earlier than that provided by section 79 of this Act.

(5) In proceedings on any such proposal or objection as aforesaid a local valuation court or the Lands Tribunal shall afford to the rating authority for every such other area as aforesaid an opportunity of appearing and being heard before the court or Tribunal, and may then direct such consequential alterations as may be required in the valuation list for any such area; and the valuation officer shall cause the valuation list to be altered accordingly.

(6) The reference in sub-paragraph (3) of this paragraph to water hereditaments appearing relevant to a proposal or objection is a reference to water hereditaments of which the rateable value appears to the valuation officer (in relation to the valuation list in which that value is shown), or as the case may be to the court or Tribunal, liable to be affected by any re-apportionment in consequence of the proposal or objection.

Apportionment etc., of cumulo-value

6.—(1) Any provision of this Schedule relating to the apportionment of the cumulo-value of an undertaking among rating areas or rating districts or with respect to any amount so apportioned shall have effect subject to the necessary modifications where, by reason of the fact that the undertaking does not extend beyond the boundaries of a single rating area or a single rating district, provision for apportionment is inappropriate; and in relation to an undertaking which does not extend beyond the boundaries of a single rating district—

(a) effect shall not be given to objections to any proposal under paragraph 4 of this Schedule with respect to the water hereditaments of that undertaking;

(b) paragraph 5(3) to (6) of this Schedule shall not apply.

(2) Anything required under this Schedule to be done in determining or adjusting the cumulo-value for an undertaking, and any apportionment of a cumulo-value, shall be done or made by the Commissioners.

(3) Any apportionment of the cumulo-value for an undertaking among rating districts shall be done in like manner as would have been required for the apportionment of the net annual value of the undertaking if the valuation of the water hereditaments of the undertaking had fallen to be made under section 19(3) of this Act on the profits basis as hereditaments of an undertaking not including any dwellings, and any such apportionment among rating areas shall be done in the same manner.

(4) Before the end of December last before the coming into force of any new valuation lists, the Commissioners shall as respects each statutory water undertaking furnish to the undertakers and to the rating authorities concerned the particulars required by the Commissioners for determining the cumulo-value for the undertaking for the purposes of those lists and also particulars of the manner in which the cumulo-value is to be apportioned among rating districts.

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Ascertainment of average water supplies

7.—(1) The yearly average supply of any or all undertakers in any period shall be ascertained for the purposes of this Schedule as follows.

(2) Subject to the provisions of this paragraph, it shall be taken to be the aggregate of the amounts certified under sub-paragraph (3) of this paragraph by the undertakers or all the undertakers for the calendar years comprised in the period, divided by the number of those calendar years.

(3) Not later than six months after the end of any calendar year relevant to the ascertainment of yearly average supplies for the purposes of this Schedule, statutory water undertakers shall estimate and certify to the Commissioners, to the nearest hundred thousand gallons, the amount of water supplied by the undertakers in that calendar year, the amount so supplied in bulk, and the amount supplied in bulk during that year to the undertakers, and shall also certify whether the undertakers were supplying water during the whole of that year (disregarding any temporary suspension of supply).

(4) The duty to certify imposed on undertakers by this paragraph shall be enforceable by mandamus at the instance of the Commissioners.

(5) Where any undertakers supply non-potable water otherwise than in bulk, they shall, in certifying under sub-paragraph (3) of this paragraph the amount of water supplied by them, show separately (to the nearest hundred thousand gallons) the amount of non-potable water supplied by them otherwise than in bulk, and the amount of water certified as supplied by them shall be treated as reduced by one-half of the said amount of non-potable water.

(6) If a certificate under sub-paragraph (3) of this paragraph shows that all or any of the water supplied was supplied in bulk, or that the undertakers giving the certificate took a supply in bulk, or both, the amount certified as supplied shall be treated as reduced by one-half of the amount certified as supplied, or taken by way of supply, in bulk.

(7) If the undertakers, or any of the undertakers, have certified that they were not supplying water throughout the whole of any of the calendar years in the period, the aggregate of the amounts certified by them for all such years in the period shall be taken for the purposes of sub-paragraph (2) of this paragraph to be the aggregate of the amounts certified for the remaining such

SCH. 4 years, divided by the number of those years and multiplied by the number of calendar years in the whole period.

(8) For the purposes of this Schedule—

- (a) any estimate of the amount of water supplied shall be made by reference to the amount put out by the undertakers (and not to the amount received by the persons to whom the water was supplied);
- (b) subject to paragraph (c) of this sub-paragraph, references to the supply of water in bulk are references to a supply taken by any persons for augmenting or constituting the supply to be given by them;
- (c) water shall not be treated as supplied to any undertakers by a river authority by reason only that the undertakers abstract, or are authorised to abstract, water in pursuance of a licence under the Water Resources Act 1963 granted by the river authority.

1963 c. 38.

Interpretation

8.—(1) For the purposes of this Schedule—

- (a) subject to sub-paragraph (2) of this paragraph, references to the basic period for any valuation lists are references to the period of five calendar years ending fifteen months before the coming into force of the lists;
- (b) the expression “rating district”, in relation to Greater London, does not include a part of a rating area which is subject to separate or differential rating.

(2) In the case of the valuation lists in force at the date of commencement of this Act, sub-paragraph (1)(a) of this paragraph shall have effect as if for the reference to five calendar years there were substituted a reference to two calendar years.

Modifications in cases of new undertakings, amalgamations etc.

9.—(1) The provisions of this paragraph shall have effect as respects cases where a statutory water undertaking is changed (by acquisition, merger or division) into part or the whole of one or more other such undertakings (hereafter in this paragraph referred to as “new undertakings”).

(2) Where new valuation lists come into force at the same time as the change, then in determining the cumulo-value for the purposes of those lists—

- (a) paragraph 1(3) to (6) of this Schedule shall be applied separately to the previous cumulo-values for each of the undertakings comprised in a new undertaking;
- (b) where a new undertaking consists of or comprises a part of an undertaking, the said paragraph 1(3) to (6) shall first be applied to the whole of that undertaking and the resulting cumulo-value shall be divided between the parts of the undertaking;

- (c) in any case, the cumulo-value for a new undertaking shall be the aggregate of the sums determined for the undertakings or parts of undertakings comprised in the new undertaking after the application of the said paragraph 1(3) to (6) and any division in accordance with paragraph (b) of this sub-paragraph.

(3) Where the change takes place during the currency of any valuation lists, the following provisions shall have effect for the period between the change and the coming into force of the first new valuation lists to come into force after the change :—

- (a) for the year in which the change takes place the rateable values of hereditaments which on the change become water hereditaments of a new undertaking shall be the same as they were before the change, the rateable value of any water hereditament of a new undertaking which is part of a hereditament which before the change was a water hereditament of another undertaking being ascertained by the Commissioners by apportionment ;
- (b) for any subsequent year the rateable values of water hereditaments of a new undertaking shall be such as the Commissioners may determine to be appropriate having regard to the cumulo-values for the undertakings wholly or partly comprised in the new undertaking ;
- (c) without prejudice to the generality of paragraph (a) of this sub-paragraph, no alteration shall be made under paragraph 4 of this Schedule as respects water hereditaments of a new undertaking so as to affect the rateable values of such hereditaments for the year in which the change took place ;
- (d) in the application of paragraph 3 of this Schedule (for any subsequent year) as respects any period of years ending after the change—
- (i) the undertakers carrying on a new undertaking shall be treated as having had in periods beginning before the change a yearly average supply ascertained by reference to the yearly average supplies of the undertakers carrying on the undertakings wholly or partly comprised in the new undertaking ; and
- (ii) the cumulo-value of a new undertaking shall be taken to be an amount ascertained by the Commissioners as that which appears to them appropriate having regard to the said cumulo-values ;

and in determining the cumulo-value for a new undertaking for the purposes of the first new valuation lists coming into force after the time of the change, the Commissioners shall ascertain the amount which appears to them appropriate to be treated as the cumulo-value for the new undertaking for the purposes of the previous lists and as the yearly average supply of the new undertaking for any relevant period and shall proceed accordingly.

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(4) For the purpose of giving effect—

(a) to any determination under sub-paragraph (3)(b) of this paragraph ; or

(b) to any determination of the cumulo-value for a new undertaking for the purposes of the first new valuation lists coming into force after the time of the change where the lists have already been transmitted to rating authorities, such alterations shall be made in valuation lists (without any proposal) as the valuation officer may direct, and if the lists have come into force they shall be deemed always to have had effect subject to those alterations.

(5) If at the time of the change any undertaking wholly or partly comprised in a new undertaking has not given any certificate required by paragraph 7(3) of this Schedule, it shall be the duty of the new undertaking to give the certificate, and paragraph 7(4) of this Schedule shall apply accordingly.

(6) For the purposes of the foregoing provisions of this paragraph, the Commissioners shall make such aggregations or apportionments, or both, of cumulo-values and of amounts of water certified as supplied as the case may require, but before making any aggregation or apportionment of amounts of water certified as supplied the Commissioners shall hold such consultations as appear to them appropriate.

10.—(1) Where an undertaking for the supply of water, not being a statutory water undertaking—

(a) is acquired by statutory water undertakers, with or without a statutory water undertaking being acquired by them at the same time, or is merged with one or more undertakings for the supply of water of which at least one is a statutory water undertaking ; or

(b) becomes a statutory water undertaking,

the Minister may by order direct that paragraph 9 of this Schedule if not otherwise applicable shall apply, but subject to such modifications as may be specified in the order, and if otherwise applicable shall apply subject to such modifications as may be so specified, or the Minister may by order direct that hereditaments occupied for the purposes of the acquiring undertakers, the undertaking created by the merger or the new statutory undertaking, as the case may be, shall be valued for rating purposes in such other manner as may be specified by the order.

(2) An order under this paragraph providing for valuation in any such other manner as aforesaid may apply, restrict or modify the provisions of Part V of this Act relating to proposals for alterations of valuation lists and to appeals in connection with such lists and to the withholding of rates where proposals are pending.

(3) An order under this paragraph may be made with respect to undertakings generally or any specified description of undertakings, or with respect to a particular undertaking, and may make different provision for hereditaments of different descriptions.

(4) Any order under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

11.—(1) Where—

- (a) the first calendar year during the whole of which the undertakers carrying on a statutory water undertaking supply water (hereinafter referred to as “ the initial year ”) is or was later than the year 1959 ; and
- (b) the undertaking is not and has not been such a new undertaking as is referred to in paragraph 9(1) of this Schedule or an undertaking as respects which an order may be or might have been made under paragraph 10 thereof,

the undertakers shall certify to the Commissioners that the undertaking is one to which this paragraph applies and the following provisions of this paragraph shall have effect.

(2) For the purposes of valuation lists coming into force in a calendar year earlier than the tenth after the initial year—

- (a) the rateable values of water hereditaments of the undertaking shall not be ascertained in accordance with paragraphs 1 and 2 of this Schedule but by apportioning the cumulo-value for the undertaking for the year, as hereinafter determined, among rating districts in which water hereditaments of the undertaking are situated ; and
- (b) no variation of those rateable values shall be made under paragraph 4 of this Schedule ;

and in the application of the said paragraphs to any other undertaking in any such case the first-mentioned undertaking shall be disregarded for all purposes.

(3) The cumulo-value for the undertaking for any year during the currency of valuation lists coming into force as aforesaid shall be the amount obtained by multiplying the aggregate of the cumulo-values for all statutory water undertakings in England and Wales for which such values fall to be determined under paragraph 1 of this Schedule, being the values determined for the purposes of the valuation lists current during that year, by the amount of water hereinafter mentioned, and dividing the product by the yearly average supply of all such undertakings in the basic period for those lists.

(4) For any such year not later than the ninth of the years in which the undertakers fall to be rated the said amount of water is the amount of water supplied by the undertakers in the period specified in relation to the year in question in the following table, reduced, where that period exceeds twelve months, in the proportion which twelve months bears to that period or increased, where the undertaking was operating during a part only of that period, in the proportion which the whole period bears to that part.

TABLE

<i>Year</i>	<i>Period of supply</i>
First.	The first year.
Second to fifth.	The twelve months ending with December in the year for which the period is being determined.
Sixth to ninth.	The period beginning with the end of December last before the beginning of the fifth year and ending with December in the year for which the period is being determined.

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(5) For the tenth, eleventh and any subsequent such year the said amount is one-fifth of the amount of water supplied by the undertakers over the period of five calendar years ending next before the beginning of the year in question.

(6) If during the whole or any part of any period mentioned in sub-paragraph (4) or (5) of this paragraph the undertakers were giving or receiving a supply of water in bulk, or both, the amount of water supplied over the period shall be treated as reduced by one-half of the amount of the supply or supplies in bulk.

(7) If during the whole or any part of any such period as aforesaid the undertakers were giving a supply of non-potable water otherwise than in bulk, the amount of water supplied over the period shall be treated as reduced by one-half of the amount of non-potable water so supplied by them.

(8) It shall be the duty of the undertakers, enforceable by mandamus at the instance of the Commissioners—

- (a) for the twelve months or each twelve months of any of the periods mentioned in sub-paragraph (4) or (5) of this paragraph to furnish to the Commissioners, not later than the end of June last before the beginning of that twelve months (or, where the undertaking had not then begun to operate, as soon as may be after it so began), a provisional estimate, to the nearest hundred thousand gallons, of the amount of water expected to be supplied by the undertakers during those twelve months and of the amount of any supply in bulk expected to be given or taken by them during those twelve months ;
- (b) not later than six months after the end of any such twelve months as aforesaid, to estimate and certify to the Commissioners, to the nearest hundred thousand gallons, any such amount as aforesaid ;
- (c) to show separately (to the nearest hundred thousand gallons), in any such provisional estimate or certificate as aforesaid, any amount of non-potable water supplied by the undertakers otherwise than in bulk ;

and the provisional estimate furnished under paragraph (a) of this sub-paragraph for the twelve months or the first twelve months therein referred to shall include a statement of the date on which the undertaking began to operate or, if it has not begun to operate when the estimate is furnished, of the date on which it is expected to begin to operate, and in the latter case the estimate under paragraph (b) of this sub-paragraph shall include a statement of the date on which the undertaking began to operate.

(9) Cumulo-values under this paragraph shall in the first place be determined in accordance with the said provisional estimates, in so far as estimates under sub-paragraph (8)(b) of this paragraph are not available ; and the valuation officer, in any year in which he does not transmit new valuation lists, shall notify to rating authorities before the end of December the amounts of the rateable values apportioned to rating districts under this paragraph for the following year, and on or as soon as may be after the beginning of the said following year shall give directions for the alteration of the valuation lists accordingly without any proposal.

(10) The functions conferred on a valuation officer by sub-paragraph (9) of this paragraph shall not be exercisable in respect of an undertaking where the following year mentioned in that sub-paragraph is the first year in which the undertaking operates or where it is the second such year and, by reason of the lateness of the time by which the undertakers furnish provisional estimates, it is not practicable for the valuation officer to ascertain what alterations of valuation lists are required for water hereditaments of the undertaking for that year ; but in the case of any such year (including any such year which is the first for which new valuation lists are in force) the valuation officer shall as soon as may be give directions for such entries or alterations to be made in valuation lists, without any proposal, as the case may require, and the entries or alterations shall have effect as from the beginning of the year in question.

(11) Cumulo-values under this paragraph shall be finally determined in accordance with the amounts certified under sub-paragraph (8)(b) of this paragraph, and any entry in a valuation list made on the basis of provisional estimates shall be corrected, on a direction given by the valuation officer and without any proposal, so as to conform with the cumulo-values as finally determined ; and any such correction shall have effect as from the beginning of the year to which it relates.

(12) In the application of this Schedule to the valuation of hereditaments in accordance with this paragraph—

- (a) paragraphs 3(4) and 4(3) shall not apply ;
- (b) for the reference in paragraph 5(1) to paragraph 1 there shall be substituted a reference to this paragraph ;
- (c) for the reference in paragraph 5(2) to paragraph 2, there shall be substituted a reference to sub-paragraph (2)(a) of this paragraph ;
- (d) the following provision shall have effect in substitution for paragraph 6(4), that is to say, that not later than five months before the beginning of any year for which this paragraph applies the Commissioners shall furnish to the undertakers and to the rating authorities concerned the particulars required by the Commissioners for determining the cumulo-value for the undertaking for the year and also particulars of the manner in which the cumulo-value is to be apportioned among rating districts.

(13) In determining the cumulo-value for the undertaking for the purposes of the first new valuation lists to come into force in a calendar year later than the ninth after the initial year, paragraph 1 of this Schedule shall apply with the substitution for references to the previous cumulo-value of references to the latest cumulo-value as finally determined under the foregoing provisions of this paragraph and as if sub-paragraphs (3) and (4) of the said paragraph 1 were omitted.

SCHEDULE 5

RAILWAY OR CANAL PREMISES

PART I

Amount of payments in lieu of rates

1. The amount of the payment in any year by any transport Board under section 32(5) of this Act shall be determined in accordance with the provisions of this Part of this Schedule by reference to the following amount (hereafter in this Part of this Schedule referred to as the "standard amount"), that is to say—

	£
(a) in the case of the British Railways Board ...	3,522,000
(b) in the case of the London Transport Board ...	1,193,000
(c) in the case of the British Waterways Board ...	85,000

2.—(1) For each year there shall be determined the number (reduced or increased to the nearest whole number by ignoring any fraction which is less than one-half and treating any other fraction as equivalent to one) representing the aggregate gross charge to rates for England and Wales for the immediately preceding year, as ascertained or estimated, and in either case certified, by the Minister, multiplied by 240 and divided by the rateable value for England and Wales for that immediately preceding year as ascertained and certified by the Minister.

(2) The reference in sub-paragraph (1) of this paragraph to the aggregate gross charge to rates for England and Wales for the immediately preceding year shall be construed as a reference to the total of the amounts required to be paid by virtue of all the rates made by all the rating authorities in England and Wales for that year or any part thereof, calculated as if, in the case of each hereditament, the amount payable were that ascertained by applying the poundage of the rate to the rateable value of the hereditament, without any allowance or deduction, and (if that year is the year 1967-68 or a later year) as if the aggregate amount of the domestic element of rate support grants for that year were an amount required to be paid by virtue of rates made for that year by rating authorities in England and Wales; and for the purposes of the said sub-paragraph (1)—

- (a) the rateable value for England and Wales for any year shall be taken to be the aggregate of the rateable values for that year of the areas of all rating authorities in England and Wales; and
- (b) the rateable value of the area of a rating authority for any year shall be taken to be the aggregate, as certified by the valuation officer, of the rateable values shown on the first day of that year in the valuation list in force on that day for that area, subject, however, to any alteration in the list made in consequence of any provision of this Act whereby the alteration is to be treated as having been made at the beginning of the year.

3.—(1) The amount to be paid in any year by each respectively of the transport Boards shall be the relevant standard amount adjusted—

SCH. 5

- (a) by applying to that standard amount the fraction of which the numerator is the number determined under paragraph 2(1) of this Schedule and the denominator is 214; and
- (b) by making such further adjustments for changes in the circumstances of the Board in question as may be prescribed by order made, subject to paragraph 6(2) of this Schedule, by the Minister.

(2) Any order made under sub-paragraph (1)(b) of this paragraph may provide for effecting a comparison between the circumstances of the transport Board in question and the circumstances at some time before 1st January 1963 of the British Transport Commission as a whole, or of the part of the Commission's undertaking corresponding to that of the Board, or partly the one and partly the other.

PART II

Supplementary provisions

4.—(1) The sums falling to be paid for any year by virtue of section 32(5) of this Act shall be paid to the Minister and, subject to sub-paragraphs (2) and (3) of this paragraph, shall be distributed by him at such times as he may determine among the rating authorities in England and Wales in proportion to the rateable values of their respective areas for that year determined in accordance with paragraph 2(2)(b) of this Schedule and be taken into account for any purposes of this or any other Act as if they were paid on account of rates, and in computing the product of a penny rate; and where, under any statutory provision other than this Act, any amount falls to be calculated by reference to the rateable value for any area, the Minister may by regulations provide that, for the purposes of that statutory provision, the rateable value of the area of any rating authority who received any payment from the sums paid under the said section 32(5) shall be deemed to be increased by an amount calculated, by reference to the payments so made to that authority, in such manner as may be prescribed by the regulations.

(2) The Minister may, after consultation with such of the Transport Boards and such associations of local authorities as appear to him to be concerned and with any local authority with whom consultation appears to him to be desirable, by order provide that the sums paid to him under sub-paragraph (1) of this paragraph shall, instead of being distributed as provided by that sub-paragraph, be distributed as provided by the order; and any such order—

- (a) may contain such incidental, supplemental and consequential provisions, including provisions altering any enactment or instrument, as the Minister considers expedient for the purposes of the order; and

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(b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

1948 c. 26.

(3) Any sums payable by the Minister under any provision of the Local Government Act 1948 by way of compensation to any officer or servant of the Railway Assessment Authority or the Anglo-Scottish Railways Assessment Authority shall be defrayed out of such payments falling to be made by virtue of the said section 32(5) as the Minister may direct.

(4) In relation to the City of London, the provisions of sub-paragraph (1) of this paragraph with respect to the taking into account of sums distributed under that sub-paragraph shall have effect subject to such modifications as the Minister may by order direct.

5. Without prejudice to the powers to make orders conferred by paragraphs 3(1)(b) and 4(2), but subject to paragraph 6, of this Schedule, the Minister may, after such consultation as is mentioned in the said paragraph 4(2), by order do all or any of the following things, that is to say—

- (a) direct that the provisions of section 32 of this Act with respect to railway or canal premises shall apply also to other premises occupied wholly or mainly for purposes of any of the transport Boards, or shall not apply to premises to which they would apply but for the provisions of the order ;
- (b) make such amendments in the provisions of the said section 32 or Part V of this Act as may be consequential on the giving of any such direction as is mentioned in sub-paragraph (a) of this paragraph ; and
- (c) make such amendments, whether consequential or not, in any of the figures set out in this Schedule as may be specified in the order.

6.—(1) No order shall be made under paragraph 3(1)(b) or 5 of this Schedule unless a draft thereof has been laid before Parliament and approved by a resolution of each House of Parliament.

1962 c. 46.

(2) An order made under the said paragraph 3(1)(b) with respect to the British Railways Board shall be made by the Minister and the Secretary of State for Scotland acting jointly and shall be made as one statutory instrument with, and make for England and Wales provision identical with that made for Scotland by, an order with respect to Scotland under section 66(4)(b) of the Transport Act 1962.

(3) An order under paragraph 5 of this Schedule may be made as one statutory instrument with an order with respect to Scotland under section 109 of the Local Government Act 1948 and, in that case, shall be made by the Minister and the Secretary of State for Scotland acting jointly.

7. Without prejudice to the power to make regulations conferred on him by paragraph 4(1) of this Schedule, the Minister may make

regulations for carrying section 32 of this Act and this Schedule into effect, and in particular— SCH. 5

- (a) for determining the manner in which, subject to the express provisions of the said section 32 or this Schedule, any calculation or estimate is to be made for any of the purposes of that section or this Schedule ;
- (b) for determining the times at which payments by virtue of section 32(5) of this Act are to be made ;
- (c) for providing that the calculations or estimates by reference to which any such payments are made may be treated as either conclusive or provisional, or conclusive for some purposes and provisional for other purposes, and, so far as they are to be treated as provisional, for the making of further calculations or estimates based on information not previously available and for adjusting in the light thereof any payments already made ;
- (d) for modifying the operation of the said section 32 or this Schedule in relation to any authority if and in so far as any such modification is required in relation to that authority in consequence of any alterations or combinations of authorities or alterations of boundaries.

8.—(1) In determining the rateable value of any office premises such as are mentioned in section 32(2)(b) of this Act, any part of the premises which is not used as an office or for office purposes, or for purposes ancillary to the use of the premises as an office or for office purposes, shall be disregarded.

(2) The Minister may by regulations make such provision as he considers appropriate for securing, in the case of—

- (a) premises liable to be rated both by virtue of the said section 32(2)(b) and by virtue of some other enactment ; and
- (b) premises of which a part is liable to be rated by virtue of the said section 32(2)(b) and another part is liable to be rated by virtue of some other enactment,

that the premises are included in the valuation list as a single hereditament with a single rateable value ; and the regulations may make different provision for different circumstances and may contain such supplemental, consequential and incidental provisions, including provisions modifying any enactment, as the Minister considers expedient for the purposes of the regulations.

(3) Any question as to whether, for the purposes of the said section 32(2)(b), any premises are situated on operational land of the body in question shall be determined by the Minister of Transport.

(4) The valuation officer shall from time to time make such proposals as appear to him to be requisite for altering valuation lists so as to give effect to the said section 32(2)(b) and sub-paragraph (1) of this paragraph, and may, if he thinks fit, before making such a proposal in respect of any premises—

- (a) raise a question as to whether the premises are situated on operational land of the body in question ; and

SCH. 5 (b) make an application to the Minister of Transport for the determination of that question ;

and if he makes such an application he shall, before the expiration of the period of seven days beginning with the date of the application, serve notice of it on the occupier of the premises and the rating authority for the area in which the premises are situated ; and where it is determined in consequence of the application that the premises to which the application relates are not situated on operational land of the body in question—

- (i) the valuation officer may make a proposal in respect of the premises by reference to the same considerations as would have been applicable if the proposal had been made on the date of the application ; and
- (ii) any alteration in a valuation list made in pursuance of a proposal certified by the valuation officer to have been made by him in consequence of the determination shall have effect as if any notice of the proposal served on the occupier of the premises had been so served at the same time as the notice of the application was served on him under the foregoing provision of this sub-paragraph.

Section 33.

SCHEDULE 6

GAS BOARDS

PART I

Calculation of rateable value of notional hereditament

1. The provisions of this Part of this Schedule shall have effect for the purpose of calculating for any rate period the rateable value of the hereditament which, by virtue of section 33(3) of this Act, a Gas Board are to be treated as occupying in any rating area.

2.—(1) Subject to sub-paragraph (2) of this paragraph, for the purposes of this Part of this Schedule the basic total of rateable values of each respectively of the Gas Boards set out in the following Table shall be taken to be the amount so set out in relation to that Board.

TABLE				<i>Basic total of rateable values</i>
<i>Gas Board</i>				<i>£</i>
Northern ...	...	...	...	522,892
North-Western ...	...	...	...	1,589,871
North-Eastern ...	...	...	...	657,498
East Midlands ...	...	...	...	1,234,176
West Midlands ...	...	...	...	1,341,188
Wales ...	...	...	...	288,915
Eastern ...	...	...	...	504,574
North Thames ...	...	...	...	1,158,164
South Eastern ...	...	...	...	1,355,082
Southern ...	...	...	...	511,517
South Western ...	...	...	...	476,683

(2) If it appears to the Minister that by reason of any substantial change of circumstances it is expedient so to do, he may, by order made after consultation with the Gas Council and with such associations of local authorities as appear to him to be concerned, and with any local authority with whom consultation appears to him to be desirable, vary for all Gas Boards the amounts to be taken as their respective basic totals of rateable values for the purposes of this Part of this Schedule ; but an order under this sub-paragraph shall not have effect until approved by a resolution of each House of Parliament.

3. For the purposes of this Part of this Schedule, the standard number of therms of a Gas Board shall be taken to be the number certified by the Board to be, in their estimation, the total number of therms in the gas supplied by them in the year 1957-58 to consumers in their area less one-half the number of therms in any gas purchased by the Board in that year.

4.—(1) For each year each Gas Board shall—

- (a) estimate the number representing the total number of therms supplied by the Board or the Gas Council in the penultimate year to consumers in the Board's area less one-half the number of therms in any gas purchased by the Board in the penultimate year otherwise than from the Gas Council ; and
- (b) calculate and certify the amount by which that estimated number exceeds, or falls short of, the Board's standard number of therms ;

and the Board's basic total of rateable values shall be adjusted for that year by multiplying it by the fraction of which the numerator is the Board's standard number of therms increased by one-fifth of the said excess or, as the case may be, decreased by one-fifth of the said deficiency, and the denominator is the Board's standard number of therms.

(2) For the purposes of the foregoing sub-paragraph, gas purchased by the Gas Council from any person other than a Gas Board shall be treated as having been purchased by the Gas Boards in the respective quantities settled by a scheme or schemes made from time to time by the Gas Council and approved by the Minister of Power.

5.—(1) Subject to sub-paragraph (4) of this paragraph and to section 33(5) of this Act, a Gas Board's basic total of rateable values, as adjusted for any year under paragraph 4 of this Schedule, shall be apportioned in accordance with sub-paragraph (2) of this paragraph for that year among all the rating areas in which in the penultimate year any therms were supplied to consumers, or were manufactured, or were produced by such an application of such a process as is mentioned in section 33(3)(b) of this Act, either by the Board or, in the Board's area, by the Gas Council.

(2) The proportion of the adjusted total aforesaid to be allocated under sub-paragraph (1) of this paragraph to any one rating area

SCH. 6 shall be ascertained by multiplying that adjusted total by the fraction of which—

- (a) the numerator is the number of therms supplied to consumers in that rating area by the Board or, in the Board's area, by the Gas Council in the penultimate year, as estimated and certified by the Board, plus nine-tenths of the number of therms, if any, manufactured, or produced by such an application of such a process as aforesaid, in that rating area by the Board or, in the Board's area, by the Gas Council in the penultimate year, as so estimated and certified ; and
- (b) the denominator is the total number of therms supplied to consumers in the Board's area by the Board or the Gas Council in the penultimate year, as so estimated and certified, plus nine-tenths of the total number of therms manufactured, or produced by such an application of such a process as aforesaid, in the Board's area by the Board or the Gas Council in the penultimate year, as so estimated and certified.

(3) For the purposes of sub-paragraph (2) of this paragraph, the number of therms produced by such an application of such a process as aforesaid shall be taken to be half the actual number thereof.

(4) Subject to paragraph 14 of this Schedule, the Minister may by order provide that the adjusted total aforesaid shall, in the case of all Gas Boards or any Gas Board specified by the order, instead of being apportioned and allocated as provided by the foregoing provisions of this paragraph, be apportioned and allocated as provided by the order.

6. The amount which, in accordance with paragraph 5 of this Schedule, is allocated for any year to a rating area in the case of any Gas Board shall be the rateable value of the hereditament which, by virtue of section 33(3) of this Act, that Board are to be treated as occupying in that area for any rate period consisting of or forming part of that year.

PART II

Supplementary provisions

7. As respects each rating area in which a Gas Board will fall to be treated as occupying, during any rate period, a hereditament of a rateable value calculated in accordance with Part I of this Schedule, it shall be the duty of the Board, before the end of the month of October preceding the beginning of that period, to transmit to the rating authority and to the valuation officer a statement setting out particulars of all the matters estimated, calculated and certified for the purpose of computing the rateable value of that hereditament.

8. On receipt of a statement under paragraph 7 of this Schedule, the valuation officer shall calculate the rateable value of the hereditament which the Gas Board are to be treated as occupying

during the rate period in question, and shall notify the amount of that rateable value to the rating authority before the end of the month of December preceding the beginning of that rate period.

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9. The duty imposed on a Gas Board by paragraph 7 of this Schedule shall be enforceable by mandamus at the instance of the rating authority or of the valuation officer; and the duty imposed on the valuation officer by paragraph 8 of this Schedule shall be enforceable by mandamus at the instance of the rating authority.

10. Where the valuation officer notifies the amount of a rateable value to the rating authority in respect of a Gas Board in accordance with paragraph 8 of this Schedule—

- (a) the rating authority, in making and levying any rate for a rate period to which the notification relates, shall include the Gas Board as the occupier of a hereditament of that rateable value; and
- (b) the valuation officer, at or as soon as may be after the beginning of the year consisting of or comprising any such rate period, shall cause such alterations (if any) to be made in the valuation list as may be requisite for showing the Gas Board in the list as the occupier of a hereditament of that rateable value; and if any such alteration is made after the beginning of the year, it shall be treated as having been made at the beginning of the year:

Provided that, if the year referred to in sub-paragraph (b) of this paragraph is a year beginning with the date on which a new valuation list comes into force, that sub-paragraph shall not apply, but the valuation officer shall include the Gas Board in the list as the occupier of a hereditament of the said rateable value.

11.—(1) The provisions of this paragraph shall have effect, in the case of a Gas Board, where gas is manufactured by the Board, or in the Board's area by the Gas Council, in a gasworks which is situated partly in one rating area and partly in one or more other rating areas.

(2) For the purposes of section 33 of this Act, the Gas Board or Gas Council shall be treated as manufacturing gas in each of the rating areas in which a part of the gasworks is situated, notwithstanding that no gas is actually manufactured in one or more of those areas.

(3) For the purposes of paragraph 5 of this Schedule, the gas manufactured in the gasworks in any year shall be treated as apportioned between all the rating areas in which parts of the gasworks are situated, in such proportions as may be agreed between the rating authorities of those areas and the Gas Board:

Provided that if any apportionment required by this sub-paragraph for the purpose of apportioning the Board's adjusted total of rateable values for any year has not been agreed between the rating authorities and the Board before the end of the month of September preceding the beginning of that year, the apportionment required by

SCH. 6 this sub-paragraph shall be made by the Minister and notified by him to the rating authorities and to the Board as soon as may be after the end of that month.

(4) In this paragraph—

- (a) the expression “gasworks” means any group of premises within one curtilage which is occupied by a Gas Board or the Gas Council for the purposes of the manufacture of gas ; and a group of premises shall not be treated as being otherwise than within one curtilage by reason only that it is traversed by a public highway ;
- (b) any reference to the manufacture of gas shall be construed as including a reference to the production of gas by such an application of such a process as is mentioned in section 33(3)(b) of this Act.

1948 c. 67.

12. The powers conferred on the Minister of Power by sections 6(6) and 24(3) of the Gas Act 1948 (which authorise that Minister, in an order varying the area of a Gas Board, or transferring property between Gas Boards, to provide for certain matters arising out of the variation or transfer) shall include power, by an order made thereunder, to modify in the case of any Gas Board affected by the order—

- (a) the application of Part I of this Schedule ; and
- (b) the foregoing provisions of this Part of this Schedule.

13. For the purposes of section 33(2)(d) of this Act, paragraph 8 of Schedule 5 to this Act shall have effect as if in that paragraph—

- (a) for any reference to section 32(2)(b) of this Act there were substituted a reference to the said section 33(2)(d) ; and
- (b) for any reference to the Minister of Transport there were substituted a reference to the Minister of Power.

14. Before making any order under section 33(5) or (6) of this Act or under paragraph 5(4) of this Schedule, the Minister shall consult with the Gas Council, with such associations of local authorities as appear to him to be concerned and with any local authority with whom consultation appears to him to be desirable ; and any such order—

- (a) may contain such incidental, supplemental and consequential provisions, including any provisions altering any enactment or instrument, as the Minister considers expedient for the purposes of the order ; and
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

SCHEDULE 7

Section 34.

ELECTRICITY BOARDS

PART I

CALCULATION OF RATEABLE VALUE ON WHICH RATES
ARE TO BE ASSESSED*Rateable value of notional hereditament*

1. The rateable value for any year of the hereditament which, by virtue of section 34(3) of this Act, an Electricity Board are to be treated as occupying in any rating area shall be the value of the distribution activities of the Board for that area and year increased, in the case of a Board carrying on generating activities in the area, by the value for that area and year of the generating activities of the Board.

Valuation of activities

2.—(1) The value of an Electricity Board's distribution or generating activities for a rating area shall be an apportioned part of the aggregate value of the Board's distribution or, as the case may be, generating activities, and, subject to sub-paragraph (2) of this paragraph, the apportionment shall be made—

(a) in the case of distribution activities, by reference to the aggregate net annual value of the rating area, or so much thereof as is comprised in the area of the Board, and of the area of the Board ;

(b) in the case of generating activities, by reference to the generating capacity of the Board in the rating area and the aggregate generating capacity of the Board.

(2) Subject to paragraph 16 of this Schedule, the Minister may by order provide that the apportionment required by sub-paragraph (1) of this paragraph, shall in the case of all Electricity Boards or any Electricity Board specified by the order, instead of being made as provided by paragraphs (a) and (b) of that sub-paragraph, be made as provided by the order.

Determination of aggregate value of activities

3.—(1) In the case of the Generating Board, the aggregate value of the generating and distribution activities of the Board for any year shall each be taken to be one half of the Board's basic value for that year:

Provided that, subject to paragraph 16 of this Schedule, the Minister may by order provide that the foregoing provisions of this sub-paragraph shall have effect as if for the reference to one half there were substituted references to such other fractions as may be specified by the order in relation to the Board's generating activities and distribution activities respectively.

(2) In the case of an Area Board—

(a) the aggregate value of the generating activities of the Area Board shall be taken to be an amount which bears to the

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aggregate value of the generating activities of the Generating Board the same proportion as the aggregate generating capacity of the Area Board bears to the aggregate generating capacity of the Generating Board ;

- (b) the aggregate value of the distribution activities of the Area Board shall be taken to be the Board's basic value for the year reduced, in the case of a Board carrying on generating activities, by the aggregate value of the generating activities.

Determination of Board's basic value

4. The basic value of an Electricity Board for any year shall be their share of the basic electricity rateable value determined in accordance with paragraph 5 of this Schedule adjusted as mentioned in paragraph 6 of this Schedule by reference to the excess or deficiency of the Board's output, as calculated and certified by the Board, in the twelve months ending with 31st December falling next but one before the beginning of the year for which the basic value is being ascertained, as compared with the Board's standard output.

5.—(1) Subject to sub-paragraph (2) of this paragraph, the basic electricity rateable value shall be taken to be £47,212,610 ; and the share thereof of each respectively of the Electricity Boards set out in the following table shall be the percentage of that sum so set out in relation to that Board.

<i>Electricity Board</i>	<i>Percentage</i>
Generating Board	50·000
London Area	7·055
South Eastern Area	3·454
Southern Area	4·256
South Western Area	2·073
Eastern Area	4·949
East Midlands Area	4·204
Midlands Area	4·990
South Wales Area	2·359
Merseyside and North Wales Area ...	3·047
Yorkshire Area... ..	4·972
North Eastern Area	3·107
North Western Area	5·534

(2) If it appears to the Minister that by reason of any substantial change of circumstances it is expedient so to do, he may by order made after consultation with the Electricity Council and with such associations of local authorities as appear to him to be concerned, and with any local authority with whom consultation appears to him to be desirable, vary the sum which under sub-paragraph (1) of this paragraph is to be taken to be the basic electricity rateable value ; but an order under this sub-paragraph shall not have effect until approved by a resolution of each House of Parliament.

6. The adjustment mentioned in paragraph 4 of this Schedule shall be effected by multiplying the Board's share of the basic electricity rateable value by the fraction of which the numerator is the Board's standard output increased by one-fifth of the excess

mentioned in the said paragraph 4 or, as the case may be, decreased by one-fifth of the deficiency so mentioned, and the denominator is the Board's standard output.

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Meaning of "output" and "standard output"

7. For the purposes of the foregoing provisions of this Schedule, the standard output of the Generating Board is the output of the Central Electricity Authority in the twelve months ending with 31st December 1957, as calculated and certified by the Generating Board, and the standard output of any Area Board is the output of that Board in that twelve months, as calculated and certified by that Board; and the expression "output"—

- (a) in relation to the Central Electricity Authority or the Generating Board, means the total number of units of electricity supplied by the Authority or Board to Area Boards or direct to consumers in England and Wales;
- (b) in relation to an Area Board, means the total number of units of electricity purchased or generated by the Board for supply direct to consumers, together with the estimated number of units of electricity supplied by the South of Scotland Electricity Board direct to consumers in the area of the Area Board, as certified by the South of Scotland Electricity Board.

Provisions as to generating activities and capacity

8.—(1) For the purposes of this Schedule an Electricity Board shall be treated, as respects any year, as carrying on generating activities, or carrying on such activities in a particular area, if (but only if) on 31st March falling next but one before the beginning of that year there was a generating station in commission for operation by the Board or, as the case may be, there was a generating station in commission as aforesaid in that area.

(2) For the purposes of this Schedule the generating capacity or aggregate generating capacity of an Electricity Board for any year shall be taken to be the installed capacity or aggregate installed capacity, that is to say the maximum amount of electricity, as certified by the Board, capable of being generated in the station or stations in question at 31st March falling next but one before the beginning of that year; and the said maximum amount shall be certified on the footing that all generators which were installed at any 31st March were capable of being fully used at that time.

(3) For the purposes of this Schedule a generating station situated partly in one rating area and partly in one or more other rating areas shall be treated as situated in each of the areas and its generating capacity on any date shall be treated as apportioned between the areas in such manner as may be agreed between the rating authorities of the areas and the Electricity Board.

(4) If the apportionment required by sub-paragraph (3) of this paragraph has not been agreed before the end of the month of September following the date as at which it is to be made, it shall be made by the Minister and notified by him to the rating authorities and the Board as soon as may be after the end of that month.

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SCH. 7 (5) For the purposes of this Schedule any group of premises lying within one curtilage and occupied for the purposes of the generation of electricity shall be treated as one generating station; and a group of premises shall not be treated as not lying within one curtilage by reason only that it is traversed by a public highway or inland waterway.

Provisions as to aggregate net annual value

9.—(1) For the purposes of this Schedule the aggregate net annual value of a rating area for any year shall be taken to be the aggregate, as estimated and certified by the Commissioners, of the net annual value of every hereditament the rateable value of which appears in the valuation list for the area on 1st April in the preceding year other than any hereditament so appearing in pursuance of, or of the enactment re-enacted by, section 33(3) and 34(3) of this Act, and of the values appearing to the Commissioners to represent the net annual values of hereditaments occupied by or on behalf of the Crown.

(2) For the purposes of this Schedule the aggregate net annual value for any year of the area of an Electricity Board, or of any part of a rating area of which part only is comprised within the area of an Electricity Board, shall be ascertained by such aggregation or apportionment as may be required; and any apportionment under this sub-paragraph shall be made, and the result thereof certified, by the Commissioners.

(3) References in this Schedule to the area of an Electricity Board shall be construed, in relation to the Generating Board, as references to the whole of England and Wales.

PART II

SUPPLEMENTARY PROVISIONS

10. It shall be the duty of each Electricity Board, before 16th October preceding the beginning of any rate period in respect of which that Board will fall to be treated as occupying, in a rating area, a hereditament of a rateable value calculated in accordance with Part I of this Schedule, to transmit to the Commissioners a statement setting out particulars of all matters estimated, calculated and certified (otherwise than by the Minister or the Commissioners) for the purpose of computing the rateable value of that hereditament.

11. Before 15th November preceding the beginning of the rate period the Commissioners shall transmit particulars to each Electricity Board of the aggregate net annual value of the area of the Board and of each rating area or part of a rating area within the area of the Board.

12. Before the said 15th November the Commissioners shall notify to each rating authority the particulars necessary to enable the authority to calculate the rateable value of the hereditament which any Electricity Board are to be treated as occupying in the area of the authority.

13. The Commissioners shall calculate the rateable value of the hereditament which any Electricity Board are to be treated as occupying during the rate period in question, and shall notify the amount of that rateable value to the rating authority before the end of the month of December preceding the beginning of the rate period.

14. Where the Commissioners notify the amount of a rateable value to the rating authority in respect of an Electricity Board in accordance with paragraph 13 of this Schedule—

- (a) the rating authority, in making and levying any rate for a rate period to which the notification relates, shall include the Board as the occupier of a hereditament of that rateable value ; and
- (b) the valuation officer, at or as soon as may be after the beginning of the year consisting of or comprising any such rate period, shall cause such alterations (if any) to be made in the valuation list as may be requisite for showing the Board in the list as the occupier of a hereditament of that rateable value ; and if any such alteration is made after the beginning of the year, it shall be treated as having been made at the beginning of the year :

Provided that if the year referred to in sub-paragraph (b) of this paragraph is a year beginning with the date on which a new valuation list comes into force, that sub-paragraph shall not apply, but the valuation officer shall include the Board in the list as the occupier of a hereditament of the said rateable value.

15. For the purposes of section 34(2)(c) of this Act, paragraph 8 of Schedule 5 to this Act shall have effect as if in that paragraph—

- (a) for any reference to section 32(2)(b) of this Act there were substituted a reference to the said section 34(2)(c) ; and
- (b) for any reference to the Minister of Transport there were substituted a reference to the Minister of Power.

16. Before making any order under paragraph 2(2) or the proviso to paragraph 3(1) of this Schedule, the Minister shall consult with the Electricity Council, with such associations of local authorities as appear to him to be concerned, and with any local authority with whom consultation appears to him to be desirable ; and any such order—

- (a) may contain such incidental, supplemental and consequential provisions, including provisions altering any enactment or instrument, as the Minister considers expedient for the purposes of the order ; and
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Section 40.

SCHEDULE 8

CHARITIES EXCLUDED FROM MANDATORY RELIEF

1. The universities of Birmingham, Bristol, Cambridge, Durham, East Anglia, Essex, Exeter, Hull, Keele, Kent at Canterbury, Lancaster, Leeds, Leicester, Liverpool, London, Manchester, Newcastle upon Tyne, Nottingham, Oxford, Reading, Sheffield, Southampton, Sussex, Wales, Warwick and York, but exclusive in the case of the University of London of the institution of that university known as Goldsmiths' College.

2. The colleges, institutions and schools of the universities of Durham, London and Wales, with the exception of—

(a) the following colleges of the University of Durham, that is to say, the College of the Venerable Bede, St. Chad's College and St. John's College; and

(b) the following colleges and institute of the University of London, that is to say, New College, Richmond College, the theological department of King's College London as defined in the King's College (Transfer) Act 1908, and the Lister Institute of Preventive Medicine.

1908 c. xxxix.

3. The Federated Institutes of the British Postgraduate Medical Federation, with the exception of the Institute of Cancer Research.

4. The Manchester College of Science and Technology.

5. The Battersea College of Technology, the Birmingham College of Advanced Technology, the Bradford Institute of Technology, the Bristol College of Science and Technology, Brunel College, the Chelsea College of Science and Technology, the Loughborough College of Technology, the Northampton College of Advanced Technology, the Royal College of Advanced Technology (Salford) and the Welsh College of Advanced Technology.

6. The colleges and halls in the universities of Oxford and Cambridge.

Section 49.

SCHEDULE 9

REBATES UNDER S. 49

PART I

Reckonable rates

1. In the case of a rebate application by such a person in respect of such a hereditament as is mentioned in paragraph (a) of section 49(3) of this Act, the applicant's reckonable rates shall, subject to the provisions of this Part of this Schedule, be—

(a) the amount of the rates chargeable on that person in respect of that hereditament for the rebate period to which the application relates, less

(b) the proportion of that amount which, by virtue of paragraph 3 and apart from paragraph 4 of this Schedule, is or would

be the reckonable rates in relation to that rebate period of any person or persons entitled to apply for a rebate in respect of any part of that hereditament by virtue of paragraph (c) of the said section 49(3).

2. In the case of a rebate application by such a person in respect of such a hereditament as is mentioned in paragraph (b) of the said section 49(3), the applicant's reckonable rates shall, subject to the provisions of this Part of this Schedule, be—

- (a) an amount equal to such proportion of the rates chargeable on that person in respect of that hereditament for the rebate period to which the application relates as, having regard to the apportionment of the rateable value of the hereditament referred to in section 115(3)(a) of this Act, the rating authority may determine to be attributable to the part of that hereditament used for the purposes of a private dwelling or private dwellings, less
- (b) the proportion of that amount which, by virtue of paragraph 3 and apart from paragraph 4 of this Schedule, is or would be the reckonable rates in relation to that rebate period of any person or persons entitled to apply for a rebate in respect of any part of that hereditament by virtue of the said paragraph (c).

3. In the case of a rebate application by such a person in respect of such a part of a hereditament as is mentioned in the said paragraph (c), the applicant's reckonable rates shall, subject to the provisions of this Part of this Schedule, be such proportion of the amount which, for the purposes of a rebate application in respect of the same rebate period by an occupier of the hereditament, is or would be the amount referred to in paragraph 1(a) or, as the case may be, paragraph 2(a) of this Schedule as the rating authority may consider it appropriate (having regard to all the circumstances and, in particular, where that part of the hereditament is at the date of the making of the application the subject of a tenancy to which the Rent Acts apply or a statutory tenancy, to any relevant agreement or determination such as is mentioned in the definition of "rates" contained in section 25(1) of the Rent Act 1957 or in section 47(1) of the Rent Act 1965) to attribute to that part of the hereditament. 1957 c. 25. 1965 c. 75.

4. Where, at the date of the making of a rebate application in respect of any hereditament or part of a hereditament, the persons who reside or are usually resident in the relevant premises, that is to say—

- (a) in the case of such an application as is mentioned in paragraph 1 or 2 of this Schedule, the hereditament apart from any part thereof in respect of which by virtue of the said paragraph (c) any other person is entitled to make a rebate application ;
- (b) in the case of such an application as is mentioned in paragraph 3 of this Schedule, the part of the hereditament in respect of which the application is made,

include (apart from any child or children) any person in addition to the applicant and one other person who is either the spouse

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or a relative of the applicant, then, subject to paragraph 6 of this Schedule, the applicant's reckonable rates shall be reduced by an amount bearing the same proportion to the amount of the reckonable rates as the number of those additional persons bears to the total number of persons who at the said date reside or are usually resident in the relevant premises (any child who is not a child of the applicant or in the applicant's care being disregarded and any child not falling to be disregarded being counted as half a person).

5. In the case of a rebate application by one of two or more joint occupiers or, as the case may be, joint tenants, paragraph 4 of this Schedule shall have effect as if for the words "one other person who is either the spouse or a relative of the applicant" there were substituted the words "the applicant's spouse, if any".

6. If any of the additional persons referred to in paragraph 4 of this Schedule represents to the rating authority that he has no income or only such income as he receives from the applicant, and if the authority are satisfied that the representation is true, the authority shall make no reduction under that paragraph in respect of that person.

7. Where a rebate application in respect of, or of part of, a hereditament is made by a person who did not become entitled to make it until more than one month after the beginning of the rebate period to which it relates, then—

(a) if the rating authority to whom the application is made are satisfied that, for that rebate period, the applicant has made or is liable to make (and neither is nor will be entitled to recover) a payment by way of rates or rent entitling him to apply for a rebate in respect of, or of part of, some other hereditament, the amount of the applicant's reckonable rates shall be increased by that sum or £3 15s., whichever is the less ;

(b) in any other case, the amount of the applicant's reckonable rates shall be increased by an amount bearing the same proportion to £3 15s. as the part of the rebate period to which the application relates falling before the date when the applicant became entitled to make it bears to the whole of that period.

8. Where a rate period falls partly in one rebate period and partly in another, then, for the purposes of a rebate under section 49 of this Act, a proportionate part of the rates chargeable for that rate period shall be deemed to be chargeable for each respectively of those rebate periods.

PART II

Reckonable income and appropriate limits thereof

9. For the purposes of a rebate application in respect of any rebate period, the applicant's reckonable income shall, subject to paragraphs 10 and 11 of this Schedule, be his income in the relevant

assessment period, that is to say, the period of six months ending, if the rebate period begins on 1st April, with the preceding 31st December, or if the rebate period begins on 1st October, with the preceding 30th June.

10. If—

- (a) at the date of the making of the application the applicant is married and living with his spouse ; and
- (b) he was married to, and living with, that spouse for the whole or any part of the relevant assessment period,

his income in that assessment period shall, subject to paragraph 11 of this Schedule, be deemed to include any income of his spouse in that assessment period or, as the case may be, that part thereof.

11. There shall be left out of account for the purposes of paragraphs 9 and 10 of this Schedule—

- (a) any income by way of payments in respect of living accommodation or board made by any person residing or usually resident in the relevant premises within the meaning of paragraph 4 of this Schedule ;
- (b) in the case of a rebate application by the occupier of a hereditament, such part of any rent received by the occupier from any other person who was (or, if section 49 of this Act had been in force during the relevant assessment period, would have been) entitled to make a rebate application in respect of part of that hereditament as is equal to the amount which, by virtue of paragraph 3 and apart from paragraph 4 of this Schedule, was or would have been the amount of that other person's reckonable rates.

12. The limit of income for the purposes of section 49(1)(b) of this Act shall, subject to paragraphs 13 and 14 of this Schedule, be the following amount of income for the six months of the relevant assessment period, namely—

- (a) if at the date of making of the application the applicant is married and living with his spouse, £260 ;
- (b) in any other case, £208.

13. The appropriate limit specified in paragraph 12 of this Schedule shall, subject to paragraph 14 thereof, be increased by £39 for any child, or for each of any children, who at the date of the making of the application, being a child of the applicant or in the applicant's care, usually resides with the applicant.

14. The Minister, with the approval of the Treasury, may by order vary either of the limits of income specified in paragraph 12, or the amount of the increase thereof in respect of a child specified in paragraph 13, of this Schedule ; but no such order shall be made unless a draft thereof has been laid before, and approved by a resolution of, each House of Parliament.

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SCH. 9 15. For the purposes of this Part of this Schedule, an applicant shall be treated as living with his spouse at any time unless at that time either—

- (a) they are separated under an order of a court of competent jurisdiction or by deed of separation ; or
- (b) they are in fact separated in such circumstances that the separation is likely to be permanent.

PART III

Affording of rebates

16. Where on any rebate application a rebate is granted in respect of any rebate period, then subject to paragraphs 24 and 25 of this Schedule, the rebate shall be afforded—

- (a) if the applicant is such a person as is mentioned in section 49(3)(a) or (b) of this Act who himself pays to the rating authority the rates chargeable in respect of the hereditament to which the application relates, in accordance with paragraphs 17 to 20 of this Schedule ;

(b) if—

(i) the applicant is such a person as is mentioned in the said section 49(3)(a) or (b) but, by virtue of section 55 or 56 of this Act or of any other arrangements, the said rates are paid by or through the owner of the hereditament ; or

(ii) the applicant is such a person as is mentioned in section 49(3)(c) of this Act,

in accordance with paragraphs 21 to 23 of this Schedule ;

and in this Part of this Schedule the expression “relevant rates” means the amount of the rates which are, or are deemed under paragraph 8 of this Schedule to be, chargeable for that rebate period in respect of the hereditament or part of a hereditament to which the application relates.

17. If the rebate is granted before any of the relevant rates have been paid, the occupier shall be liable to pay only the amount by which the relevant rates exceed the amount of the rebate.

18. If the rebate is granted after all the relevant rates have been paid, the rating authority shall refund the amount of the rebate to the applicant.

19. If the rebate is granted after some but not all of the relevant rates have been paid, the rating authority may adjust the amount of any payment remaining to be made in respect of those rates so as to take account of the rebate or may afford the rebate in such other manner as appears to them convenient.

20. Notwithstanding anything in paragraphs 17 to 19 of this Schedule, where the amount of the rebate does not exceed £2 10s., the rating authority may pay the amount of the rebate to the

applicant at the end of the rebate period or afford the rebate in such other manner and at such time, being a time before, or as early as reasonably practicable after, the end of the rebate period, as appears to them convenient.

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21. Where in a case falling within paragraph 16(b)(i) of this Schedule the owner is a local authority, then, subject to paragraph 23 of this Schedule—

- (a) if that authority are not the rating authority, the rating authority shall pay the amount of the rebate to the owner authority in such manner as may be agreed between them and the owner authority shall afford the amount of the rebate in accordance with sub-paragraph (b) of this paragraph in like manner as if they were the rating authority ;
- (b) if the owner authority are also the rating authority, they may adjust the amount of the periodical payments to the authority as owner to take account of the rebate or afford the rebate by way of refund of any such payments already made, as appears to them convenient.

22. In any other case falling within paragraph 16(b) of this Schedule, the rating authority shall, subject to paragraph 23 of this Schedule, pay the amount of the rebate to the applicant at the end of the rebate period or so soon thereafter as the rebate is granted.

23. If at the time when a payment of rebate falls to be made under paragraph 21 or 22 of this Schedule the rating authority have reasonable grounds for believing—

- (a) in a case falling within paragraph 16(b)(i) of this Schedule, that an amount equal to the relevant rates has not been paid to the owner of the hereditament ; or
- (b) in a case falling within paragraph 16(b)(ii) of this Schedule, that an amount equal to the applicant's reckonable rates has not been paid to the occupier of the hereditament in respect of part of which the application is made,

the rating authority may withhold payment of the whole or such part as they think fit of the amount of the rebate, but may, if they think fit, pay any amount so withheld at any subsequent time when they are satisfied that the appropriate amount has been paid as aforesaid.

24. Where the amount of the relevant rates recoverable is for the time being reduced under section 8(1) of this Act, the rating authority may withhold a proportionate part of the amount of the rebate.

25. Where the rating authority are for the time being affording the applicant any relief from the relevant rates under section 53 of this Act or section 2 of the Rating (Interim Relief) Act 1964, they shall afford the rebate only if, and to the extent that, the amount thereof exceeds the aggregate amount afforded the applicant by way of such relief as aforesaid in that rebate period. 1964 c. 18.

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PART IV

Interpretation

26. In this Schedule, the following expressions have the following meanings respectively, that is to say—

- 1965 c. 53.
- “child” means a person who would be treated as a child for the purposes of the Family Allowances Act 1965 ;
 - “local authority” means a rating authority, a county council or the Greater London Council ;
 - “relative” means any of the following, that is to say, son, daughter, father, mother, brother, sister, grandparent, grandchild, uncle, aunt, nephew and niece ; and, in deducing relationships for the purposes of this definition, an adopted person shall be treated as the child of the person or persons by whom he was adopted and not as the child of any other person and, subject as aforesaid, any relationship of the half-blood shall be treated as the relationship of the whole blood, and any illegitimate person shall be treated as the legitimate child of his mother.

Section 50.

SCHEDULE 10

PAYMENT OF RATES ON DWELLING BY INSTALMENTS

1. Subject to paragraph 2 of this Schedule, a notice by any person under section 50(1) of this Act may be given—

- (a) at any time not earlier than 1st February preceding the beginning of a year and not later than 30th April in that year ; or
 - (b) in the year in which he first becomes qualified to serve such a notice in respect of the hereditament in question, on any later date in that year which is not later than the twenty-eighth day after he first became so qualified ;
- and the effective date of the notice—

- (i) where it is given less than three months before the end of a rate period, shall be the first day of the next succeeding rate period ;
- (ii) in any other case shall be the date of the giving of the notice.

2. Where under paragraph 1 of this Schedule a notice under the said section 50(1) would fall to be given at a time before the first occasion when rates are levied in respect of the hereditament in question, the notice may be given at any time not later than the fourteenth day after service of the first demand note for such rates, and the effective date of the notice shall not be earlier than the date of the service of that demand note.

3. Where a notice under the said section 50(1) in respect of any hereditament is duly given to the rating authority by a person qualified to give it, the authority shall—

- (a) in respect of the year in which the effective date of that notice falls (or so much of that year as falls after that date) ; and

- (b) in respect of each subsequent year until that notice ceases to be in force,

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send to that person a statement in writing specifying the number of the instalments by which the rates are to be paid in the year in question, the respective dates on which those instalments are to become due, and the respective amounts of those instalments:

Provided that, where the notice under the said section 50(1) is given after the service of a demand note for rates for the rate period in which the effective date of that notice falls, the requirements of sub-paragraph (a) of this paragraph shall be deemed to be satisfied if that demand note included the statement required in consequence of the notice.

4. The number of the instalments specified in any statement under paragraph 3 of this Schedule—

- (a) if the effective date of the notice under the said section 50(1) is after 30th April, shall in the year in which that effective date falls be not less than the number of complete months between that date and the end of that year (including, if that date is the first day of a month, that month) reduced, if that number of months is three, by one or, if that number of months is four or more, by two ;

- (b) in any other case shall be not less than ten ;

and the date specified in any such statement for the first instalment thereunder shall not be earlier than ten days after the date when the statement is sent, and the interval between any two of the instalment dates shall not be less than one month.

5. The amounts specified in any statement under the said paragraph 3 for the instalments payable in the year or part of a year to which the statement relates—

- (a) if that statement relates to a whole year and that year includes two or more rate periods, shall be fixed on the basis that the amount in the pound of all rates levied in that year will be that of the rates levied in the first of those rate periods ; or

- (b) if that statement relates to part of a year and that part of a year includes the whole or part of two or more rate periods, shall be fixed on the basis that the amount in the pound of the rates levied in any rate period or periods beginning after the date of the sending of the statement will be the amount in the pound, or the average of the amounts in the pound, of the rates levied in any rate period or periods in that year beginning before that date ; and

- (c) in every case, shall (apart from any rebate under section 49 of this Act) be equal, except that the rating authority may round off the amount of any of those instalments other than either the first or the last to the nearest shilling and adjust the amount of the first or, as the case may be, last of those instalments accordingly ;

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but the rating authority may by a further statement in writing make such adjustments in those amounts as may from time to time be necessary in consequence of any change in the amount the occupier is liable to pay by way of rates in respect of that year or part of a year.

6. A notice under the said section 50(1) shall cease to be in force—

(a) if the person by whom it was given withdraws it by a further notice in writing to the rating authority ; or

(b) if—

(i) any instalment is not paid on or before the date when it is due ; or

(ii) the rating authority are satisfied that the person aforesaid is no longer qualified to give a notice under the said section 50(1) in respect of the hereditament in question,

and the rating authority give notice in writing to that person that, by reason of the default or, as the case may be his ceasing to be so qualified, the notice under the said section 50(1) is being treated as cancelled ;

and upon the giving of any notice under this paragraph any amount due by way of rates in respect of the hereditament shall be recoverable as if no notice had been given under the said section 50(1), without prejudice, however, to the right to give a fresh notice under the said section 50(1) in accordance with paragraph 1(a) of this Schedule.

Section 52.

SCHEDULE 11

TEMPORARY REDUCTION OF RATEABLE VALUE IN CERTAIN CIRCUMSTANCES

1.—(1) If an order of the Minister under section 52 of this Act that this Schedule is to have effect is for the time being in force, then in the case of—

(a) a hereditament which is either a dwelling-house or a private garage or private storage premises ; or

(b) a hereditament which satisfies the following conditions, that is to say—

(i) that it consists partly of premises used wholly for the purposes of a private dwelling or private dwellings and partly of premises not so used ; and

(ii) that it does not consist of or comprise premises which are licensed for the sale of intoxicating liquor for consumption on the premises ; and

(iii) the premises not used wholly as aforesaid neither are nor include premises used for the purposes of a

hotel, inn, guest-house or boarding-house or for the letting of rooms singly for residential purposes; and

(iv) that not less than one-tenth of the gross value of the hereditament for the purposes of section 19 of this Act is attributable to the premises used wholly as aforesaid,

the rateable value of the hereditament shall be taken to be the amount produced by deducting from the net annual value of the hereditament under the said section 19 such percentage of that value as may be prescribed by the Minister's order for sub-paragraph (a) or (b) of this paragraph, as the case may be; and in so prescribing a percentage for either of those sub-paragraphs the Minister may make different provision according to the area, being an administrative county, a county borough, a rating area in Greater London, or the Isles of Scilly, in which a hereditament is situated.

(2) In sub-paragraph (1)(b)(iii) of this paragraph, the reference to the letting of rooms is a reference to the letting thereof by way either of a tenancy or of a licence, and either with or without board or other services or facilities.

2. For the purposes of this Schedule—

- (a) the question whether any premises are used wholly for the purposes of a private dwelling or private dwellings shall be determined in accordance with Schedule 13 to this Act;
- (b) the expression "private garage" means a hereditament having a floor space not exceeding 240 square feet and used as a lock-up garage, other than a hereditament which—
 - (i) forms part of the premises in which a business of providing services for motor vehicles is carried on; or
 - (ii) is provided by the keeper of a hotel, inn, guest-house or boarding-house and used wholly or mainly for the motor vehicles of his guests; or
 - (iii) is used as a garage for a motor vehicle chargeable with duty under Schedule 2, 3 or 4 to the Vehicles (Excise) Act 1962 (which Schedules comprise hackney carriages, tractors and goods vehicles), whether it is also used for any other vehicle or not;
- (c) the expression "private storage premises" means a hereditament used wholly in connection with a dwelling-house or dwelling-houses and so used wholly or mainly for the storage or accommodation of any of the following articles belonging to persons residing in that dwelling-house or those dwelling-houses, namely, household stores and other articles of domestic use and light vehicles (that is to say, bicycles, tricycles, perambulators and other similar vehicles) whether mechanically propelled or not.

Sections 97, 99
102.

SCHEDULE 12

FORMS OF DOCUMENTS

A.

Complaint for non-payment of rate

In the [county of _____], Petty Sessional Division
of _____].

The complaint of [*insert name of rating authority or person acting for them*] who state that A.B., being a person duly rated and assessed by [them] in a rate made on _____ in the sum of £ _____ has not paid the said sum or any part of it.

Taken before me this _____ day of _____, 19 ____.

J.P.

Justice of the Peace for the
[county] first above mentioned.

Note.—1. *Complaints for non-payment of rates by two or more persons may be combined in a single document.*

2. *This and the following Forms may be adapted to meet a case where a person is in default as to part only of the sum to which he was rated.*

B.

Summons for non-payment of rate

In the [county of _____], Petty Sessional Division
of _____].

To A.B., of _____.

Complaint has this day been made to me, the undersigned Justice of the Peace by _____ of _____ in the said [county] of _____ that you, being a person duly rated and assessed in a rate made on _____ in the sum of £ _____ have not paid that sum or any part of it:

You are therefore hereby summoned to appear on _____ day the
_____ day of _____, 19 ____, at the hour of _____

in the _____ noon, before the Magistrates' Court sitting at _____, to show cause why you have not paid the said sum.

If you do not appear you will be proceeded against as if you had appeared and be dealt with according to law.

Dated the _____ day of _____, 19 ____.

J.P.

Justice of the Peace for the
[county] first above mentioned.

NOTE

The under-mentioned costs have already been incurred:—

	s.	d.
Clerk to the Court		
Rating authority, for obtaining this summons		

If the amount of these costs, together with the rate claimed, be paid to [*insert name of rating authority*] before the day on which this summons is returnable, all further proceedings will be stopped.

C. (1)

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Form of Distress Warrant

In the [county of _____], Petty Sessional Division of _____].

To [*insert name of rating authority*] and to each and all of the constables of _____

On _____, 19____, complaint was made by _____ that A.B., being a person duly rated and assessed in a rate made on _____, 19____, in the sum of £ _____, had not paid that sum or any part thereof:

And on _____, 19____, at the complainants [and the said A.B.] have appeared before the Magistrates' Court sitting at _____ [but the said A.B. has not so appeared and it has been satisfactorily proved that he was duly served with a summons so to appear]:

And it being now duly proved to the Court on oath [in the presence of the said A.B.] that the said A.B. was assessed at the sum of £ _____ in a rate dated _____ and duly made and published and that the said sum has been duly demanded from the said A.B. but that he has not paid it:

And the said A.B. not showing any sufficient cause for not paying the said sum:

You are hereby commanded forthwith to make distress of the goods and chattels of the said A.B. and if within [five] days after the making of the distress the sums set out below (together with the lawful charges for taking and keeping the said distress) are not paid, to sell the said goods and chattels distrained by you and out of the proceeds of the sale to retain the said sums set out below, together with the lawful charges for taking, keeping and selling the said distress, and paying over any balance on demand to the said A.B.; and if no such distress can be found you are to certify that fact to the Court.

Dated the _____ day of _____, 19____.

J.P.

Justice of the Peace for the [county] first above mentioned.

Particulars

	£	s.	d.
1. Sum due for rate			
2. For costs of obtaining warrant of distress			
Total			

SCH. 12

C. (2)

Form of Distress Warrant against several Ratepayers

In the [county of _____], Petty Sessional Division
of _____].

To [Insert name of rating authority] and to each and all of the
constables of _____

On _____, 19____, complaint was made
by _____
that the persons whose names are given in the particulars at the
foot of this warrant, being persons duly rated and assessed in the
respective amounts set out in those particulars by rates made on the
dates there set out had not paid those sums or any part thereof:

And on _____, 19____
at _____
the complainants and [Names of parties who have appeared] have
appeared before the Magistrates' Court sitting at _____
[but the [other] persons whose names are given in the particulars at
the foot of this warrant have not so appeared and it has been
satisfactorily proved to the Court that the said persons not so
appearing have been duly served with a summons in that behalf]:

And it being now duly proved to the Court on oath in the presence of
the parties so appearing that the said persons named in the said
particulars were assessed at the respective amounts there set out
by the rates made as there specified and duly published and that
those sums have been duly demanded from the said persons respec-
tively but that they have not paid them or any part thereof:

And the said persons not showing any sufficient cause for not
paying the said sums:

You are hereby commanded forthwith to make distress of the
goods and chattels of the said persons and if within [five] days
after the making of the distress the respective sums set out in the
said particulars (including in each case the sums for costs there
specified and the lawful charges for taking and keeping the said
distress) are not paid, to sell the goods and chattels of the parties
in default distrained by you and out of the proceeds of sale to
retain the respective sums so specified, together with the lawful
charges for taking, keeping and selling the distress, and in each
case paying over any balance on demand to the person whose
goods and chattels have been so sold; and if no such distress can
be found in the case of any of the said persons you are to certify
that fact to the Court.

Dated the _____ day of _____, 19____

J.P.

Justice of the Peace for the
[county] first above mentioned.

Particulars

SCH. 12

Name of Ratepayer	Residence	Rate dated	Arrears under rate dated	Costs	Total
		£ s. d.	£ s. d.	£ s. d.	£ s. d.

D

Form of Warrant of Commitment in default of Distress

In the [county of _____], Petty Sessional Division of _____].

To each and all of the constables of and to the Governor of Her Majesty's prison at _____

On _____, 19____, complaint was made by _____ that A.B., being a person duly rated and assessed in a rate made on _____, 19____, in the sum of £ _____, had not paid that sum or any part thereof :

And on _____, 19____, at _____, the complainants [and the said A.B.] appeared before the Magistrates' Court sitting at _____ [but the said A.B. did not appear before the Court and it was satisfactorily proved that he was duly served with a summons so to appear]:

And it was duly proved to the Court on oath [in the presence of the said A.B.] that the said A.B. was assessed at the sum of £ _____ by a rate dated _____ and duly made and published, and that the said sum had been duly demanded from the said A.B., but that he had not paid it.

And the said A.B. not showing any sufficient cause for not paying the said sum, the Court issued a warrant to commanding them to levy the said sum, together with the sum for the costs of obtaining that warrant set out below, by distress and sale of the goods and chattels of the said A.B.:

SCH. 12 And it appearing that no sufficient distress on which to levy the said sums could be found:

And inquiry having been made by the competent Court in the presence of the said A.B. as to whether his failure to pay the said sums was due either to his wilful refusal or to his culpable neglect, and that Court not being of opinion that the failure of the said A.B. was not so due:

It is ordered that the said A.B. be committed to prison for unless the said sums together with the further costs and charges set out below are sooner paid:*

You, the said constables, are hereby required to take the said A.B., and convey him to the Governor of Her Majesty's Prison at ; and you, the said Governor, to receive the said A.B. into custody and imprison him for [state period] or until he be sooner discharged in due course of law.

Dated the day of , 19 .

J.P.
Justice of the Peace for the
[county] first above mentioned.

Particulars

	£	s.	d.
1. Sum due for rate			
2. For costs of obtaining warrant of distress			
3. Sum payable for the fees, charges and expenses attending the distress			
4. Costs of commitment			
Total			

* NOTE: The period of detention will be reduced as provided by section 102(5) of the General Rate Act 1967 if part payment is made of the sum due.

Section 115(1),
Sch. 11 § 2(a).

SCHEDULE 13

USE OF PREMISES AS PRIVATE DWELLING

1. The provisions of this Schedule shall have effect for the purpose of determining whether any hereditament or premises is or are used wholly for the purposes of a private dwelling or private dwellings.

2.—(1) If in the case of a hereditament which is used for the letting of rooms singly for residential purposes there is used for such lettings the whole, or substantially the whole, of the available accommodation (that is to say the whole, or substantially the whole, of so much of the accommodation in the hereditament as is suitable

for being used for such lettings), then unless the whole, or substantially the whole, of that available accommodation consists of dwellings— SCH. 13

- (a) which have at any time been approved under section 1 of the Housing (Financial Provisions) Act 1958 or the corresponding provision of any enactment repealed by that Act or under Part I of the Housing Act 1961 ; or 1958 c. 42.
1961 c. 65.
- (b) which have been provided or improved in accordance with proposals approved under section 9 of the said Act of 1958 or the corresponding provision of any enactment repealed by that Act ; or
- (c) in respect of which grants have at any time been paid to a housing association or development corporation under section 12 or 30 of the said Act of 1958 or the corresponding provision of any enactment repealed by that Act,

that hereditament shall be deemed not to be used for the purposes of a private dwelling or private dwellings ; but save as aforesaid a hereditament shall not be deemed to be used otherwise than wholly for the purposes of a private dwelling or private dwellings by reason that one or more rooms therein are let for residential purposes.

(2) In the foregoing sub-paragraph, references to the letting of rooms are references to the letting thereof by way either of a tenancy or of a licence, and either with or without board or other services or facilities.

3. A hereditament shall be deemed not to be used for the purposes of a private dwelling or private dwellings if it consists wholly or mainly of land used as sites for moveable dwellings within the meaning of section 269 of the Public Health Act 1936. 1936 c. 49.

4. A hereditament or premises shall not be deemed to be used otherwise than wholly for the purposes of a private dwelling or private dwellings by reason of either or both of the following circumstances, that is to say—

- (a) that there is included in the hereditament or premises a garage, outhouse, garden, yard, court, forecourt or other appurtenance which is not used, or not used wholly, for the purposes of a private dwelling ;
- (b) that part of the hereditament or premises, not being such an appurtenance as aforesaid, is used partly for the purposes of a private dwelling or private dwellings and partly for other purposes, unless that part was constructed, or has been adapted, for those other purposes,

or by reason that a person who resides in the hereditament or premises, or in part thereof, is required or permitted to reside there in consequence of his employment or of holding an office.

5. Where part only of a hereditament is used for purposes other than those of a private dwelling or private dwellings and, if that part were a separate hereditament in the same occupation as the remainder of the hereditament and used solely for those other purposes, that separate hereditament would not be liable to be rated, the first-mentioned hereditament shall be deemed to be used wholly for the purposes of a private dwelling or private dwellings.

Section 117.

SCHEDULE 14

REPEALS

PART I

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
43 Eliz. 1. c. 2. 17 Geo. 2. c. 38. 41 Geo. 3. c. 23. 5 & 6 Will. 4. c. 50.	The Poor Relief Act 1601. The Poor Relief Act 1743. The Poor Rate Act 1801. The Highway Act 1835.	The whole Act. The whole Act. The whole Act. Sections 27 and 33. In section 105, the words " by any rate made under or in pursuance of this Act, or ", the words " to the surveyor or surveyors, or ", the words " rate shall have been made or ", and the words " the making of any rate or ". Section 106. In section 107, the words " rate, nor any ".
33 & 34 Vict. c. 41.	The Poor Rate Assessment and Collection Act 1869.	The whole Act.
37 & 38 Vict. c. 54.	The Rating Act 1874.	The whole Act.
52 & 53 Vict. c. 27.	The Advertising Stations (Rating) Act 1889.	The whole Act.
15 & 16 Geo. 5. c. 90.	The Rating and Valuation Act 1925.	The whole Act except sections 2(7), 9(1), 10, 48, 49, 52, 54 and 62(3) and Schedules 6 and 7. Section 2(7) from " The assessment " onwards.
18 & 19 Geo. 5. c. 8.	The Rating and Valuation Act 1928.	The whole Act.
18 & 19 Geo. 5. c. 44.	The Rating and Valuation (Apportionment) Act 1928.	The whole Act.
19 & 20 Geo. 5. c. 17.	The Local Government Act 1929.	Sections 67, 71, 72 and 84.
23 & 24 Geo. 5. c. 51.	The Local Government Act 1933.	Sections 186, 189, 192(1) and 193(7).
1 & 2 Geo. 6. c. 65.	The Rating and Valuation (Air-Raid Works) Act 1938.	The whole Act.
2 & 3 Geo. 6. c. 31.	The Civil Defence Act 1939.	Section 69.

Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 26.	The Local Government Act 1948.	<p>Sections 33, 34, 39 to 48, 49(1), 50 to 53, 55(1), 56, 57(1), 58, 59(2), 60, 61, 63, 64, 66, 67, 69 to 71, 85(1), 86, 87(1), 88(2), 91, 94(2) to (4), 100(1) and (2), 102, 109, 110, 120(3) and 121(4).</p> <p>In section 121(5) the words "and the provisions of section nine of the Rating and Valuation Act 1925".</p> <p>In section 121(7) the words "notwithstanding subsection (2) of section nine of the Rating and Valuation Act 1925".</p> <p>In section 141(1) the words "or Part V".</p> <p>Section 143(1)(a).</p> <p>Section 144(4) from "Provided that" onwards.</p> <p>Section 144(9).</p> <p>In Schedule 1, paragraphs 1 and 3.</p>
12, 13 & 14 Geo. 6. c. 42.	The Lands Tribunal Act 1949.	In section 1(3)(e) the words "forty-nine".
1 & 2 Eliz. 2. c. 42.	The Valuation for Rating Act 1953.	The whole Act.
4 & 5 Eliz. 2. c. 9.	The Rating and Valuation (Miscellaneous Provisions) Act 1955.	The whole Act except sections 11 and 17.
5 & 6 Eliz. 2. c. 17.	The Rating and Valuation Act 1957.	The whole Act.
5 & 6 Eliz. 2. c. 48.	The Electricity Act 1957.	Part II of Schedule 4 so far as it amends the Local Government Act 1948.
6 & 7 Eliz. 2. c. 55.	The Local Government Act 1958.	<p>Sections 9 to 15 and Schedule 2.</p> <p>In Schedule 8, paragraphs 22 to 26, paragraph 33, and in paragraph 35 the words "23 to" and the words from "except" onwards.</p>
7 & 8 Eliz. 2. c. 25.	The Highways Act 1959.	Section 301.
7 & 8 Eliz. 2. c. 36.	The Rating and Valuation Act 1959.	The whole Act.
8 & 9 Eliz. 2. c. 12.	The Distress for Rates Act 1960.	The whole Act.
8 & 9 Eliz. 2. c. xxxvi.	The City of London (Various Powers) Act 1960.	<p>Section 35.</p> <p>Section 36(2) so far as it relates to the Poor Relief Act 1743 or the Poor Rate Assessment and Collection Act 1869.</p>
9 & 10 Eliz. 2. c. 45.	The Rating and Valuation Act 1961.	The whole Act except sections 12(6) and 29(3) and (4).

SCH. 14

Chapter	Short Title	Extent of Repeal
10 & 11 Eliz. 2. c. 46.	The Transport Act 1962.	Section 66.
10 & 11 Eliz. 2. c. 58.	The Pipe-lines Act 1962.	Section 41.
1963 c. 33.	The London Government Act 1963.	Section 63(1). Section 63(2) from "being" onwards. Schedule 15 except paragraphs 5(1), 6, 10, 18 and 21.
1963 c. 38.	The Water Resources Act 1963.	Section 122.
1964 c. 42.	The Administration of Justice Act 1964.	Paragraph 26 of Schedule 3.
1965 c. 36.	The Gas Act 1965.	Section 3.
1965 c. 56.	The Compulsory Purchase Act 1965.	Section 27(5).
1966 c. 9.	The Rating Act 1966.	Section 1. Sections 3 to 8. Section 10(2)(a). Section 11(1) except for the definitions of "gross rate income", "the Minister", "rate", "rating authority" and "year". Section 11(2).
1966 c. 42.	The Local Government Act 1966.	Sections 6, 16 to 26 and 38. In section 40(3), the figures "24". Section 43(2)(c). Schedules 2 and 4. In Schedule 5, paragraph 3. In Schedule 6, Part III.

PART II

REVOCATIONS OF, OR IN, STATUTORY INSTRUMENTS

1. The Gas Boards (Rateable Values) Order 1962
(S.I. 1962 No. 1687).
2. The Electricity Boards (Rateable Values) Order 1962
(S.I. 1962 No. 1688).
3. The Rating of Owners Order 1962
(S.I. 1962 No. 2016).
4. The Rating (Charitable Institutions) Order 1963
(S.I. 1963 No. 1361).
5. Article 4 of the Transport Boards (Adjustment of Payments) Order 1964
(S.I. 1964 No. 254).
6. The Rating (Charitable Institutions) Order 1965
(S.I. 1965 No. 1726).
7. The Rating (Charitable Institutions) Order 1966
(S.I. 1966 No. 198).



Forestry Act 1967

1967 CHAPTER 10

An Act to consolidate the Forestry Acts 1919 to 1963 with corrections and improvements made under the Consolidation of Enactments (Procedure) Act 1949.

[22nd March 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

FORESTRY AND AFFORESTATION IN GREAT BRITAIN

1.—(1) The Forestry Commissioners constituted under the Forestry Acts 1919 to 1945 shall continue in existence and are in this Act referred to as “the Commissioners”. The Forestry Commission.

(2) The Commissioners shall be charged with the general duty of promoting the interests of forestry, the development of afforestation and the production and supply of timber and other forest products in Great Britain and in that behalf shall have the powers and duties conferred or imposed on them by this Act.

(3) The Commissioners' general duty includes that of promoting the establishment and maintenance in Great Britain of adequate reserves of growing trees.

(4) The Commissioners shall, in exercising their functions under this Act, and also in exercising their powers under the Plant Health Act 1967 (which enables them to make orders for the control of timber pests and diseases), comply with such directions as may be given to them by the Ministers. 1967 c. 8.

PART I

(5) Directions given by the Ministers for purposes of the foregoing subsection shall be given by them jointly, except in so far as they make arrangements that this subsection shall not apply.

Constitution,
administration,
etc., of
Commission.

2.—(1) The Commissioners shall consist of a chairman and not more than nine other members appointed by Her Majesty by warrant under the sign manual to be Forestry Commissioners.

(2) Of the persons for the time being appointed to be Forestry Commissioners—

- (a) at least three shall be persons who have special knowledge and experience of forestry ;
- (b) at least one shall be a person who has scientific attainments and a technical knowledge of forestry ; and
- (c) at least one shall be a person who has special knowledge and experience of the timber trade.

(3) The Commissioners shall by order appoint committees for England, Scotland and Wales respectively, whose membership shall consist partly of persons who are Forestry Commissioners or officers of the Commissioners and partly of persons, not exceeding three in number, who are not Forestry Commissioners or officers of the Commissioners ; and the Commissioners may delegate, subject to such restrictions or conditions as they think fit, any of their functions to a committee so appointed.

(4) Part I of Schedule 1 to this Act shall have effect with respect to the Commissioners, their staff, proceedings and other related matters and to the committees appointed under subsection (3) of this section ; and Part II of that Schedule shall have effect with respect to the superannuation of Forestry Commissioners and officers employed by the Commissioners.

Management
of forestry
land.

3.—(1) The Commissioners may manage, plant and otherwise use, for the purpose of the exercise of their functions under this Act, any land placed at their disposal by the Minister under this Act, and—

- (a) the power of the Commissioners under this subsection to manage and use any land shall, without prejudice to the generality of that power, include power to erect buildings or execute works on the land ;
- (b) any timber produced on land so placed at the Commissioners' disposal shall belong to the Commissioners.

(2) The Commissioners may undertake the management or supervision, upon such terms and subject to such conditions as may be agreed upon, or give assistance or advice in relation to the planting or management, of any woods or forests belonging to any person, including woods and forests under the management of the Crown Estate Commissioners or under the control of a government department, or belonging to a local authority.

(3) The Commissioners may—

- (a) purchase or otherwise acquire standing timber, and sell or otherwise dispose of any timber belonging to them or, subject to such terms as may be mutually agreed, to a private owner, and generally promote the supply, sale, utilization and conversion of timber ;
- (b) establish and carry on, or aid in the establishment and carrying on, of woodland industries.

(4) In this section the expression “ timber ” includes all forest products.

4. The Commissioners may, subject to the approval of the Treasury, make advances by way of grant or by way of loan or partly in one way and partly in the other, and upon such terms and subject to such conditions as they think fit, to persons (including local authorities) in respect of the afforestation (including the replanting) of land belonging to those persons. Advances for afforestation.

5.—(1) The provisions of this section shall have effect with a view to allowing land to be devoted to forestry by means of agreements entered into with the Commissioners, being agreements to the effect that the land shall not, except with the previous consent in writing of the Commissioners or, in the case of dispute, under direction of the Minister, be used otherwise than for the growing of timber or other forest products in accordance with the rules or practice of good forestry or for purposes connected therewith ; and in this Act— Forestry dedication covenants and agreements.

- (a) “ forestry dedication covenant ” means a covenant to the said effect entered into with the Commissioners in respect of land in England or Wales without an intention being expressed contrary to the application of section 79 of the Law of Property Act 1925 (under which covenants relating to land are, unless the contrary is expressed, deemed to be made on behalf of the covenantor, his successors in title and persons deriving title under him or them) ; and 1925 c. 20.
- (b) “ forestry dedication agreement ” means an agreement to the said effect entered into with the Commissioners

PART I

in respect of land in Scotland by a person who is the proprietor thereof for his own absolute use or is empowered by this section to enter into the agreement.

(2) Where land in England or Wales is subject to a forestry dedication covenant,—

(a) the Commissioners shall, as respects the enforcement of the covenant against persons other than the covenantor, have the like rights as if they had at all material times been the absolute owners in possession of ascertained land adjacent to the land subject to the covenant and capable of being benefited by the covenant, and the covenant had been expressed to be for the benefit of that adjacent land ; and

1925 c. 20.

(b) section 84 of the Law of Property Act 1925 (which enables the Lands Tribunal to discharge or modify restrictive covenants) shall not apply to the covenant.

(3) A forestry dedication agreement affecting land in Scotland may be recorded in the General Register of Sasines and, on being so recorded, shall be enforceable at the instance of the Commissioners against any person having an interest in the land and against any person deriving title from him:

Provided that such an agreement shall not be so enforceable against any third party who shall have in bona fide onerously acquired right (whether completed by infetment or not) to his interest in the land prior to the agreement being recorded as aforesaid, or against any person deriving title from such third party.

(4) Schedule 2 to this Act shall have effect to empower limited owners, trustees and others to enter into forestry dedication covenants or agreements and to provide for matters arising on their doing so.

Requirements
for haulage
facilities.

6.—(1) The provisions of this section shall have effect where the Commissioners are of opinion that insufficient facilities exist for the haulage of timber from any wood or forest to a road, railway or waterway.

(2) Subject to the following subsections, the Commissioners may, where they are of the said opinion, make an order that the owner and occupier of any land shall afford the necessary facilities, subject to payment by the person in whose favour the order is made of reasonable rent or wayleave and of compensation for any damage caused by the haulage, and the owner or occupier shall thereupon comply with the order.

(3) The Commissioners shall not make an order under this section until the person proposed to be required to give the said facilities has had an opportunity of being heard.

(4) A person aggrieved by an order made under this section may appeal therefrom to the Minister in such manner and upon such conditions, if any, as may be prescribed by the Minister, who may thereupon revoke or vary the order.

(5) The amount of rent or wayleave and compensation for damage which is payable in consequence of an order made under this section shall, in default of agreement, be assessed as follows that is to say—

- (a) in a case relating to England and Wales, by a single arbitrator appointed by the President of the Royal Institution of Chartered Surveyors ; and
- (b) in a case relating to Scotland, by an arbiter appointed by the Chairman of the Scottish Committee of the said Institution.

7.—(1) The provisions of this section shall have effect where the Commissioners are satisfied that trees or tree plants are being, or are likely to be, damaged by rabbits, hares or vermin owing to the failure of an occupier of land to destroy sufficiently the rabbits, hares or vermin on land in his occupation, or otherwise to take steps for the prevention of damage by them.

Prevention of damage by rabbits, hares and vermin.

(2) The Commissioners may, where they are so satisfied, authorise in writing any competent person to enter on the land and kill and take the rabbits, hares or vermin thereon ; but before doing so they shall first give to the occupier and owner of the land such opportunity as the Commissioners think reasonable of destroying the rabbits, hares or vermin, or of taking steps for the prevention of the damage.

(3) The Commissioners may recover from the occupier of the land the net cost incurred by them in connection with action taken by them under the foregoing subsection.

A sum recoverable under this subsection shall, in England or Wales, be recoverable summarily as a civil debt.

(4) Anyone who obstructs a person authorised by the Commissioners in the due exercise of his powers or duties under subsection (2) above shall be liable on summary conviction to a fine not exceeding £20 ; but the person authorised shall, if so required, produce his authority.

(5) For purposes of this section—

- (a) the person entitled to kill rabbits, hares or vermin on any common land shall be deemed to be the occupier of the land ; and
- (b) the expression “ vermin ” includes squirrels.

PART I

Miscellaneous powers of Commissioners.

8. The Commissioners may—

- (a) undertake the collection, preparation, publication and distribution of statistics relating to forestry, and promote and develop instruction and training in forestry by establishing or aiding schools or other educational institutions or in such other manner as they think fit ;
- (b) make, or aid in making, such inquiries, experiments and research, and collect, or aid in collecting, such information as they may think important for the purpose of promoting forestry and the teaching of forestry, and publish or otherwise take steps to make known the results of the inquiries, experiments or research and disseminate the information ;
- (c) make, or aid in making, such inquiries as they think necessary for the purpose of securing an adequate supply of timber and other forest products in Great Britain.

PART II

COMMISSIONERS' POWER TO CONTROL FELLING OF TREES

Restriction of felling

Requirement of licence for felling.

9.—(1) A felling licence granted by the Commissioners shall be required for the felling of growing trees, except in a case where by or under the following provisions of this Part of this Act this subsection is expressed not to apply.

(2) Subsection (1) above does not apply—

- (a) to the felling of trees with a diameter not exceeding 3 inches or, in the case of coppice or underwood, with a diameter not exceeding 6 inches ; or
- (b) to the felling of fruit trees or trees standing or growing on land comprised in an orchard, garden, churchyard or public open space ; or
- (c) to the topping or lopping of trees or the trimming or laying of hedges.

(3) Subsection (1) above does not apply to the felling by any person of trees on land in his occupation or occupied by a tenant of his—

- (a) where the trees have a diameter not exceeding 4 inches and the felling is carried out in order to improve the growth of other trees ; or
- (b) where the following conditions are satisfied, that is to say—
 - (i) the aggregate cubic content of the trees which are felled by that person without a licence (exclusive of trees to whose felling subsection (1) above does

not apply) does not exceed 825 cubic feet in any quarter ; and

(ii) the aggregate cubic content of the trees so felled which are sold by that person whether before or after the felling (exclusive as aforesaid) does not exceed 150 cubic feet in any quarter, or such larger quantity as the Commissioners may in a particular case allow.

(4) Subsection (1) above does not apply to any felling which—

- (a) is for the prevention of danger or the prevention or abatement of a nuisance ;
- (b) is in compliance with any obligation imposed by or under an Act of Parliament, including this Act ;
- (c) is carried out by, or at the request of, an Electricity Board because the tree obstructs the construction by the Board of a main transmission line or other electric line, or interferes or would interfere with the maintenance or working of such a line belonging to the Board ;
- (d) is immediately required for the purpose of carrying out development authorised by planning permission granted or deemed to be granted under the Town and Country Planning Act 1962 or the enactments replaced by that Act, or under the Town and Country Planning (Scotland) Act 1947. 1962 c. 38.
1947 c. 53.

(5) Regulations made by the Commissioners under this Part of this Act may modify subsections (2) to (4) above as follows, that is to say—

- (a) they may provide for additional exceptions from the application of subsection (1) above and may in particular substitute—
 - (i) in subsection (2)(a), for the reference to 3 inches a reference to a larger diameter ;
 - (ii) in subsection (3)(a), for the reference to 4 inches a reference to a larger diameter ;
 - (iii) in subsection (3)(b), for the reference to 825 cubic feet or the reference to 150 cubic feet in either case a reference to a larger quantity ;
- (b) they may substitute in subsection (2)(a) for the reference to 6 inches a reference to a smaller diameter ; and
- (c) they may restrict or suspend the exception in subsection (3)(b) and may in particular substitute, for the reference in sub-paragraph (i) to 825 cubic feet, or for the reference in sub-paragraph (ii) to 150 cubic feet, in either case a reference to a smaller quantity ;

and the said subsections shall have effect with any modification made by regulations under this subsection.

PART II

(6) In this section—

- 1947 c. 54.
1954 c. 60.
- “Electricity Board” means an Electricity Board within the meaning of the Electricity Act 1947, as amended by the Electricity Reorganisation (Scotland) Act 1954 and other enactments;
- 1882 c. 56.
1919 c. 100.
- “electric line” and “main transmission line” have the same meaning as in the Electric Lighting Act 1882 and the Electricity (Supply) Act 1919 respectively;
- 1925 c. 20.
1949 c. 97.
- “public open space” means land laid out as a public garden or used (otherwise than in pursuance of section 193 of the Law of Property Act 1925 or of Part V of the National Parks and Access to the Countryside Act 1949) for the purpose of public recreation, or land being a disused burial ground;
- “quarter” means the period of three months beginning with the 1st January, 1st April, 1st July or 1st October in any year;

and references to the diameter of trees shall be construed as references to the diameter, measured over the bark, at a point five feet above the ground level; and references to the cubic content of trees shall be construed as references to that content as ascertained in the prescribed manner.

Application for felling licence and decision of Commissioners thereon.

10.—(1) An application for a felling licence may be made to the Commissioners in the prescribed manner by a person having such an estate or interest in the land on which the trees are growing as enables him, with or without the consent of any other person, to fell the trees.

(2) Subject to the provisions of this Act (and, in particular, to their duty to take advice under section 37(3)), the Commissioners may on any such application grant the licence, or grant it subject to conditions, or refuse it, but shall grant it unconditionally except in a case where it appears to them to be expedient to do otherwise—

- (a) in the interests of good forestry or agriculture or of the amenities of the district; or
- (b) for the purpose of complying with their duty of promoting the establishment and maintenance in Great Britain of adequate reserves of growing trees.

(3) A felling licence shall continue in force for such period (not being less than one year from the date on which it is granted) as may be specified therein.

(4) If in the case of any trees the Commissioners refuse an application for a felling licence, the consequences shall be as follows:—

- (a) except in a case to which section 14(4) below applies, any person who is for the time being the owner of

the trees shall be entitled to compensation under and in accordance with the next following section; and

- (b) if the land on which the trees are growing is, or in the opinion of the Commissioners will be, managed in a manner approved by them, the Commissioners may (subject to section 14(5) below), if they think fit and subject to the approval of the Treasury, make to persons interested in the land advances by way of loan of such amounts, upon such terms and subject to such conditions, as they may determine.

(5) At any time after a felling licence has been refused by them in the case of any trees, the Commissioners may, if they think fit, give notice to the owner of the trees that they are prepared to grant a felling licence for the trees either unconditionally or subject to conditions described in the notice; and if the Commissioners give such a notice and an application is duly made to them for a felling licence, they shall grant a licence in accordance with the notice, subject to sections 13(2) and 15 below.

(6) When the Commissioners refuse to grant a felling licence, they shall give notice in writing to the applicant of the grounds for the refusal.

(7) Where application is made for a felling licence for trees on land which is subject to a forestry dedication covenant or agreement, and the licence is refused, no breach of the covenant or agreement shall be deemed to have occurred by reason of anything done or omitted in consequence of the refusal.

11.—(1) The compensation to which a person may become entitled under section 10(4)(a) above is for any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber comprised therein in consequence of the refusal of a felling licence for them.

Terms of compensation on refusal of licence.

(2) Compensation under this section shall be recoverable from the Commissioners on a claim made in the prescribed manner.

(3) Claims for compensation in the case of any trees may be made from time to time in respect of deterioration taking place after the refusal of a felling licence for those trees, but—

- (a) no such claim shall be made in respect of deterioration taking place more than ten years before the date of the claim; and
- (b) if the trees have been felled, no such claim shall be made after the expiration of one year from the date of the felling.

PART II

(4) In calculating compensation,—

- (a) no account shall be taken of deterioration in the quality of the timber which is attributable to neglect of the trees after the refusal of a felling licence for them ; and
- (b) the value of the trees at any time shall be ascertained on the basis of prices current at the date of the claim.

(5) If after refusing a felling licence the Commissioners under section 10(5) above subsequently give notice to the owner of the trees that they are prepared to grant a licence, then in calculating compensation payable in consequence of the previous refusal no account shall be taken of deterioration occurring after the giving of the notice.

(6) Any question of disputed compensation shall be determined in accordance with section 31 of this Act.

Conditional licences.

12.—(1) The conditions which may under section 10(2) above be attached to a felling licence are such as the Commissioners, after consultation with the applicant for the licence, determine to be expedient for securing—

- (a) the restocking or stocking with trees of the land on which the felling is to take place, or of such other land as may be agreed between the Commissioners and the applicant ; and
- (b) the maintenance of those trees in accordance with the rules and practice of good forestry for a period not exceeding ten years.

(2) No conditions shall be imposed on the grant of a felling licence where it is for trees on land subject to a forestry dedication covenant or agreement.

Deferred decision on application.

13.—(1) Where a person applies for a felling licence and the Commissioners do not within three months after receiving the application, or within such further time as may be agreed with the applicant, give notice to him of their decision on the application (including any reference of the application under section 15 of this Act) the provisions of this Part of this Act shall apply in relation to the application as if it had been refused.

(2) If on an application for a felling licence—

- (a) the Commissioners determine to grant the licence subject to conditions ; and

(b) it appears to them that the applicant is not entitled to an interest in land which would enable him to comply with those conditions ; they may give notice in writing to that effect to the applicant and postpone consideration of the application until the person entitled to such an interest is joined as a party thereto.

Where a notice under this subsection is given, subsection (1) above shall apply as if, instead of referring to a period of three months after the Commissioners receive the application, it referred to a period of three months after the date on which the person entitled to such interest in the land as is mentioned in the notice is joined as a party to the application.

14.—(1) The following provisions shall apply where application is made to the Commissioners for a felling licence and relates to the felling of trees in accordance with a plan of operations or other working plan approved by the Commissioners under a forestry dedication covenant or agreement, or otherwise approved by them in writing for the purposes of this section. Tree-felling in accordance with approved working plan etc.

(2) The Commissioners shall not refuse the licence unless the Minister certifies that, by reason of an act of God or other emergency which has taken place or arisen since the approval of the plan, the granting of a felling licence in respect of those trees, or in respect of trees of any class which comprises those trees, would be detrimental to the national interest.

(3) If the Commissioners refuse the licence, the applicant may by notice given to the Commissioners in the prescribed manner and within the prescribed time require them to buy the trees or such of them as may be specified in the notice.

(4) If a notice is served under the foregoing subsection,—

(a) no compensation shall be payable under section 11 in respect of any trees to which the notice relates ; and

(b) the Commissioners shall be deemed to have contracted with the applicant to buy the trees on the date of the service of the notice at such prices as may in default of agreement be determined in accordance with section 31 of this Act, and shall fell and remove the trees at such time or times as they may determine.

(5) Where such a notice is served, and the land on which the trees are growing is subject to a forestry dedication covenant or agreement, the power of the Commissioners under section 10(4)(b) above to make an advance by way of loan shall not be exercisable in respect of the trees, but this subsection shall not prejudice their power to make an advance in respect of any other trees on the land.

PART II
Trees subject
to preservation
order under
Planning Acts.

15.—(1) If an application is made to the Commissioners for a felling licence in respect of trees to which a tree preservation order relates, and consent under the order is required for the felling of those trees, then—

- (a) the Commissioners, if they propose to grant the licence, shall give notice in writing to the authority by whom the order was made; and
- (b) the Commissioners may in any case refer the application to the said authority.

(2) Where the Commissioners give the notice required by subsection (1)(a) above and the authority within the prescribed period after receipt of the notice object to the Commissioners' proposal to grant a felling licence and do not withdraw their objection, then—

- (a) the Commissioners shall not deal with the application, but shall refer it to the Minister, and the application shall then be dealt with under the Town and Country Planning Acts; and
- (b) if in pursuance of the application the Minister consents to the felling, section 9(1) of this Act shall not apply so as to require a felling licence for the felling of any trees in accordance with the consent.

(3) Where the Commissioners refer an application under subsection (1)(b) above,—

- (a) the application shall be dealt with under the Town and Country Planning Acts; and
- (b) so long as the tree preservation order applying to the trees remains in force, section 9(1) shall not apply so as to require a felling licence for the felling of any trees to which the application relates.

(4) Where in the case of any trees—

- (a) the Commissioners under this section refer an application for a felling licence to the Minister or an authority who have made a tree preservation order relating to the trees; and
- (b) a felling licence in respect of the trees has been previously refused by the Commissioners,

no account shall be taken, in calculating any compensation payable under section 11 of this Act in consequence of the previous refusal, of deterioration occurring after the date of the reference.

This subsection shall be without prejudice to section 11(5) of this Act, in a case to which that subsection applies.

(5) Except as provided by the foregoing provisions of this section, no application shall be entertained under a tree preservation order for consent thereunder in respect of the felling of

trees in the case of which section 9(1) of this Act applies so as to require a felling licence.

(6) Where, in the case of trees to which a tree preservation order relates, a felling licence is granted by the Commissioners after the date on which the order comes into force, the licence shall, notwithstanding anything in that order, be sufficient authority for the felling of any trees to which the order relates.

(7) Schedule 3 to this Act shall have effect for explaining the procedure applicable where this section requires an application to be dealt with under the Town and Country Planning Acts.

(8) In this section "the Minister", in relation to England, means the Minister of Housing and Local Government and not the Minister of Agriculture, Fisheries and Food.

16.—(1) The following provisions shall have effect for enabling the decision of the Commissioners on an application for a felling licence to be reviewed where they refuse to grant a felling licence or grant it subject to conditions.

Review of refusal or conditions of licence.

(2) A person aggrieved by the refusal or conditions may by a notice served within the prescribed time and in the prescribed manner request the Minister to refer the matter to a committee appointed in accordance with section 27 below and—

- (a) the Minister shall, unless he is of opinion that the grounds for the request are frivolous, refer the matter accordingly ;
- (b) the committee, after compliance with section 27(3), shall thereupon make a report on the reference to the Minister.

(3) The Minister shall, after considering the committee's report, confirm the decision of the Commissioners on the application, or reverse or modify that decision and direct the Commissioners to give effect to the reversal or modification.

(4) No request may be made under this section in respect of a refusal to grant a felling licence unless a previous application for a licence in respect of the trees has been refused and the application to which the request relates is made after the following date, that is to say—

- (a) where a reference under this section has been made in respect of a previous application, the third anniversary of the last such application in respect of which such a reference has been made ; and
- (b) in any other case, the third anniversary of the first previous application.

17.—(1) Anyone who fells a tree without the authority of a felling licence, the case being one in which section 9(1) of this Act applies so as to require such a licence, shall be guilty of an offence.

Penalty for felling without licence.

PART II

offence and liable on summary conviction to a fine not exceeding £10 or twice the sum which appears to the court to be the value of the tree, whichever is the higher.

(2) Proceedings for an offence under this section may be instituted within six months from the first discovery of the offence by the person taking the proceedings, provided that no proceedings shall be instituted more than two years after the date of the offence.

Power of Commissioners to direct felling

Felling
directions.

18.—(1) Subject to the provisions of this Act (and, in particular, to the duty of the Commissioners to take advice under section 37(3)), if it appears to the Commissioners that it is expedient in the interests of good forestry, or for purposes connected with their duty of promoting the establishment and maintenance in Great Britain of adequate reserves of growing trees, that any growing trees should be felled—

(a) in order to prevent deterioration or further deterioration in the quality of the timber comprised therein ; or

(b) in order to improve the growth of other trees, they may give directions (in this Act referred to as “felling directions”) to the owner of the trees requiring him to fell them within such period, being not less than two years after the directions have become operative, as may be specified in the directions.

(2) In considering whether to give felling directions, the Commissioners shall have regard to the interests of agriculture and the amenity or convenience of any farm or dwelling-house or park usually occupied with a dwelling-house, or of any land held inalienably by the National Trust or the National Trust for Scotland.

(3) Felling directions given by the Commissioners shall contain a statement of the grounds upon which they are given.

(4) A person who is given felling directions by the Commissioners may comply with the directions notwithstanding any lease, covenant or contract relating to the trees or land affected by the directions.

(5) In the case of trees to which a tree preservation order relates, felling directions given by the Commissioners after the date on which the order comes into force shall, notwithstanding anything in the order, be sufficient authority for the felling.

Restrictions
on Com-
missioners'
power under
s. 18.

19.—(1) Felling directions shall not be given in the case of—

(a) fruit trees or trees standing or growing on land comprised in an orchard, garden, churchyard or public open space (as defined in section 9(6) above) ;

(b) trees on land which is subject to a forestry dedication covenant or agreement ; or

(c) trees which are being managed to the satisfaction of the Commissioners in accordance with a plan of operations or other working plan approved by them as mentioned in section 14(1) above, but otherwise than under a forestry dedication covenant or agreement.

(2) If an application for a felling licence is made to the Commissioners in the case of trees to which a tree preservation order relates and the Commissioners refer the application under section 15 above to the authority who made the order, then so long as the order remains in force no felling directions shall be given in respect of the trees.

(3) If the Commissioners propose to give felling directions in respect of trees to which a tree preservation order relates, they shall give notice in writing of the proposal to the authority by whom the order was made; and if within the prescribed period after the receipt of the notice the authority object to the proposal and do not withdraw the objection, the Commissioners shall not give the directions except with the consent of the Minister, who shall consult with the said authority before deciding whether to grant or refuse his consent.

(4) In subsection (3) above "the Minister", in relation to England, means the Minister of Housing and Local Government and not the Minister of Agriculture, Fisheries and Food.

20.—(1) If a person to whom felling directions are given in respect of any trees is aggrieved by the directions on the ground that the felling is not expedient as mentioned in section 18(1), he may by notice served within the prescribed time and in the prescribed manner request the Minister to refer the matter to a committee appointed in accordance with section 27 below and the Minister shall, unless he is of opinion that the grounds for the request are frivolous, refer the matter accordingly.

Review of
felling
directions.

(2) The committee to whom a matter is referred under this section, after complying with section 27(3), shall thereupon make a report on the reference to the person by whom the notice was served and to the Commissioners, and the Commissioners shall confirm, withdraw or modify the directions in accordance with the report.

21.—(1) The provisions of this section shall have effect where a person to whom felling directions are given claims that compliance with the directions would involve him in a net loss after taking into account any benefit arising therefrom in respect of other trees of which he is the owner.

Courses open
to person
adversely
affected by
felling
directions.

(2) The person may by notice given to the Minister in the prescribed manner and within the prescribed period—

(a) if he has the right to sell the trees for immediate felling, require the Commissioners to buy the trees to which the directions relate; or

PART II

(b) in any case, require the Minister to acquire his interest in the land affected by the directions.

A notice under this section requiring the Minister to acquire an interest in land shall be deemed to include an offer by the person entitled to that interest to convey to the Minister such easement or servitude or other right for the benefit of the land over adjoining land in which that person has an interest as may be agreed between that person and the Minister or as may, in default of agreement, be determined in accordance with section 31 of this Act.

(3) The Minister may within the prescribed period after receiving the notice either—

- (a) accept the notice ; or
- (b) refer it to a committee appointed in accordance with section 27 below ; or
- (c) revoke the directions to which it relates.

(4) The committee to whom a matter is referred under this section, after complying with section 27(3), shall thereupon make a report to the Minister and to the person by whom the notice under this section was given and shall state—

- (a) whether in the opinion of the committee compliance with the felling directions would involve that person in such a loss as aforesaid ; and
- (b) if so, what modifications (if any) of the directions would be sufficient to avoid that loss.

(5) Where the committee report that compliance with the directions would not involve the person in such loss as aforesaid, the notice shall be of no effect ; but in any other case the Minister may, within the prescribed period after receiving the report, either—

- (a) accept the notice ; or
- (b) revoke the directions ; or
- (c) modify the directions in accordance with the report,

according as he thinks fit.

(6) If within the prescribed period after receiving a notice or the report of a committee under this section the Minister has not taken any such action as is authorised by subsection (3) or subsection (5) above, as the case may be, the directions to which the notice relates shall cease to have effect at the expiration of that period.

(7) In determining for the purposes of this section whether compliance with felling directions would involve a person in a net loss, regard shall be had to any compensation received by that person under a tree preservation order in respect of a refusal of consent for the felling of the tree.

22.—(1) The following shall be the consequences where a notice given by a person under section 21 is accepted by the Minister.

PART II
Consequences
of acceptance
by Minister
of notice
under s. 21.

(2) The felling directions in respect of which the notice was given shall cease to have effect.

(3) If the notice requires the Commissioners to buy the trees to which the directions relate, the Commissioners shall be deemed to have contracted with that person to buy the trees on the date of acceptance of the notice at such price and on such terms (including terms as to the time within which the Commissioners may fell and remove the trees) as may in default of agreement be determined in accordance with section 31 of this Act.

(4) If the notice requires the Minister to acquire the person's interest in the land affected by the directions,—

(a) the Minister shall be deemed to be authorised to acquire that interest compulsorily under section 39 of this Act and to have served a notice to treat in respect thereof on the date of the acceptance of the notice ;

(b) the interest shall for that purpose include any such easement or servitude or other right as, by virtue of section 21(2), the person is deemed to have offered in his notice to convey.

(5) The power conferred by section 31(1) of the Land Compensation Act 1961 or section 39(1) of the Land Compensation (Scotland) Act 1963 to withdraw a notice to treat shall not be exercisable in the case of a notice to treat which is deemed to have been served by virtue of this section. 1961 c. 33. 1963 c. 51.

23.—(1) A request under section 20 of this Act, and a notice under section 21 of this Act, may be made and given in respect of the same directions ; and regulations made by the Commissioners under this Part of this Act may make provision for securing—

Proceedings
in respect of
felling
directions.

(a) that in any such case proceedings under those sections respectively on the request and on the notice are taken concurrently ;

(b) that proceedings on any such request or notice in respect of any felling directions may be postponed until the expiration of the period within which a notice or a request, as the case may be, might be given or made in respect of those directions.

(2) Felling directions shall be inoperative until the expiration of the period during which such a request or notice as aforesaid may be made or given in respect of the directions and, where

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PART II a request is made or a notice is given, until the conclusions of any proceedings under section 20 or 21 pursuant to the notice or request.

Enforcement of licence conditions and felling directions

Notice to require compliance with conditions or directions.

24.—(1) The provisions of this section shall apply if—

- (a) any works required to be carried out in accordance with conditions of a felling licence are not so carried out ; or
- (b) any felling directions given by the Commissioners are not complied with.

(2) The Commissioners may give to the person responsible a notice requiring such steps as may be specified therein to be taken within such time (not being less than the prescribed period after the notice has become operative) as may be so specified for remedying the default ; and for purposes of this subsection, "the person responsible" is—

- (a) in the case of non-compliance with conditions of a felling licence, the owner of the land ; and
- (b) in the case of non-compliance with felling directions, the owner of the trees.

(3) If after the expiration of the time specified in the notice any steps required by the notice have not been taken, the Commissioners may, subject to the following section, enter on the land and take those steps.

(4) Without prejudice to the powers of the Commissioners under the foregoing subsection, a person who without reasonable excuse fails to take any steps required by a notice given to him under this section shall be guilty of an offence and be liable on summary conviction to a fine not exceeding £50 ; and proceedings in respect of such an offence may be instituted within six months of the first discovery of the offence by the person taking the proceedings, provided that no proceedings shall be instituted more than two years after the date of the offence.

(5) A person who is required by a notice under this section to carry out works or take any steps may carry out those works or take the steps notwithstanding any lease, covenant or contract relating to the trees or land affected by the notice.

Appeal against notice under s. 24.

25.—(1) If a person to whom a notice under section 24 is given claims—

- (a) that the works in question have been carried out in accordance with the conditions of the felling licence or, in the case of felling directions, that they have been complied with ; or

- (b) that the steps required by the notice to be taken are not required by the conditions or directions,

he may by a notice served on the Minister in the prescribed manner and within the prescribed period after the receipt of the notice under section 24, request the Minister to refer the matter to a committee appointed in accordance with section 27 below.

(2) A notice under section 24 shall be inoperative until the expiration of the prescribed period for the purposes of subsection (1) above and, where a request to the Minister under that subsection is made, until the conclusion of any proceedings under this section in pursuance of the request.

(3) Where such a request is made by a person receiving a notice under section 24, the Minister shall, unless he is of opinion that the grounds for the request are frivolous, refer the matter accordingly to a committee so appointed.

(4) The committee to whom a matter is referred under this section, after complying with section 27(3), shall make a report on the reference to the Minister and the Minister shall, after considering the report, confirm or cancel the notice to which the reference relates.

26.—(1) If the Commissioners, in the exercise of their powers under section 24, enter on land and take any steps required by a notice under that section, they may recover from the person to whom the notice was given any expenses reasonably incurred in connection therewith. Expenses etc. in connection with notices under s. 24.

(2) The Commissioners may remove and either retain or dispose of trees felled by them in the exercise of their said powers, and shall, on a claim made in the prescribed manner by the owner of any trees so removed, pay to him a sum equal to the value of those trees after deducting any expenses reasonably incurred by them in connection with the removal or disposal.

(3) Subject to any express agreement to the contrary, any expenses incurred by a person for the purpose of complying with a notice under section 24, and any sums paid by a person in respect of expenses of the Commissioners under that section, shall be deemed to be incurred or paid by that person—

- (a) where the notice relates to works required to be carried out in pursuance of conditions of a felling licence, for the use and at the request of the applicant for the licence ;
- (b) where the notice requires compliance with felling directions, for the use and at the request of the person to whom the directions were given.

(4) Any sums recoverable by or from the Commissioners under this section may be recovered as a simple contract debt.

PART II

Supplementary

Committees of reference for purposes of ss. 16, 20, 21 and 25.

27.—(1) References in sections 16, 20, 21 and 25 of this Act to a committee appointed in accordance with this section are to a committee consisting of—

- (a) a chairman appointed by the Minister ; and
- (b) two other members selected by the Minister from a panel of persons appointed by him, after such consultation as is provided for below, for the conservancy in which the trees are growing:

Provided that no Forestry Commissioner or person employed by the Commissioners shall be a member of any such committee.

(2) The consultation required by subsection (1)(b) above is to be with—

- (a) the regional advisory committee for the said conservancy ; and
- (b) organisations appearing to the Minister to represent the interests of owners of woodlands and timber merchants respectively ; and
- (c) organisations concerned with the study and promotion of forestry.

• **(3)** On any reference being made to them under this Part of this Act a committee appointed in accordance with this section shall—

- (a) afford to the person concerned with the subject-matter of the reference an opportunity of appearing before them and of making representations to them on the matter in question ;
- (b) if they think fit, or are so required by the said person, inspect the trees or land to which the reference relates ; and
- (c) take into consideration any information furnished to them by the Commissioners as to the performance within the conservancy in which the trees are growing of their duty of promoting the establishment and maintenance in Great Britain of adequate reserves of growing trees.

For purposes of this subsection “the person concerned with the subject-matter of the reference” is the person at whose request the reference was made, except that in the case of a reference by the Minister of a notice under section 21 it is the person by whom the notice was given.

(4) The Minister may pay to the members of a committee appointed by him under this section such remuneration as he may, with the consent of the Treasury, determine.

28. A person authorised by the Commissioners may take such steps, whether by marking or otherwise, as the Commissioners consider necessary for identifying trees which are the subject of a felling licence or felling directions, or in respect of which a felling licence has been refused.

PART II
Identification
of trees.

29.—(1) Where the interest of the owner of trees in England or Wales is for the time being subject to a mortgage—

Provisions
relating to
mortgages,
heritable
securities and
settled land.

(a) a claim for any compensation or sum payable under section 11 or section 26 of this Act in respect of the trees may be made either by the mortgagor or by the mortgagee ;

(b) in either case the compensation or sum shall be paid to the mortgagee or, if more than one, to the first mortgagee, and shall be applied by him as if it were proceeds of the sale of the trees.

(2) Where the interest of the owner of trees in Scotland is for the time being subject to a heritable security,—

(a) a claim for any compensation or sum payable under section 11 or section 26 of this Act in respect of the trees may be made either by the debtor in the heritable security or by the creditor in the heritable security ;

(b) in either case the compensation or sum shall be paid to the creditor in the heritable security or, if more than one, to the creditor whose heritable security has priority over any other heritable security secured on the land, and shall be applied by him as if it were proceeds of the sale of the trees.

(3) Subject to the foregoing provisions of this section, where the owner of trees comprised in a settlement within the meaning of the Settled Land Act 1925 is a tenant for life who is impeachable for waste in respect of the trees, any compensation or sum payable under section 11 or section 26 of this Act in respect of the trees shall be paid to the trustees of the settlement, and shall be applied by them in accordance with section 66(2) of the Settled Land Act 1925 as if it were proceeds of sale of timber cut and sold with the consent of the trustees under that section.

1925 c. 18.

30.—(1) Any document required or authorised to be served under this Part of this Act may be served on a person either by delivering it to him, or by leaving it at his proper address, or by sending it through the post in a registered letter addressed to him at that address or in a letter sent by the recorded delivery service and so addressed.

Service of
documents.

(2) Any such document required or authorised to be served upon an incorporated company or body shall be duly served if it is served upon the secretary or clerk of the company or body.

PART II
1889 c. 63.

(3) For the purposes of this section and of section 26 of the Interpretation Act 1889, the proper address of any person upon whom any such document as aforesaid is to be served shall, in the case of the secretary or clerk of an incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person to be served:

Provided that, where the person to be served has furnished an address for service, his proper address for the said purposes shall be the address furnished.

(4) If it is not practicable to ascertain the name or address of an owner, lessee or occupier of land on whom any such document as aforesaid is to be served, the document may be served by addressing it to him by the description of "owner", "lessee" or "occupier" of the land (describing it) to which it relates, and by delivering it to some responsible person on the land or, if there is no such person on the land to whom it may be delivered, by affixing it or a copy of it to some conspicuous part of the land.

(5) The Commissioners may, for the purpose of enabling them to serve or give any document or direction under this Part of this Act, require the occupier of any land and any person who, either directly or indirectly, receives rent in respect of any land, to state in writing the nature of his interest therein and the name and address of any other person known to him as having an interest therein, whether as a freeholder or owner, mortgagee or creditor in a heritable security, lessee or otherwise; and anyone who, having been required in pursuance of this subsection to give any information, fails to give it, or knowingly makes any mis-statement in respect thereof, shall be liable on summary conviction to a fine not exceeding £5.

Determination
of matters
arising under
ss. 11, 14, 21
and 22.

31.—(1) Where a provision of this Part of this Act requires a thing to be determined in accordance with this section, that provision shall—

(a) in its application to England and Wales, be taken as requiring it to be determined by the Lands Tribunal; and

(b) in its application to Scotland, be taken as requiring it to be determined by the Lands Tribunal for Scotland, subject however to the following subsection.

1949 c. 42.

(2) Until sections 1 to 3 of the Lands Tribunal Act 1949 come into force as regards Scotland, the said provision shall be taken as requiring the thing in question to be determined by reference to an official arbiter appointed under Part I of the Land Compensation (Scotland) Act 1963; and sections 3 and 5 of that Act shall apply, subject to any necessary modifications, in relation to the determination of any question under this Act by an arbiter so appointed.

1963 c. 51.

32.—(1) The Commissioners may, subject to their duty of consultation under section 37(2) below, by statutory instrument make regulations for prescribing anything which by this Part of this Act is authorised to be prescribed. PART II
Regulations.

(2) A power conferred by this Part of this Act to prescribe the manner in which a claim or notice may be made or given thereunder shall include power to require that any particulars specified in the claim or notice shall be verified by statutory declaration.

(3) A statutory instrument containing regulations made under this Part of this Act—

- (a) if the regulations are made under section 9(5)(b) or (c), shall be of no effect unless approved by a resolution of each House of Parliament ; and
- (b) in a case not falling within the foregoing paragraph, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

33.—(1) In this section “Crown land” means land an interest in which belongs to Her Majesty in right of the Crown or of the Duchy of Lancaster, or to the Duchy of Cornwall, and land an interest in which belongs to a government department or is held in trust for Her Majesty for the purposes of a government department. Application
of Part II to
Crown land.

(2) Subject to the following provisions of this section, the provisions of this Part of this Act shall apply in relation to Crown land and trees growing thereon to the extent only of any estate or interest therein which is for the time being held otherwise than on behalf of the Crown.

(3) Except with the consent of the appropriate authority as defined in this section,—

- (a) no conditions relating to the restocking or stocking of Crown land shall be imposed on the grant of a felling licence ;
- (b) no felling directions shall be given in respect of trees growing on Crown land.

(4) The Minister shall not be authorised to acquire the interest of any person in Crown land by virtue of a notice under section 21 unless an offer has previously been made by that person to dispose of that interest to the appropriate authority on terms that the price payable therefor shall be equal to (and shall be determined in default of agreement in like manner as) the compensation which would be payable in respect of that interest if it were acquired in pursuance of such a notice, and that offer has been refused by that authority.

PART II

(5) In this section “ the appropriate authority ” in relation to any land means—

- (a) in the case of land belonging to Her Majesty in right of the Crown, the Crown Estate Commissioners or other government department having the management of the land in question ;
- (b) in the case of land belonging to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy ;
- (c) in the case of land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints ; and
- (d) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, that department ;

and if any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

Meaning of
“ owner ” in
Part II.

34.—(1) In this Part of this Act the expression “ owner ” has the meaning ascribed to it by this section.

(2) In relation to land in England or Wales, “ owner ” means the person in whom for the time being is vested the legal estate in fee simple, except that where in relation to all or any of the provisions of this Part of this Act,—

- (a) all persons appearing to the Minister to be concerned agree, with the approval of the Minister, that some person shall be treated as the owner of land other than the person who would be so treated apart from the agreement ; or
- (b) on an application in that behalf to the Agricultural Land Tribunal established under Part V of the Agriculture Act 1947 the Tribunal determine, having regard to the respective interests of the persons interested in the land, that some person shall be treated as the owner of the land other than the person who would be so treated apart from the determination,

1947 c. 48.

that person shall be so treated, but without prejudice to a subsequent agreement or determination, or to his ceasing to be so treated, if the Minister withdraws his approval under paragraph (a) of this subsection.

(3) In relation to land in Scotland, “ owner ” means the person who for the time being is the proprietor of the *dominium utile* or, in the case of land other than feudal land, is the owner

thereof, except that where, in relation to all or any of the provisions of this Part of this Act,—

PART II

- (a) all persons appearing to the Minister to be concerned agree, with the approval of the Minister, that some person shall be treated as the owner of land other than the person who would be so treated apart from the agreement ; or
- (b) on an application in that behalf to the Scottish Land Court the Court determines, having regard to the respective interests of the persons interested in the land, that some person shall be treated as the owner of the land other than the person who would be so treated apart from the determination,

that person shall be so treated, but without prejudice to a subsequent agreement or determination, or to his ceasing to be so treated, if the Minister withdraws his approval under paragraph (a) of this subsection.

(4) In relation to trees, “owner” means the owner of the land on which the trees are growing and, in the case of trees which have been felled, means the person who was the owner immediately before the felling.

35. In this Part of this Act—

“conservancy” means any area in Great Britain which may for the time being be designated by the Commissioners as a conservancy for the purpose of the performance of their functions ;

Interpretation
of other
expressions
in Part II.

“felling” includes wilfully destroying by any means ;

“felling directions” means directions given by the Commissioners under section 18 of this Act for the felling of trees ;

“felling licence” means a licence under this Part of this Act authorising the felling of trees ;

“mortgage” and “heritable security” include any charge for securing money or money’s worth, and references to a mortgagee, or to a creditor or a debtor in a heritable security, shall be construed accordingly ;

“prescribed” means prescribed by regulations made by the Commissioners under this Part of this Act ; and

“tree preservation order” means an order made or having effect as if made under section 29 of the Town and Country Planning Act 1962 or section 26 of the Town and Country Planning (Scotland) Act 1947. 1962 c. 38.
1947 c. 53.

36. This Part of this Act shall not apply to trees standing or growing on land within the area of Greater London other than the outer London Boroughs within the meaning of the London Government Act 1963. Application
of Part II
to London.
1963 c. 33.

PART III

ADMINISTRATION AND FINANCE

Advisory bodies

Committees
to advise
Com-
missioners.

37.—(1) For the purpose of advising the Commissioners as to the performance of their functions under section 1(3) and Part II of this Act, and such other functions as the Commissioners may from time to time determine, the Commissioners shall continue to maintain—

- (a) the central advisory committee for Great Britain known as the Home Grown Timber Advisory Committee ; and
- (b) a regional advisory committee for each conservancy (within the meaning of Part II of this Act) in Great Britain.

(2) In relation to the performance of their duty of promoting the establishment and maintenance in Great Britain of adequate reserves of growing trees, the Commissioners shall from time to time, and as a general rule not less than quarterly, consult with the Home Grown Timber Advisory Committee ; and the power of the Commissioners under section 32 of this Act to make regulations shall not be exercisable except after consultation with the said Committee.

(3) The Commissioners shall—

- (a) in considering whether to refuse a felling licence under Part II of this Act, or to grant it unconditionally or subject to any conditions ; and
- (b) in considering whether to give felling directions under the said Part II,

take into account any advice tendered by the regional advisory committee for the conservancy in which are growing the trees to which the felling licence applied for, or the directions proposed to be given, relate.

Composition
etc. of
advisory
committees.

38.—(1) The chairman and other members of the Home Grown Timber Advisory Committee and of each regional advisory committee shall be appointed by the Commissioners, and shall hold and vacate office in accordance with the terms of the instrument by which they are appointed.

(2) The Home Grown Timber Advisory Committee shall consist of not more than twenty-five members, and of those members (other than the chairman)—

- (a) not less than six nor more than eight shall be persons appointed by the Commissioners after consultation with organisations appearing to them to represent the interests of owners of woodlands ; and

(b) not less than six nor more than eight shall be persons appointed by the Commissioners after consultation with organisations appearing to them to represent the interests of timber merchants.

(3) Each regional advisory committee shall consist of not less than seven nor more than nine members, and of those members (other than the chairman) not less than four shall be persons appointed by the Commissioners after consultation with organisations appearing to them to represent the interests of owners of woodlands and timber merchants respectively and organisations concerned with the study and promotion of forestry.

(4) The Commissioners may pay to the members of the Home Grown Timber Advisory Committee or of a regional advisory committee such allowances as they may with the consent of the Treasury determine.

Acquisition and disposal of land

39.—(1) Subject to the provisions of this Act, the Minister may acquire (by purchase, lease or exchange) land which in his opinion is suitable for afforestation or for purposes connected with forestry, together with any other land which must necessarily be acquired therewith, and may place any land acquired by him under this section at the disposal of the Commissioners.

Power of Minister to acquire and dispose of land.

(2) The Minister may—

(a) sell any land acquired by him under this section which in his opinion is not needed, or ought not to be used, for the purpose of afforestation or any purpose connected with forestry, or exchange any such land for other land more suitable for either of the said purposes and pay or receive money for equality of exchange ;

(b) in the case of land so acquired in Scotland, sell it if he is satisfied that the sale—

(i) is desirable in the interests of rational land management ; and

(ii) would facilitate the discharge by the Commissioners of any of their functions.

(3) The Minister shall have power, in the case of land acquired by him under this section,—

(a) to manage and use the land for such purposes as he thinks fit (this power to include that of erecting buildings and other works on the land) where it is not for the time being placed at the disposal of the Commissioners under subsection (1) above ; and

(b) to let the land, or grant any interest or right in or over it.

PART III
1947 c. 48.

(4) The two foregoing subsections are without prejudice to the powers of the Minister under section 90 of the Agriculture Act 1947 (which provides general powers of management and disposal in the case of land belonging to the Minister in England and Wales).

1939 c. 20.

(5) Any instrument in connection with the management or disposal of land in Scotland acquired by the Minister under this section and for the time being placed at the disposal of the Commissioners shall, without prejudice to any other method of execution, be deemed to be validly executed by him if it is executed on his behalf by an officer of the Commissioners authorised by him for the purpose; and any instrument so executed shall, for the purposes of section 1(8) and (9) of the Reorganisation of Offices (Scotland) Act 1939, be deemed to have been executed by an officer of the Secretary of State duly authorised by him.

(6) Schedule 4 to this Act shall have effect as respects the procedure applicable where the Minister acquires land under this section, except in a case of compulsory purchase in accordance with the following section.

**Compulsory
purchase of
land.**

40.—(1) Subject to the provisions of this section, the power of the Minister to acquire land by purchase under section 39 above includes a power of compulsory purchase.

(2) The following descriptions of land shall not be subject to compulsory purchase under this Act:—

- (a) land which is the site of an ancient monument or other object of archæological interest;
- (b) land which forms part of a park, garden or pleasure ground or which forms part of the home farm attached to, and usually occupied with, a mansion house or is otherwise required for the amenity or convenience of a dwelling-house;
- (c) land which is the property of a local authority, that is to say,—
 - (i) in England or Wales, the council of a county, county borough, county district or rural parish, the Common Council of the City of London or the council of a London borough; and
 - (ii) in Scotland, a county, town or district council;
- (d) land which has been acquired for the purpose of their undertaking by statutory undertakers, that is to say persons authorised by an enactment, or by an order or scheme made under an enactment, to construct, work or carry on a railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water or other public undertaking.

(3) Land shall not be subject to compulsory purchase under this Act if a forestry dedication covenant or agreement is in force with respect to it and it is being used and managed in accordance with the provisions and conditions of a plan of operations approved by the Commissioners ; and—

(a) any question arising under this subsection whether there has been a breach of any of the provisions and conditions of a plan of operations shall be referred for determination as follows, that is to say—

(i) in a case relating to England and Wales, by an arbitrator appointed by the President of the Royal Institution of Chartered Surveyors ; and

(ii) in a case relating to Scotland, by an arbiter appointed by the Chairman of the Scottish Committee of the said Institution ; and

(b) such a breach shall not be treated as having occurred by virtue of any act or omission capable of remedy unless there has been default in remedying it within a reasonable time after notice given by the Commissioners requiring it to be remedied.

(4) Land belonging to the National Trust may be compulsorily purchased under this Act notwithstanding that it is held inalienably by the Trust.

(5) The Minister's power of compulsory purchase under this Act shall be exercisable by means of a compulsory purchase order, and—

(a) the order shall be made in accordance with Part I of Schedule 5 to this Act ;

(b) Part II of that Schedule shall apply with respect to the validity and date of operation of the order ; and

(c) Part III of that Schedule shall apply with respect to the procedure for acquiring land by compulsory purchase.

(6) If the said power of compulsory purchase is exercised in relation to land in respect of which an advance by way of grant has been made by the Commissioners—

(a) under section 4 of this Act ; or

(b) under section 3(3) of the Forestry Act 1919 at any 1919 c. 58 time after the 26th March 1945,

not being in either case an advance made more than thirty years before the date of the service of the notice to treat in the exercise of that power, the amount of the compensation for the compulsory purchase shall be reduced by the amount of the advance with compound interest thereon (calculated from the date of the advance to the date on which the compensation

PART III is paid) at the rate of £3 per cent. per annum with yearly rests:

Provided that, in the case of compensation for the compulsory purchase of one of several interests in such land, the amount of the reduction in the case of each interest purchased shall be equal to a part of the advance and interest proportionate to the value of that interest as compared with the value of the land.

Finance, accounts and annual report

Forestry Fund. 41.—(1) The Forestry Fund constituted under section 8 of 1919 c. 58. the Forestry Act 1919 shall continue to be maintained as heretofore.

(2) There shall be paid into the Forestry Fund out of moneys provided by Parliament such annual amounts as Parliament may determine.

(3) The following shall be paid out of the Forestry Fund:—

(a) the salaries of the Forestry Commissioners, and the salaries or remuneration of the officers and servants of the Commissioners;

(b) all expenses incurred by the Commissioners in the exercise of their powers and the performance of their duties under—

(i) this Act; and

(ii) the Plant Health Act 1967,

1967 c. 8.

including the payment of allowances to the members of any committee maintained by them under this Act;

(c) any administrative expenses of the Minister under Part II of this Act (including sums required for the payment of remuneration to the members of any committee appointed by him in pursuance of section 27).

(4) All sums received by the Commissioners in respect of the sale of timber, or otherwise received by them in respect of transactions carried out by them in the exercise of their powers and duties under this Act, shall be paid into the Forestry Fund.

(5) The Commissioners may accept any gift made to them for all or any purposes of this Act and, subject to the terms thereof, may apply it for those purposes in accordance with regulations made by them.

(6) Payments out of and into the Forestry Fund, and all other matters relating to the Fund and money standing to the credit of the Fund, shall be made and regulated in such manner as the Treasury may, by minute to be laid before Parliament, direct.

(7) The Commissioners may from time to time, with the approval of the Treasury, make any investment of moneys standing to the credit of the Forestry Fund which trustees are for the time being authorised by law to make in the case of a trust fund.

42.—(1) Any capital payments made by the Minister in acquiring land under section 39 above, and any expenses of the Minister in the acquisition of land thereunder, shall be defrayed out of the Forestry Fund. Finance of land acquisition, management, etc.

(2) Where land acquired by the Minister under section 39 is for the time being placed at the disposal of the Commissioners,—

(a) any rent or other outgoings payable in respect of the land by the Minister shall be defrayed out of the Forestry Fund ; and

(b) any sums received by the Minister from the letting of the land or the grant of any interest or right in or over it shall be paid into that Fund.

(3) Where land acquired by the Minister under section 39 is not for the time being placed at the disposal of the Commissioners, the expenses of the Minister in managing and using the land, including any rent or other outgoings payable by him in respect of the land, shall be defrayed out of moneys provided by Parliament, and—

(a) any sums received by him from the letting or use of the land, or the grant of any interest or right in or over it, shall be paid into the Exchequer ; and

(b) the Minister shall pay into the Forestry Fund out of moneys provided by Parliament such periodical sums (if any) in respect of the land as may be determined by the Treasury.

(4) Any capital sums received by the Minister from the sale, lease or exchange of land acquired by him under section 39 shall be paid into the Forestry Fund.

43.—(1) If the Minister sells land which was transferred to him, or to any predecessor of his, or to the Commissioners, under section 1(1)(a) of the Forestry (Transfer of Woods) Act 1923 to an amount exceeding five acres at any one time, then if the sum determined under section 3 of the said Act of 1923 as the amount contingently payable by way of compensation for the transfer of rights and interests of the Crown has not been fully paid or satisfied,— Satisfaction of certain contingent liability to Crown Estate. 1923 c. 21.

(a) the net proceeds of sale, or the portion necessary to satisfy the said sum, shall be paid by the Minister to the Crown Estate Commissioners and shall form part of the Crown Estate ; and

PART III

(b) the payment shall be treated as satisfying a part of that sum equal to the gross proceeds of sale or the corresponding portion of them.

1952 c. 37. (2) In the event of the hereditary revenues which are by section 1 of the Civil List Act 1952 directed to be carried to and made part of the Consolidated Fund ceasing at any time, whether during the present or any subsequent reign, to be carried to and made part of that Fund, there shall be paid out of the Fund to the Crown Estate Commissioners all such amounts as immediately before the commencement of this Act remained outstanding as compensation due to the Crown under section 3 of the said Act of 1923, reduced by the amount of any payments made since that commencement to the Crown Estate Commissioners pursuant to subsection (1) above or to the corresponding provision in section 8(1) of the Crown Estate Act 1961.

Annual accounts of Commissioners.

44.—(1) The Commissioners shall prepare accounts in respect of each financial year (beginning with the 1st April), showing the sums paid into and the sums issued out of the Forestry Fund in that year.

(2) The Commissioners' accounts shall be in such form and manner as the Ministers with the approval of the Treasury may direct, and the Commissioners shall transmit the accounts to the Ministers at such time as the Ministers, with the said approval, may direct.

(3) The Ministers shall, on or before the 30th November in each year, transmit to the Comptroller and Auditor General the accounts prepared by the Commissioners under subsection (1) above for the financial year last ended, and the Comptroller and Auditor General shall examine and certify them and lay copies thereof, together with his report thereon, before both Houses of Parliament.

Annual report by Commissioners.

45. The Commissioners shall, on such day and in such form as the Ministers may direct, make to the Ministers an annual report as to their proceedings under this Act, and the Ministers shall lay the report before Parliament.

PART IV

GENERAL

Commissioners' power to make byelaws

46.—(1) Subject to the provisions of this and the next following sections, the Commissioners may make byelaws with respect to any land which is under their management or control and to which the public have, or may be permitted to have, access,

(2) The Commissioners' byelaws may be such as appear to them to be necessary— PART IV

- (a) for the preservation of any trees or timber on the land, or of any property of the Commissioners ; and
- (b) for prohibiting or regulating any act or thing tending to injury or disfigurement of the land or its amenities ; and
- (c) without prejudice to the generality of the foregoing, for regulating the reasonable use of the land by the public for the purposes of exercise and recreation.

(3) Byelaws under this section—

- (a) shall not take away or injuriously affect any estate, interest, right of common or other right of a profitable or beneficial nature in, over or affecting any land, except with the consent of the person entitled thereto ;
- (b) shall not apply to a common which is subject to a scheme or regulation made in pursuance of the Metropolitan Commons Acts 1866 to 1898, or the Inclosure Acts 1845 to 1882, or the Commons Act 1899 c. 30. 1899.

(4) Byelaws under this section shall be made by statutory instrument and a draft of a statutory instrument containing any such byelaws shall be laid before Parliament.

(5) 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 as follows:—

- (a) in the case of an offence against byelaws made by the Commissioners with respect to the New Forest, he shall be liable to a fine not exceeding £10 ;
- (b) in a case not falling within the foregoing paragraph, he shall be liable to a fine not exceeding £5 ; and
- (c) in either case he shall be liable to a further fine not exceeding 10s. 0d. for each day upon which the offence continues.

(6) Any sums paid to the Secretary of State in pursuance of section 27 of the Justices of the Peace Act 1949 in respect of fines imposed for offences against byelaws made under this section shall be deemed to be Exchequer moneys within the meaning of that section. 1949 c. 101.

47.—(1) Byelaws made by the Commissioners under section 46 with respect to the New Forest or the Forest of Dean shall be without prejudice to any byelaws made under any other Act by the verderers of either Forest, but before making any such byelaws the Commissioners shall consult with the verderers of the Forest concerned. Provisions supplementary to s. 46 for New Forest and Forest of Dean.

PART IV
1964 c. 83.
1927 c. 6.

(2) Section 1(3) of the New Forest Act 1964 (which applies byelaws made by the Commissioners to certain land added under that Act to the Forest) shall have effect with the substitution for the reference to section 2 of the Forestry Act 1927 of a reference to section 46 of this Act.

(3) The verderers of either of the said Forests may in their courts inquire into any offence consisting in a failure to comply with, or a contravention of, byelaws made by the Commissioners under section 46, being an offence alleged to have been committed within the Forest, and may punish any such offence so committed.

1952 c. 55.
1957 c. 29.

(4) As respects their jurisdiction under this section, the verderers' courts shall be deemed to be magistrates' courts, and the provisions of the Magistrates' Courts Acts 1952 and 1957, including provisions as to the recovery of fines and as to appeals, and the provisions of any rules made under those Acts, shall apply accordingly.

(5) The powers conferred by this section on the verderers of the New Forest and the Forest of Dean shall be in addition to, and not in derogation of, any other powers exercisable by them, and shall be without prejudice to the power of any other court in relation to offences under section 46.

Powers of
entry and
enforcement.

1967 c. 8.

48.—(1) An officer of the Commissioners or any other person authorised by them in that behalf may (on production, if so required, of his authority) enter on and survey any land for the purpose of ascertaining whether it is suitable for afforestation or for the purpose of inspecting any timber thereon, or for any other purpose in connection with the exercise of the powers and performance of the duties of the Commissioners under this Act or the Plant Health Act 1967.

1824 c. 83.

(2) The Commissioners may authorise an officer or servant appointed or employed by them to exercise and perform on their behalf such powers and duties as they may consider necessary for the enforcement of byelaws under section 46 of this Act, and in particular to remove or exclude, after due warning, from any land to which the byelaws relate a person who commits, or whom he reasonably suspects of committing, an offence against the said section or against the Vagrancy Act 1824.

(3) Anyone who obstructs an officer or servant appointed or employed by the Commissioners in the due exercise or performance of his powers or duties under the foregoing subsection shall be guilty of an offence and be liable on summary conviction to a fine not exceeding £5.

49.—(1) In this Act—

PART IV

“the Commissioners” means the body known as “The Interpretation. Forestry Commissioners”;

“forestry dedication covenant” and “forestry dedication agreement” have the meanings assigned to them by section 5;

“the Minister”, except as provided by sections 15(8) and 19(4) and Schedule 3, means the Minister of Agriculture, Fisheries and Food as respects England, and a Secretary of State as respects Wales and as respects Scotland;

“National Trust” means the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act 1907, and “held inalienably”, in relation to land belonging to the National Trust, means that the land is inalienable under section 21 of the said Act of 1907 or section 8 of the National Trust Act 1939; 1907 c. cxxxvi. 1939 c. lxxxvi.

“National Trust for Scotland” means 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, and “held inalienably”, in relation to land belonging to that Trust, means that the land is inalienable under section 22 of that Order. 1935 c. ii.

(2) For purposes of this Act, Monmouthshire shall be deemed to be part of Wales and not of England.

(3) In this Act as it applies to Scotland any reference to the purchase of land shall be construed as including a reference to the taking of land in feu.

50.—(1) The transitional provisions contained in Schedule 6 to this Act shall have effect. Transitional provisions, repeals and savings.

(2) The enactments specified in the second column of Part I of Schedule 7 to this Act are hereby repealed to the extent specified in the third column of that Part of the Schedule, subject to the savings in Part II of that Schedule.

(3) Nothing in this section or in Schedule 6 or 7 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. 1889 c. 63.

51.—(1) This Act may be cited as the Forestry Act 1967.

Short title and extent

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

SCHEDULES

Section 2.

SCHEDULE 1

THE FORESTRY COMMISSION AND ITS STAFF

PART I

ADMINISTRATION

The Commissioners

1. The Commissioners may for all purposes be described by the name of "The Forestry Commissioners".

2.—(1) Each Forestry Commissioner shall hold and vacate office in accordance with the terms of his warrant of appointment, and one who vacates office shall be eligible for reappointment.

(2) There shall be paid to such Forestry Commissioners as may be determined by the Ministers, with the approval of the Treasury, such salaries or other emoluments as may be so determined.

3. The Commissioners may act by three of their number and notwithstanding a vacancy in their number, and may regulate their own procedure.

4.—(1) The Commissioners shall have an official seal, which shall be officially and judicially noticed.

(2) The seal shall be authenticated by a Forestry Commissioner, or by the secretary to the Commissioners, or by some person authorised by the Commissioners to act on behalf of the secretary.

5.—(1) Every document purporting to be an order or other instrument issued by the Commissioners and to be sealed with the seal of the Commissioners authenticated in manner provided by paragraph 4(2) above, or to be signed by the secretary to the Commissioners or any person authorised by the Commissioners to act on behalf of the secretary, shall be received in evidence and be deemed to be such order or instrument without further proof, unless the contrary is shown.

1868 c. 37.
1882 c. 9.

(2) The Documentary Evidence Act 1868, as amended by the Documentary Evidence Act 1882, shall apply to the Commissioners as though the Commissioners were included in the first column of the Schedule to the said Act of 1868, and the chairman or any other Commissioner, or the secretary, or any person authorised to act on behalf of the secretary, were mentioned in the second column of that Schedule, and as if the regulations referred to in those Acts included any document issued by the Commissioners.

Staff

6.—(1) The Commissioners may, subject to such limit as to number as the Treasury may determine, appoint and employ such officers and servants for the purposes of this Act as the Commissioners think necessary, and may remove any officer or servant so appointed or employed.

(2) There shall be paid to officers and servants appointed or employed by the Commissioners such salaries or remuneration as the Ministers may, with the approval of the Treasury, determine.

SCH. I

Committees appointed under section 2(3)

7.—(1) An order of the Commissioners under section 2(3) of this Act appointing a committee shall make provision as to the constitution (including the terms of office of members), quorum and procedure of the committee.

(2) There shall be paid out of the Forestry Fund to the members of any committee appointed under section 2(3) who are not Forestry Commissioners or officers of the Commissioners such travelling and other allowances as the Ministers may, with the approval of the Treasury, determine.

Supplementary

8. The functions of the Ministers under this Part of this Schedule shall be exercised by them jointly, except in so far as they make arrangements that this paragraph shall not apply.

PART II

**SUPERANNUATION OF FORESTRY COMMISSIONERS AND
COMMISSION STAFF**

9.—(1) This paragraph applies to Forestry Commissioners and to such officers employed by the Commissioners as may be from time to time determined by the Ministers with the approval of the Treasury.

(2) Subject to the following provisions, there may be granted to or in respect of persons to whom this paragraph applies the same superannuation benefits as can be granted in respect of persons in the civil service under the civil service superannuation code and in particular, but without prejudice to the foregoing,—

(a) the benefits which may be so granted include contributory pensions for widows, widowers, children and dependants corresponding to those payable under Parts III and IV of the Superannuation Act 1965 ; and

1965 c. 74

(b) the relevant provisions of that Act, and also section 384 of the Income Tax Act 1952 (contributions not to qualify for tax relief) shall have effect accordingly with respect to persons to whom this paragraph applies as they have effect with respect to persons in the civil service.

1952 c. 10

(3) Superannuation benefits under this paragraph shall be paid out of the Forestry Fund.

(4) In this Part of this Schedule—

“ the civil service superannuation code ” means the enactments, rules, regulations and warrants for the time being in force in relation to the superannuation of persons in the civil service ; and

SCH. 1

“superannuation benefits” includes a superannuation allowance, additional allowance, annual allowance, retiring allowance, compensation allowance, gratuity, pension, compensation and annuity.

10.—(1) The Ministers may with the approval of the Treasury make schemes to supplement or replace (either as a whole or in part) paragraph 9(2) above, being schemes for the grant of superannuation and other allowances and gratuities to or for the benefit of persons to whom paragraph 9 applies; and, without prejudice to the foregoing,—

- (a) the superannuation benefits to be granted in accordance with the scheme may include those which may be granted under the said paragraph 9(2), subject to the provisions of that sub-paragraph in the case of contributory pensions; and
- (b) on the coming into force of a scheme made under this paragraph, paragraph 9(2) shall, to the extent that the scheme makes any provision different therefrom, cease to have effect.

(2) Superannuation benefits under a scheme made by virtue of this paragraph shall be paid out of the Forestry Fund.

1949 c. 44.

(3) Section 52(2) of the Superannuation Act 1949 (which enables certain superannuation schemes to have retrospective effect) applies to a scheme made under this paragraph.

11.—(1) This paragraph applies to a person who—

- (a) is appointed to the office of Forestry Commissioner with a salary, having been at the time of his appointment—
 - (i) the holder of an office in the civil service which entitled him to superannuation under the civil service superannuation code; or
 - (ii) an officer employed by the Commissioners and within the application of the Forestry Superannuation Scheme 1940, or paragraph 9(2) above, or a scheme made under paragraph 10; and
- (b) retires from the office of Forestry Commissioner on the expiration of his term of office while under the age of sixty, without renewal of public employment, and is not entitled to any pension under paragraph 9(2) above or a scheme made under paragraph 10.

(2) A person to whom this paragraph applies shall, on his retirement from the office of Forestry Commissioner, be entitled to the same superannuation benefits as if he had continued in the same office and at the same rate of salary and emoluments as at the time when he was appointed to be a Forestry Commissioner, and had retired therefrom on the ground of ill-health at the time when he retired from the office of Forestry Commissioner, subject nevertheless to the conditions which would in that case have been applicable

with respect to the grant of superannuation benefits to or in respect of him.

SCH. 1

(3) In the case of a person to whom this paragraph applies, the power—

(a) of the Treasury, as respects one who has held an office in the civil service, and

(b) of the Ministers, as respects one who has been an officer employed by the Commissioners,

shall include power to grant to or in respect of that person the like superannuation benefits as could be granted to or in respect of a person in the civil service.

(4) The Treasury may determine that the whole or any part of the superannuation benefits payable to or in respect of a person by virtue of this paragraph shall be paid out of the Forestry Fund.

12. Where on the death of a person to whom paragraph 9 above applies any sum not exceeding £500 is due to that person or his legal personal representative in respect of salary, wages or superannuation benefits, then, subject to any regulations made by the Treasury, probate or other proof of the title of the legal personal representatives may be dispensed with, and the said sum may be paid or distributed to or among the persons appearing to the Commissioners to be beneficially entitled to the personal estate of the deceased person, or to or among any one or more of those persons, or, in the case of the illegitimacy of the deceased person or any of his children, to or among such persons as the Commissioners may think fit, and the Commissioners or other person responsible for the payment of any such sum shall be discharged from all liability in respect of any such payment or distribution.

13. The functions of the Ministers under this Part of this Schedule shall be exercisable by them jointly, except in so far as they make arrangements that this paragraph shall not apply.

SCHEDULE 2

Section 5.

CONVEYANCING AND OTHER PROVISIONS CONNECTED WITH FORESTRY DEDICATION

England and Wales

1.—(1) In the case of settled land in England or Wales, the tenant for life may enter into a forestry dedication covenant relating to the land or any part thereof either for consideration or gratuitously.

(2) The Settled Land Act 1925 shall apply as if the power conferred 1925 c. 18. by sub-paragraph (1) above had been conferred by that Act; and for the purposes of section 72 of that Act (which relates to the mode of giving effect to a disposition by a tenant for life and to the operation thereof), and of any other relevant statutory provision applying to England or Wales, entering into a forestry dedication covenant shall be treated as a disposition.

SCH. 2
1925 c. 18.
1925 c. 20.

(3) The foregoing provisions of this paragraph shall be construed as one with the Settled Land Act 1925.

(4) Section 28 of the Law of Property Act 1925 (which confers the powers of a tenant for life on trustees for sale) shall apply as if the power of a tenant for life under sub-paragraph (1) above had been conferred by the Settled Land Act 1925.

1925 c. 24.

2. A university or college to which the Universities and Colleges Estates Act 1925 applies may enter into a forestry dedication covenant relating to any land belonging to it in England or Wales either for consideration or gratuitously, and that Act shall apply as if the power conferred by this paragraph had been conferred by that Act.

3. In the case of glebe land or other land belonging to an ecclesiastical benefice, the incumbent of the benefice and, in the case of land which is part of the endowment of any other ecclesiastical corporation, the corporation may with the consent of the Church Commissioners enter into a forestry dedication covenant relating to the land either for consideration or gratuitously, and the Ecclesiastical Leasing Acts shall apply as if the power conferred by this paragraph had been conferred by those Acts, except that the consent of the patron of an ecclesiastical benefice shall not be requisite.

Scotland

4.—(1) In the case of land in Scotland, any person being—

- (a) the liferenter, or
- (b) the heir of entail,

in possession of the land shall have power to enter into forestry dedication agreements relating to the land or any part thereof.

1921 c. 58.

(2) 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 forestry dedication agreements relating to the trust estate or any part thereof.

Section 15.

SCHEDULE 3

PROCEEDINGS UNDER TOWN AND COUNTRY PLANNING ACTS IN RELATION TO TREE PRESERVATION ORDERS

1. Provisions of section 15 of this Act requiring an application for a felling licence to be dealt with under the Town and Country Planning Acts shall be construed in accordance with this Schedule.

2. Where under section 15(2)(a) an application, on being referred to the Minister, falls to be dealt with under the said Acts, the following shall apply :—

1962 c. 38.

- (a) if the tree preservation order applies section 22 of the Town and Country Planning Act 1962, or the corresponding provision of the Town and Country Planning Act 1947 replaced thereby, or (for Scotland) section 13 of the Town and

1947 c. 51.

1947 c. 53.

Country Planning (Scotland) Act 1947, the provisions of the order and any provisions of the said Acts relating to the order shall apply as if the application—

SCH. 3

- (i) had been one made under the order for the felling of the trees ; and
 - (ii) had been referred to the Minister in pursuance of the said section as so applied ;
- (b) if the order contains no such provisions as aforesaid it shall have effect for the purposes of this paragraph as if the said section 22 or (for Scotland) the said section 13 were incorporated therein subject to such modifications as the Minister may direct.

3. Where under section 15(3)(a) of this Act an application, on being referred to an authority who have made a tree preservation order, falls to be dealt with under the Town and Country Planning Acts, the provisions of the order and any provisions of the Town and Country Planning Act 1962 or (for Scotland) the Town and Country Planning (Scotland) Act 1947 relating to the order shall apply as if the application were an application made to the said authority for consent for the felling of the trees to which the application for a felling licence relates. 1962 c. 38.
1947 c. 53.

4. In this Schedule “ the Minister ”, in relation to England, means the Minister of Housing and Local Government and not the Minister of Agriculture, Fisheries and Food.

SCHEDULE 4

Section 39.

PROCEDURE FOR ACQUISITION OF LAND UNDER S. 39 BY AGREEMENT

England and Wales

1.—(1) For the purpose of any acquisition by the Minister of land in England or Wales, where the acquisition is by agreement, Part I of the Compulsory Purchase Act 1965 shall apply in accordance with the following provisions of this paragraph. 1965 c. 56.

(2) In the said Part I as so applied—

- (a) “ the acquiring authority ” means the Minister ;
- (b) “ the special Act ” means section 39 of this Act ; and
- (c) for references to land subject to compulsory purchase there shall be substituted references to land which may be acquired by agreement under the said section 39.

(3) In relation to the acquisition of land by agreement under section 39, Part I of the said Act of 1965 shall be modified as follows :—

- (a) sections 4 to 8, 10, 27 and 31 shall not apply ;
- (b) section 30(3) shall not apply, but notices required to be served by the Minister under any provision of the said Act of 1965 as applied by this paragraph may, notwithstanding anything in section 30(1) of that Act, be served and addressed in the manner specified in section 30 of this Act.

O

SCH. 4

Scotland

1845 c. 19.

2.—(1) For the purpose of any acquisition by the Minister of land in Scotland, where the acquisition is by agreement, the Lands Clauses Acts, except the following enactments in the Lands Clauses Consolidation (Scotland) Act 1845, that is to say—

- sections 120 to 125,
- section 127, and
- sections 142 and 143,

are hereby incorporated with section 39 of this Act, subject to the following sub-paragraphs.

(2) In construing the Lands Clauses Acts as incorporated by this paragraph, section 39 of this Act shall be deemed to be the special Act, and references to the promoters of the undertaking shall be construed as references to the Minister.

(3) Notices required to be served by the Minister under any provision of the Lands Clauses Acts as incorporated by this paragraph may, notwithstanding anything in section 18 of the Lands Clauses Consolidation (Scotland) Act 1845, be served and addressed in the manner specified in section 30 of this Act.

Section 40.

SCHEDULE 5

COMPULSORY PURCHASE

PART I

PROCEDURE FOR MAKING COMPULSORY PURCHASE ORDERS

1. A compulsory purchase order shall describe by reference to a map the land to which it applies.

2.—(1) Before making a compulsory purchase order, the Minister shall—

- (a) publish in one or more newspapers circulating in the locality in which the land to which the order relates is situated a notice stating that a compulsory purchase order is proposed to be made; and
- (b) serve a copy of the notice in such manner as he thinks fit on every owner, lessee and occupier (except tenants for a month or less period than a month) of any land to which the order relates.

(2) Section 30 of this Act applies to the service of a notice under sub-paragraph (1)(b) above as it applies to the service of documents under Part II of this Act.

(3) A notice under sub-paragraph (1) above shall—

- (a) describe the land,
- (b) name the place where a copy of a draft of the compulsory purchase order and of the map referred to therein may be seen at all reasonable hours, and
- (c) specify the time (not less than twenty-eight days from the date of the publication of the notice) within which, and the manner in which, objections to the order may be made.

3.—(1) If no objection is duly made by any of the persons on whom notices are required to be served, or by any other person appearing to the Minister to be affected, or if all objections so made are withdrawn, the Minister may, if he thinks fit (but subject to sub-paragraph (3) below), make the order, either with or without modifications.

(2) In any other case the Minister shall, before making the order, cause a local inquiry to be held and shall consider any objections not withdrawn and the report of the person who held the inquiry, and may then, if he thinks fit (but subject to sub-paragraph (3) below), make the order, either with or without modifications.

(3) An order made by the Minister with modifications shall not, unless all persons interested consent, authorise him to purchase compulsorily any land which the order would not have authorised him so to purchase if it had been made without modifications.

4. Subject to paragraph 5 below, where objection to a compulsory purchase order is duly made by a person mentioned in paragraph 3(1) above and is not withdrawn before the order is made, the order shall be subject to special parliamentary procedure and the Statutory Orders (Special Procedure) Acts 1945 and 1965 shall have effect accordingly.

1945 c. 18
(9 & 10 Geo. 6.)
1965 c. 43.

5. If an objection appears to the Minister to relate exclusively to matters which can be dealt with by the tribunal by whom the compensation for the compulsory purchase would be assessed, the Minister may disregard the objection for the purposes of paragraph 3 above, and may (whether he disregards it for those purposes or not) direct that it shall be disregarded for the purposes of paragraph 4 above.

6. An inquiry in relation to a compulsory purchase order affecting land in Scotland, being an order which becomes subject to special parliamentary procedure, shall, if the Minister so directs, be held by Commissioners under the Private Legislation Procedure (Scotland) Act 1936; and, where any direction has been so given,—

1936 c. 52.

(a) it shall be deemed to have been given under section 2, as read with section 10, of the Statutory Orders (Special Procedure) Act 1945;

(b) the provisions of section 2(1) of that Act with regard to advertisement of notice shall be deemed to have been complied with.

PART II

VALIDITY AND OPERATION OF COMPULSORY PURCHASE ORDERS

7.—(1) So soon as may be after a compulsory purchase order has been made by the Minister, he shall—

(a) publish in one or more newspapers circulating in the locality in which the land to which the order relates is situated a notice stating that the order has been made and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours; and

SCH. 5

(b) serve a like notice on every person who made an objection to the order.

(2) Section 30 of this Act applies to the service of a notice under sub-paragraph (1)(b) above as it applies to the service of documents under Part II of this Act.

(3) Where the order is subject to special parliamentary procedure, the notice to be published and served by the Minister under sub-paragraph (1) above shall contain a statement that the order is to be laid before Parliament under the Statutory Orders (Special Procedure) Acts 1945 and 1965.

1945 c. 18
(9 & 10 Geo. 6).
1965 c. 43.

8.—(1) Except where the order is confirmed by Act, if a person aggrieved by the order desires to question its validity on the ground that it is not within the powers of this Act or that any requirement of this Act has not been complied with, he may—

(a) in the case of an order to which the Statutory Orders (Special Procedure) Acts 1945 and 1965 apply, within a period of six weeks after the date on which the order becomes operative under those Acts; and

(b) in any other case, within a period of six weeks after the first publication of the notice of the order,

make an application for that purpose to the court.

(2) Where any such application is duly made, the court—

(a) may by interim order suspend the operation of the compulsory purchase order, 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 upon the hearing of the application that the order is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by any requirement of this Act not having been complied with, may quash the order, either generally or in so far as it affects any property of the applicant.

(3) In this paragraph—

“confirmed by Act” means confirmed by Act of Parliament under section 6 of the Statutory Orders (Special Procedure) Act 1945 or (in relation to Scotland) that section and section 2(4) of the Act as read with section 10 thereof; and

“the court” means, in relation to England and Wales, the High Court and, in relation to Scotland, the Court of Session.

9. Subject to the foregoing provisions, the order shall not be questioned by prohibition or certiorari or in any legal proceedings whatsoever either before or after the order is made.

10. The order, except where the Statutory Orders (Special Procedure) Acts 1945 and 1965 apply to it, shall become operative at the expiration of six weeks from the date on which notice of it is first published in accordance with the provisions of this Part of this Schedule.

PART III

SCH. 5

PROCEDURE FOR ACQUISITION OF LAND BY COMPULSORY PURCHASE

England and Wales

11.—(1) For the purpose of any acquisition by the Minister of land in England or Wales, where the acquisition is by compulsory purchase, Part I of the Compulsory Purchase Act 1965 shall apply ^{1965 c. 56.} subject to and in accordance with the following provisions of this paragraph.

(2) In the said Part I as so applied—

(a) “the acquiring authority” means the Minister, and

(b) “the special Act” means section 39 of this Act and the compulsory purchase order under section 40.

(3) In relation to compulsory purchase under this Act, Part I of the said Act of 1965 shall be modified as follows:—

(a) section 8(1) (provisions as to divided land) shall not apply, but no person shall at any time be required to sell or convey a part only of a house, or other building or manufactory, if that person is willing and able to convey the whole;

(b) in section 11 (power of entry after notice to treat), subsection (1) shall not apply and subsection (2) shall apply with the omission of the word “also”;

(c) section 27 (liability of acquiring authority to make good deficiency in rates) shall not apply;

(d) in section 30 (method of serving notices), subsection (3) shall not apply, but notices required to be served by the Minister under any provision of the said Act of 1965 as applied by this paragraph may, notwithstanding anything in section 30(1) of that Act, be served and addressed in the manner specified in section 30 of this Act; and

(e) section 31 (ecclesiastical property) shall not apply.

(4) Where land compulsorily purchased is glebe land or other land belonging to an ecclesiastical benefice, sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for damage sustained by reason of severance or injury affecting the land shall not be paid as directed by the said Act of 1965 but shall be paid to the Church Commissioners to be applied by them as money paid to them upon a sale under the provisions of the Ecclesiastical Leasing Acts of land belonging to a benefice.

12. As regards land in England or Wales, a compulsory purchase order under this Act may provide that section 77 of the Railways ^{1845 c. 20.} Clauses Consolidation Act 1845, and sections 78 to 85 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923, ^{1923 c. 20.} shall be incorporated with section 39 of this Act, subject to such adaptations and modifications as may be specified in the order.

SCH. 5

Scotland

1845 c. 19.

13.—(1) For the purpose of any acquisition by the Minister of land in Scotland, where the acquisition is by compulsory purchase, the Lands Clauses Acts, except the following enactments in the Lands Clauses Consolidation (Scotland) Act 1845, that is to say—

- sections 120 to 125,
- section 127, and
- sections 142 and 143,

are hereby incorporated with section 39 of this Act, subject to the modifications and adaptations specified in the following two subparagraphs.

(2) In construing the Lands Clauses Acts as incorporated by this paragraph, section 39 of this Act and the compulsory purchase order under section 40 shall be deemed to be the special Act, and references to the promoters of the undertaking shall be construed as references to the Minister.

(3) Notices required to be served by the Minister under any provision of the Lands Clauses Acts as incorporated by this paragraph may, notwithstanding anything in section 18 of the Lands Clauses Consolidation (Scotland) Act 1845, be served and addressed in the manner specified in section 30 of this Act.

(4) For the purposes of section 116 of the Lands Clauses Consolidation (Scotland) Act 1845 (which provides that powers of compulsory purchase shall not be exercised after the expiration of the prescribed period) the prescribed period shall be three years from the coming into operation of the compulsory purchase order.

1845 c. 33.

1923 c. 20.

14. As regards land in Scotland, a compulsory purchase order under this Act may provide that section 70 of the Railways Clauses Consolidation (Scotland) Act 1845, and sections 71 to 78 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923, shall be incorporated with section 39 of this Act, subject to such adaptations and modifications as may be specified in the order.

Section 50.

SCHEDULE 6

TRANSITIONAL PROVISIONS

1.—(1) In so far as any appointment, order, regulation, byelaw, application, claim for compensation or reference made, or notice or directions given, or other thing done under an enactment repealed by this Act could have been made, given or done under a corresponding provision of this Act, it shall not be invalidated by the repeal but shall have effect as if made, given or done under that corresponding provision.

(2) Anything begun under an enactment repealed by this Act may be continued under this Act as if begun thereunder.

(3) Any reference in this Act to things done, suffered or occurring in the past shall, so far as the context requires for the purpose of continuity of operation between an enactment repealed by this Act and the corresponding enactment in this Act, be construed as including a reference to things done, suffered or occurring before the commencement of this Act.

(4) So much of any document as refers expressly or by implication to any enactment repealed by this Act shall, if and so far as the context permits, be construed as referring to this Act or the corresponding enactment therein.

(5) The generality of sub-paragraphs (1) to (4) above shall not be prejudiced by anything in the subsequent provisions of this Schedule.

2. For the purposes of section 16(4) of this Act, any such anniversary of an application as is there referred to shall, in the case of an application made before the commencement of this Act and having effect as if made under this Act, be taken as falling on the date on which it would have fallen if this Act had not been passed.

3. A notice given by the Commissioners under section 11(1) of the Forestry Act 1951 and having effect as if given under section 24 of this Act shall, in a case where the notice was by virtue of section 11(4) of that Act inoperative immediately before the commencement of this Act, remain inoperative under section 25(2) of this Act for as long as, and no longer than, it would have so remained but for the passing of this Act. 1951 c. 61.

4.—(1) References in this Act to land acquired by the Minister thereunder shall include references to land which, immediately before the commencement of this Act, was vested in that Minister having been acquired by him or any predecessor of his under section 4 of the Forestry Act 1945, or vested by that section in the appropriate Minister for the purposes of that Act, or transferred to the Minister by the operation of Article 9(1) of the Secretary of State for Wales and Minister of Land and Natural Resources Order 1965 (which Order transferred functions of the Minister of Agriculture, Fisheries and Food under the Forestry Acts 1919 to 1951 partly to the Minister of Land and Natural Resources and partly to the Secretary of State for Wales) or of Article 2 of the Ministry of Land and Natural Resources (Dissolution) Order 1967 (which dissolved the Ministry of Land and Natural Resources and transferred its principal functions under the said Acts to the Ministry of Agriculture, Fisheries and Food). 1945 c. 35. S.I. 1965/319. S.I. 1967/156.

(2) For the purposes of this Act, any land which was immediately before the commencement of this Act for the time being placed or deemed to have been placed at the disposal of the Commissioners under the Forestry Act 1945 shall be treated as continuing after that commencement to be so placed by virtue of section 39(1) of this Act, without prejudice to the power of the Minister to make any other disposition with regard to that land.

5. The references to the Forestry Commissioners in section 48 of the Settled Land Act 1925 (which contains regulations respecting forestry leases) and in the definition of "forestry lease" in section 117 of that Act shall be construed as references to the Minister, and the reference in the said definition to the Forestry Act 1919 shall be construed as a reference to this Act. 1925 c. 18. 1919 c. 58.

6. Any power under any enactment to amend or repeal an enactment repealed by this Act includes power to amend or repeal the corresponding provision of this Act.

Section 50.

SCHEDULE 7
REPEALS AND SAVINGS

PART I

REPEALS

Chapter	Short Title	Extent of Repeal
52 & 53 Vict. c. 30.	The Board of Agriculture Act 1889.	In section 2(2) and (3), the words "and forestry" and "or forestry", wherever occurring. In section 4, the words "or forestry".
3 Edw. 7. c. 31.	The Board of Agriculture and Fisheries Act 1903.	In section 1(3) the words "or forestry".
1 & 2 Geo. 5. c. 49.	The Small Landholders (Scotland) Act 1911.	In section 4(2), (3) and (4), the word "forestry", wherever occurring.
9 & 10 Geo. 5. c. 58.	The Forestry Act 1919.	The whole Act except so much of section 3(2) as transfers to the Commissioners the power of making orders under the Destructive Insects and Pests Acts 1877 to 1927.
13 & 14 Geo. 5. c. 21.	The Forestry (Transfer of Woods) Act 1923.	The whole Act.
17 Geo. 5. c. 6.	The Forestry Act 1927.	The whole Act.
1 & 2 Geo. 6. c. 13.	The Superannuation (Various Services) Act 1938.	The entries in all three columns of the Schedule relating to the Forestry (Transfer of Woods) Act 1923 and the Forestry Act 1945.
8 & 9 Geo. 6. c. 35.	The Forestry Act 1945.	The whole Act.
10 & 11 Geo. 6. c. 21.	The Forestry Act 1947.	The whole Act.
12 & 13 Geo. 6. c. 44.	The Superannuation Act 1949.	Section 52(1), so far as applying to the superannuation of Forestry Commissioners and officers employed by the Commissioners.
14 & 15 Geo. 6. c. 61.	The Forestry Act 1951.	The whole Act.
9 & 10 Eliz. 2. c. 55.	The Crown Estate Act 1961.	Section 8(1).
10 & 11 Eliz. 2. c. 38.	The Town and Country Planning Act 1962.	In section 29(8), paragraph (a).
1963 c. 23.	The Forestry (Sale of Land) (Scotland) Act 1963.	The whole Act.
1964 c. 83.	The New Forest Act 1964.	Section 13.

PART II

SCH. 7

SAVINGS

1. The repeal of section 2 of the Forestry (Transfer of Woods) Act 1923 c. 21. shall not affect any rights or liabilities of the Commissioners transferred to them under that section, in so far as any such rights and liabilities continued to subsist immediately before the commencement of this Act.

2. The repeal of section 4(5) of the Forestry Act 1945 shall not 1945 c. 35. be taken as affecting the Minister's obligation to hold land subject to any terms and conditions applicable by virtue of that subsection, so far as any obligation arising under that subsection continued to subsist immediately before the commencement of this Act; nor shall the said repeal alter the construction of any conveyance, lease or other instrument for whose construction the subsection had effect immediately before the said commencement.

3. The repeal of sections 1 to 4 of the Forestry Act 1947 shall 1947 c. 21. not affect the application of any of those sections, or any part of them, for the purposes of—

the National Parks and Access to the Countryside Act 1949, 1949 c. 97.

the Highways (Provision of Cattle Grids) Act 1950, or 1950 c. 24.

the Highways Act 1959. 1959 c. 25.

4. Notwithstanding the repeal of section 8(1) of the Crown Estate 1961 c. 55. Act 1961, the powers of the Minister over land transferred as mentioned in that subsection shall not be subject to any restrictions which may have applied to the land as being part of the Royal forests, parks and chases or any of them.



Export Guarantees Act 1967

1967 CHAPTER 11

An Act to raise the limits on the liabilities which may be undertaken by the Board of Trade in respect of guarantees under sections 1 and 2 of the Export Guarantees Act 1949 and certain other transactions under the Export Guarantees Acts 1949 to 1964.

[22nd March 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:—

Raising of
limits on
guarantees,
&c.
1949 c. 14.
1964 c. 6.

1.—(1) In subsection (4) of section 1 of the Export Guarantees Act 1949 (which, as amended by the Export Guarantees Act 1964, imposes a limit of one thousand five hundred million pounds in respect of guarantees given under that section and related transactions entered into under the Export Guarantees Acts 1949 to 1964 by the Board of Trade) for the words “one thousand five hundred million pounds”, there shall be substituted the words “two thousand four hundred million pounds”.

(2) In subsection (2) of section 2 of the said Act of 1949 (which, as amended by the Export Guarantees Act 1964, imposes a limit of one thousand three hundred million pounds in respect of guarantees given under that section and related transactions entered into under the Export Guarantees Acts 1949 to 1964 by the Board of Trade) for the words “one thousand three hundred million pounds”, there shall be substituted the words “one thousand five hundred million pounds”.

2.—(1) This Act may be cited as the Export Guarantees Act Short title, 1967, and this Act and the Export Guarantees Acts 1949 to 1964 citation and may be cited together as the Export Guarantees Acts 1949 to 1967. ^{repeal.}

(2) Section 1 of the Export Guarantees Act 1964 is hereby 1964 c. 6. repealed.



Teachers' Superannuation Act 1967

1967 CHAPTER 12

An Act to consolidate the enactments relating to the superannuation of teachers and certain other persons employed in connection with the provision of educational services. [22nd March 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

PERSONAL SUPERANNUATION BENEFITS

1.—(1) There shall be payable by the Secretary of State to or in respect of teachers such superannuation benefits as may, in accordance with this Part of this Act, be provided for by regulations made by him with the consent of the Treasury. Superannuation benefits for teachers.

(2) Regulations so made shall make provision for determining the service which is to be reckonable service for the purpose of qualifying teachers for superannuation benefits under the regulations or for other purposes of this Part of this Act, and the period of reckonable service which must be completed and any other requirements which must be fulfilled to entitle a teacher or his personal representatives to superannuation benefits.

(3) Subject to subsection (2) above, the regulations made for the purposes of this section shall provide—

(a) for the payment of allowances in accordance with section 2 below to retired teachers who have attained such age as may be prescribed for this purpose; and

PART I

- (b) for the payment of allowances in accordance with that section to retired teachers who, before attaining such age as may be prescribed for this purpose, have become, in the opinion of the Secretary of State, incapacitated ; and
- (c) for the payment of gratuities to retired teachers who, before attaining the age of seventy, have become, in the opinion of the Secretary of State, incapacitated, and are not entitled to the allowances above referred to ; and
- (d) for the payment of gratuities to the personal representatives of teachers who die while still employed in reckonable service.

(4) The inclusion in the following provisions of this Act of any specific power to make regulations shall not be taken as prejudicing the generality of the power to make regulations under this section.

(5) For the purposes of this Part of this Act—

“retired teacher” means a teacher who has ceased to be employed in reckonable service ; and

“incapacitated” means permanently incapable through infirmity of mind or body of serving efficiently as a teacher in reckonable service.

Annual and additional allowances.

2.—(1) The allowances payable to retired teachers in accordance with regulations made by virtue of section 1(3)(a) and (b) above shall consist of an annual allowance for life and an additional allowance by way of lump sum payment, both allowances being calculated by reference to the period of the teacher's reckonable service and to his average salary.

(2) The rate of the annual allowance shall not exceed an amount equal to one-eightieth of the average salary multiplied by the number of years (subject to the maximum specified in subsection (4) below) of the reckonable service.

(3) The amount of the additional allowance shall not exceed an amount equal to the appropriate fraction of the average salary multiplied by the number of years (subject to the maximum specified in subsection (4) below) of the reckonable service, and the appropriate fraction is three-eightieths for service after the beginning of October 1956 and one-thirtieth for service before then.

(4) Subject to subsection (5) below, for the purpose of calculating the amount of the annual allowance and of the additional allowance, no account shall be taken—

- (a) of any reckonable service beyond a total of forty-five years ; or

(b) of reckonable service before attaining the age of sixty years beyond a total of forty years.

(5) For the purpose of calculating additional allowances in the case of teachers whose reckonable service includes service before the beginning of October 1956—

(a) any service to be disregarded by virtue of subsection (4)(a) above shall be taken from the beginning of the period of the reckonable service; and

(b) subsection (4)(b) above shall not apply, but the amount of the additional allowance so far as attributable to service before attaining the age of sixty shall not exceed one-and-a-half times the average salary.

(6) Where a teacher becomes entitled to the allowances as having become incapacitated, and does so before attaining the age of sixty-five and without having completed twenty years of reckonable service, the allowances shall be calculated as if the teacher had completed such period of reckonable service not exceeding twenty years as may be prescribed, and (in order to determine the appropriate fraction for calculating the additional allowance) as if the additional period of reckonable service had been a continuous period immediately preceding the actual commencement of the reckonable service.

3.—(1) The superannuation benefits payable by the Secretary of State under this Part of this Act shall be paid out of moneys provided by Parliament; but for the purpose of defraying the cost of those benefits contributions shall be paid to the Secretary of State by teachers and their employers in accordance with the following provisions of this section and shall be paid by him into the Exchequer. Financing of benefits.

(2) Contributions under this section shall be payable only in respect of teachers to whom regulations for the time being apply.

(3) Subject to the provisions of this Part of this Act, the contributions payable in respect of a teacher by the teacher shall be of an amount equal to six per cent. of his salary for the time being; but regulations shall—

(a) provide that, in such cases and on such conditions as may be prescribed, contributions paid by a teacher shall be repaid to him or to his personal representatives if he has ceased to be employed in reckonable service without any allowance or gratuity becoming payable to or in respect of him under this Part of this Act; and

(b) provide for determining the method by which the amount to be repaid in respect of those contributions and of interest thereon is to be ascertained.

PART I

(4) Subject to the provisions of this Part of this Act, the contributions payable in respect of a teacher by his employer shall be of an amount equal to six per cent. of the teacher's salary for the time being, together with any supplementary contributions required as mentioned in section 5(3) below and calculated by reference to the teacher's salary for the time being.

(5) For the purposes of this section, the local education authority shall be deemed to be the employer of any teacher employed in or in connection with a school maintained by the authority.

Calculation
of salary and
average salary.

4.—(1) For the purposes of this Part of this Act, the salary of a teacher shall be taken, subject to subsection (2) below, to be the sums from time to time paid or payable to him in respect of his employment in reckonable service, excluding, unless the Secretary of State otherwise directs, any fees or other emoluments; and provision shall be made by regulations for determining, for the purposes of this subsection and of regulations under this Act, what part of any sums paid to teachers in respect of their employment in reckonable service is to be treated as emoluments.

(2) Where a teacher is by reason of sickness receiving less than his full salary, then, for the purpose of calculating the amounts payable by way of contributions in respect of him under section 3 above, the amount which he is so receiving shall be deemed to be his salary.

(3) Subject to the following provisions of this section, the average salary of a teacher for the purposes of regulations under this Act shall be taken to be the average amount of his full salary calculated under subsection (1) above, in respect of his employment in reckonable service during the three years of such service (whether continuous or not) next preceding the commencement of any annual allowance, or the grant of any additional allowance or gratuity, payable under this Part of this Act.

(4) If a teacher has not been employed in reckonable service for three years or more, his average salary shall be calculated by reference to the period during which he has been so employed, and regulations may provide that, in the case of a teacher who has completed forty-five years service of a prescribed description, his average salary shall be calculated by reference to a period determined under the regulations instead of the period appropriate under subsection (3) above.

(5) If, in the opinion of the Secretary of State, the salary of a teacher has been unreasonably increased in respect of his employment during any period to be taken into account in

calculating his average salary, the salary on which his average salary is to be computed shall be deemed to be such amount as the Secretary of State considers to be proper.

PART I

(6) Regulations may make provision enabling a teacher who is for the time being in receipt of a smaller salary than that in respect of which he has previously paid contributions to elect to be treated, for the purposes of any obligation to pay contributions and any entitlement to superannuation benefits, as if he were in receipt of a larger salary than his salary for the time being.

5.—(1) An account shall be kept of the revenue and expenditure under this Part of this Act as provided by Part I of Schedule 1 to this Act. Accounts and actuarial inquiries.

(2) The Treasury shall cause an actuarial inquiry and report thereon to be made every five years, as provided by Part II of Schedule 1 to this Act, for the purpose of determining—

- (a) whether, on the basis of the teachers' superannuation account, the contributions payable under section 3 above are sufficient, more than sufficient, or less than sufficient to support the expenditure required to be included in that account so far as attributable to service after the beginning of June 1922 ; and
- (b) if those contributions are found, as provided by Part II of Schedule 1 to this Act, to be not sufficient, what supplementary contributions are required from employers to make good the deficiency as so provided.

(3) Where a report requires supplementary contributions to be paid by employers, they shall be required in respect of any period after the expiry of the accounting period in which the report is made and before the expiry of the accounting period in which the next subsequent report is made in pursuance of this section.

(4) The Treasury shall cause to be laid before each House of Parliament the report made on each actuarial inquiry held in pursuance of this section.

6. Regulations may make any of the provisions specified in Schedule 2 to this Act, which relate to the liability for contributions and to reducing, suspending, withholding or ending benefits under this Part of this Act in certain cases. Provisions relating to contributions and benefits.

PART II

PENSIONS FOR WIDOWS AND OTHER DEPENDANTS

Pensions for widows, widowers, children and dependants.

7.—(1) The Secretary of State may, with the consent of the Treasury, make provision by regulations for the payment of pensions of such amounts, in such cases and subject to such conditions as may be prescribed, to or in respect of the widows or widowers and the children or other dependants of teachers who die on or after the 22nd December 1965.

(2) Regulations under this section shall provide for the establishment of a fund—

(a) out of which shall be paid the pensions referred to in subsection (1) above; and

(b) into which shall be paid all contributions received by the Secretary of State as mentioned in section 8 below;

and the regulations may confer on the Government Actuary or on the Deputy Government Actuary such functions as may be prescribed in relation to the valuation of the assets and liabilities of the fund.

(3) Regulations under this section—

(a) shall provide for the establishment of a board of management to undertake the management of the fund and to exercise such other powers and functions in relation to the pensions referred to in subsection (1) above as may be determined in accordance with the regulations; and

(b) shall provide for the payment of the administrative expenses of the board of management by the Secretary of State and the payment by him, to the members of the board, of such travelling, subsistence and other allowances as he may, with the consent of the Treasury determine.

(4) Expenses incurred by the Secretary of State in making any such payments as are referred to in subsection (3)(b) above shall be paid out of moneys provided by Parliament.

Contributions to finance pensions for widows and other dependants.

8.—(1) Regulations made under section 7 above shall require the payment to the Secretary of State, in such cases as may be prescribed,—

(a) of contributions by teachers of such amounts as may be determined in accordance with the regulations;

(b) of a single contribution, by or in respect of a teacher, of such amount as may be so determined.

(2) Except where the regulations otherwise provide, they shall require any such payment as is referred to in subsection (1)(b) above to be made by the surrender of the whole or a proportion of any additional allowance or gratuity payable under Part I of this Act to or in respect of the teacher in question, or of any sum payable to or in respect of him by way of return of personal superannuation contributions.

(3) The regulations may confer on the Government Actuary or on the Deputy Government Actuary such functions as may be prescribed in relation to the determination of the amount of any contributions payable by a teacher as mentioned in subsection (1) above.

(4) Regulations under section 7 above shall provide that, in such cases and on such conditions as may be prescribed, contributions paid by a teacher as mentioned in subsection (1)(a) above shall be repaid to him or his personal representatives, and shall also provide for determining the method by which the amount to be repaid in respect of those contributions and of interest thereon is to be ascertained.

(5) Any amounts required to be repaid as mentioned in subsection (4) above shall be repaid out of the fund referred to in section 7 above.

9.—(1) Where, in such cases as may be prescribed, a person becomes employed in reckonable service after having been engaged in employment in relation to which provision is made for payments to be made to or for the benefit of the dependants of persons engaged in that employment, provision may be made by regulations under section 7 above for the payment into the fund referred to in that section of a payment in respect of some or all of his previous employment.

Preservation of benefits on transfer of employment.

(2) Where, in such cases as may be prescribed, a teacher ceases to be employed in reckonable service and takes up other employment in relation to which provision is made for such payments as are mentioned in subsection (1) above, then, for the purpose of enabling some or all of the teacher's employment in reckonable service to be taken into account in determining the amount of any such payment which may become payable to or in respect of his dependants, provision may be made by regulations under section 7 above for the payment, out of the fund referred to in that section, of such sum as may be determined in accordance with the regulations.

PART III

MISCELLANEOUS AND GENERAL

Application of Act to teachers and others not engaged in reckonable service.

10.—(1) Regulations under this section may provide that such provisions of sections 3 to 5 of and Schedule 1 to this Act and of regulations made under this Act as may be prescribed shall apply in relation to such teachers or other persons to whom this section applies as may be prescribed.

(2) Any application, by virtue of subsection (1) above, of any provision of this Act or of regulations made thereunder may be made subject to any modifications or exceptions specified in the regulations.

(3) This section applies to teachers who are not for the time being engaged in reckonable service but who are employed in the capacity of teachers or in some other capacity connected with education which to a substantial extent involves the control or supervision of teachers,—

1944 c. 31.

(a) in independent schools, within the meaning of the Education Act 1944; or

(b) in the employment of a government department, in an institution provided by a government department, or in the naval, military or air forces of the Crown or any of the women's services mentioned in Schedule 4 to the Superannuation Act 1965; or

1965 c. 74.

(c) in the employment of such person or body of persons, or in such institution, as may be prescribed for the purposes of this section.

(4) This section applies to persons who are not teachers but who are engaged in employment which involves the performance of duties in connection with the provision of education or of services ancillary to education.

Application of Act to part-time teachers and teachers whose reckonable service is temporarily discontinued.

11.—(1) In their application to teachers who are not full time teachers, the provisions of sections 3 to 5 of and Schedule 1 to this Act and of regulations made under this Act shall have effect subject to such modifications and exceptions as may be specified in regulations.

(2) Provision may be made by regulations enabling a teacher whose employment in reckonable service is discontinued for a period, not exceeding such maximum period as may be determined in accordance with the regulations to be appropriate in his case, to pay contributions in respect of that period of such amounts as may be so determined; and the regulations may provide that any period during which such contributions are paid shall be treated as a period of reckonable service for the

purposes of such provisions of sections 3 to 5 of and Schedule 1 to this Act and of regulations made under this Act as may be prescribed.

PART III

12.—(1) Regulations may provide that, in such cases as may be prescribed, sums payable by teachers in respect of contributions shall be deducted from their salaries by their employers or, in the case of teachers whose remuneration is payable by persons other than their employers, by those persons. Collection of contributions.

(2) Regulations may make provision for the collection of sums deducted as mentioned in subsection (1) above and of employers' contributions by deduction from grants payable out of moneys provided by Parliament.

13.—(1) Regulations may authorise the payment, without probate or other proof of title, of any sum due under this Act in respect of a teacher or any other person who has died, to his personal representatives or such other persons as may be prescribed. Payment of benefits on death and protection of benefits from creditors.

(2) Provision may be made by regulations rendering void any assignment of or charge on, or any agreement to assign or charge, any allowance, gratuity, pension or other benefit under this Act, and the regulations may provide that, on the bankruptcy of a person entitled to such an allowance, gratuity, pension or other benefit, no part of the allowance, gratuity, pension or benefit shall pass to any trustee or other person acting on behalf of the creditors except in accordance with an order made by a court in pursuance of any enactment specified in the regulations.

14.—(1) Any person who, by means of any false representation, statement or document which he knows to be false, or by personation or other fraudulent means, obtains or attempts to obtain, for himself or any other person,— Offences relating to obtaining superannuation benefits, etc.

(a) any benefit or payment to which this section applies, or

(b) any increase in, or any sum in respect of, a benefit or payment to which this section applies,

shall be liable on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or both, and on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £100 or both.

(2) In subsection (1) above,—

(a) any reference to a benefit to which this section applies is a reference to any allowance, gratuity or pension payable under any provision of this Act, and

(b) any reference to a payment to which this section applies is a reference to the payment of any sum by way of return of contributions.

**PART III
Regulations.**

15.—(1) Except where the context otherwise requires, any reference in the preceding provisions of this Act to regulations is a reference to regulations made by the Secretary of State with the consent of the Treasury.

(2) Regulations so made may provide for the reference to the Secretary of State of questions arising under any regulations made by him under this Act and may provide that his decision on any question so referred shall be final.

(3) Regulations made by the Secretary of State under any provision of this Act may contain such incidental, supplementary and consequential provisions as appear to the Secretary of State to be necessary or expedient, including provision requiring the giving of information and the production of documents.

(4) Before making regulations under any provision of this Act, the Secretary of State shall consult with representatives of local education authorities and of teachers appearing to him to be likely to be affected by the proposed regulations.

(5) Regulations made by the Secretary of State under any provision of this Act shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation.

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

1965 c. 83.

“the appointed day” means the day appointed for the purposes of section 2 of the Teachers' Superannuation Act 1965 by regulations under section 1 of that Act ;

“contributions” means contributions payable under section 3 of this Act (including any supplementary contributions so payable) or under regulations made under any provision of this Act ;

“personal superannuation contributions” means all contributions other than those which, by virtue of regulations under Part II or Part III of this Act, are required to be paid into the fund established as mentioned in section 7 of this Act ;

“prescribed” means prescribed by regulations made by the Secretary of State with the consent of the Treasury ;

“reckonable service” means service which, in accordance with regulations made by virtue of section 1(2) of this Act, is to be reckonable service for the purposes mentioned in that section ; and

“the teachers' superannuation account” means the account required to be kept under section 5(1) of this Act.

(2) Except in so far as the context otherwise requires, any reference in this Act to any other enactment shall be taken as referring to that enactment as amended by or under any other enactment, including this Act.

17.—(1) The transitory provisions and savings in Schedule 3 to this Act shall have effect.

Savings, transitory provisions and repeals.

(2) Subject to Schedule 3 to this Act, the enactments specified in Schedule 4 to this Act are repealed to the extent specified in column 3 of that Schedule.

18.—(1) This Act may be cited as the Teachers' Superannuation Act 1967.

Short title, commencement and extent.

(2) This section and paragraph 7 of Schedule 3 to this Act shall come into force on the passing of this Act, but subject thereto, this Act shall come into force on the day appointed for the purposes of section 2 of the Teachers' Superannuation Act 1965 by regulations made under section 1 of that Act.

1965 c. 83.

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

SCHEDULES

Section 5.

SCHEDULE 1

ACCOUNTS AND ACTUARIAL INQUIRIES

PART I

TEACHERS' SUPERANNUATION ACCOUNT

1. The accounting period for which the teachers' superannuation account is to be made up shall be the period of twelve months beginning on 1st April in each year.

2. The teachers' superannuation account shall be kept in such form and prepared in such manner as the Treasury may by regulations made by statutory instrument provide.

3.—(1) There shall be treated as having been paid into the revenue of the teachers' superannuation account for each accounting period—

- (a) by teachers the amount of personal superannuation contributions paid by them which are attributable to the period ;
- (b) by the employers of teachers, the amount of personal superannuation contributions (including supplementary contributions) paid by them which are attributable to the period ;
- (c) out of moneys provided by Parliament a sum equal to the expenditure during the period upon allowances and gratuities attributable to service before the beginning of June 1922 ;
- (d) a sum representing interest at the rate of three and a half per cent. per annum on the mean balance, if any, of revenue over expenditure during the period ;
- (e) the amount of any balance of revenue over expenditure remaining at the end of the last preceding accounting period ; and
- (f) any other revenue attributable to the period.

(2) In relation to teachers employed in or in connection with a school maintained by a local authority, references in sub-paragraph (1)(b) above to their employers are references to the local authority in question.

4. In respect of any accounting period the mean balance referred to in paragraph 3(1)(d) above is the aggregate of—

- (a) one half of the balance of revenue over expenditure remaining at the end of the period, and
- (b) one half of the balance referred to in paragraph 3(1)(e) above.

5. Expenditure upon allowances and gratuities attributable to service before the beginning of June 1922 shall be shown separately from expenditure, attributable to service after the beginning of June 1922, on allowances, gratuities and the return of contributions.

PART II

SCH. 1

ACTUARIAL INQUIRIES

6. Every such actuarial inquiry as is referred to in section 5 of this Act and the report upon each inquiry, shall be made by the Government Actuary or the Deputy Government Actuary.

7. The first such inquiry after the commencement of this Act shall be made at the end of the accounting period ending 31st March 1971 and subsequent inquiries shall be held at the end of every fifth subsequent accounting period of the teachers' superannuation account.

8.—(1) An inquiry made in pursuance of section 5 of this Act shall determine whether the value, at the end of the period for which the inquiry is made, of the expenditure (attributable to service after the beginning of June 1922) required to be included in the teachers' superannuation account after the end of that period in respect of teachers who then were employed in reckonable service or had previously been employed in recognised or contributory service or reckonable service exceeds the aggregate of—

- (a) the value at the end of that period of the personal superannuation contributions payable after the end of that period in respect of such teachers and of the sums falling to be credited to the teachers' superannuation account after the end of that period in accordance with paragraphs (d) and (f) of paragraph 3(1) above; and
- (b) the balance of revenue over expenditure remaining in the teachers' superannuation account at the end of that period.

(2) In this paragraph "recognised or contributory service" means service before the appointed day which was recognised service or contributory service, within the meaning of Part II of the Teachers 1925 c. 59. (Superannuation) Act 1925.

9. Where an actuarial inquiry reveals such a deficiency as is mentioned in paragraph 8 above, the report of the inquiry shall specify the rate per cent. (being a rate of one-quarter of one per cent. or a multiple of one-quarter of one per cent.) at which supplementary contributions are required in respect of the salaries of teachers to whom regulations under section 3(2) of this Act apply in order to make good the deficiency by the expiry of a period of forty years beginning with the accounting period next after that in which the report is made.

SCHEDULE 2

Section 6.

PROVISIONS RELATING TO CONTRIBUTIONS AND BENEFITS

Provisions affecting liability for contributions

1. Provision for securing that no contributions are payable in respect of a teacher for any period after he has completed forty-five years' service of a prescribed description.

SCH. 2

2.—(1) Provision for securing that, notwithstanding anything in any enactment, where (apart from any provision made under this paragraph) any person would be liable to pay personal superannuation contributions and would also be subject to a superannuation scheme to which this provision applies, then, according to the provisions of the regulations applicable to him,—

- (a) he shall not be liable to pay any personal superannuation contributions or entitled to receive any benefit under this Act, or
- (b) he shall not be subject to that scheme, or
- (c) he shall be entitled to elect, in accordance with the regulations, whether he will be subject to the scheme or will be liable to pay personal superannuation contributions and entitled to receive benefits under this Act.

(2) Any reference in this provision to a superannuation scheme to which the provision applies is a reference—

- (a) to any superannuation scheme (including a scheme established by or under any enactment or under a provisional order confirmed by Parliament) other than the scheme established by this Act and by regulations thereunder, being a scheme which provides for the payment of contributions by a local authority or the persons responsible for the management of any educational establishment and for the payment, in respect of service rendered to the authority or to those persons, of benefits on disablement, retirement, attainment of any specified age or death, and
- (b) to any system of superannuation (not being a system established by or under any enactment or under any provisional order confirmed by Parliament) operated jointly by a number of educational establishments for the purpose of providing any such benefits in respect of the service of persons employed by them.

Provisions reducing or suspending benefits etc.

3. Provision for reducing the amount of any allowance or gratuity payable under Part I of this Act to or in respect of a teacher in such cases as may be prescribed where a period of reckonable service counts towards a superannuation benefit payable otherwise than under this Act as well as an allowance or gratuity payable under Part I of this Act.

4. Provision for reducing or suspending allowances payable to or in respect of teachers who take up employment after retirement.

5. Provision for suspending or ending allowances payable to teachers who have ceased to be employed in reckonable service by reason of infirmity, if they recover from their infirmity.

6. Provision for withholding, or reducing the amount of, any allowance or gratuity payable to or in respect of a teacher who has been dismissed or has otherwise ceased to serve as a teacher in con-

sequence of grave misconduct or has been guilty of such misconduct SCH. 2 as may be determined in accordance with the regulations to have accelerated his death or retirement and, in such cases as may be so determined, for granting any allowance or gratuity which has been so withheld or paying in full the amount of any allowance or gratuity which has been so reduced.

SCHEDULE 3

Section 17.

SAVINGS AND TRANSITORY PROVISIONS

General

1. Subject to the following provisions of this Schedule, in so far as any contribution paid, direction given, or other thing done, under or by virtue of any enactment repealed by this Act, could have been paid, given or done under or by virtue of a corresponding provision of this Act, it shall have effect as if paid, given or done under or by virtue of that corresponding provision.
2. Subject to the following provisions of this Schedule, any reference in any document to an enactment repealed by this Act shall be construed as referring, or as including a reference, to the corresponding provision of this Act, in so far as may be necessary to prevent this Act altering the substantial effect of the document.
3. Any power under any enactment to amend or repeal an enactment repealed by this Act includes power to amend or repeal the corresponding provision of this Act.
4. The inclusion in this Schedule of any express saving or other provision shall not be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals). 1889 c. 63.

Regulations

- 5.—(1) Without prejudice to the generality of paragraph 1 above, regulations made under section 1 of the Teachers' Superannuation 1965 c. 83. Act 1965 shall be deemed to be regulations made under this Act.
- (2) Any such regulations made by virtue of section 3 of the Teachers' Superannuation Act 1965 and in force immediately before the appointed day shall have effect as if made under Part II of this Act.
6. Without prejudice to section 15(3) of this Act, regulations made under Part II of this Act may include such transitional provisions as appear to the Secretary of State to be necessary or expedient to deal with the case of teachers who die on or after 22nd December 1965 but before the coming into force of the regulations.
7. In its operation, in relation to regulations made under section 1 of the Teachers' Superannuation Act 1965 after the passing of this Act and before the appointed day (but coming into force on or after the appointed day), Schedule 1 to that Act shall have effect as if—
 - (a) for the reference in paragraph 2 to any provision of the Teachers (Superannuation) Acts 1918 to 1956 which remains

SCH. 3

unrepealed after the appointed day there were substituted a reference to any provision of sections 3 to 5 of, and Schedule 1 to, this Act ; and

1925 c. 59.
1956 c. 53.

- (b) for any reference in paragraph 7, paragraph 8 or paragraph 12 to provisions of the Teachers (Superannuation) Act 1925 and the Teachers (Superannuation) Act 1956 which remain unrepealed after the appointed day, there were substituted a reference to provisions of sections 3 to 5 of, and Schedule 1 to, this Act.

8. Regulations made by the Secretary of State with the consent of the Treasury may make provision extending, in any case specified in the regulations,—

- (a) any reference in any enactment to recognised service or contributory service so as to include a reference to reckonable service ; and
- (b) any reference in any enactment to benefits of any description, or to sums paid or payable, under the Teachers (Superannuation) Acts 1918 to 1956, or any of those Acts, so as to include a reference to benefits of a prescribed description, or, as the case may be, to sums paid or payable under regulations made under this Act.

Existing allowances and gratuities

9. Any reference in subsection (1) of section 14 of this Act to a benefit to which that section applies includes a reference to an allowance, gratuity or pension payable under or by virtue of any provision of the Teachers (Superannuation) Acts 1918 to 1956 which was repealed by the Teachers' Superannuation Act 1965.

1965 c. 83.

10. The reference in section 8(2) of this Act to an additional allowance or gratuity payable under Part I of this Act includes a reference to an additional allowance or gratuity payable under the Teachers (Superannuation) Acts 1918 to 1956 or under any scheme made under section 21 of the Teachers (Superannuation) Act 1925.

Contributions and accounts

11. In relation to any time before the appointed day, any reference in this Act to contributions includes a reference to contributions under any provision of the Teachers (Superannuation) Acts 1918 to 1956, and "personal superannuation contributions" shall be construed accordingly.

12. In relation to any accounting period which begins before and ends on or after the appointed day, the revenue and expenditure to which, in accordance with section 5(1) of this Act, the teachers' superannuation account relates shall include revenue and expenditure under the Teachers (Superannuation) Acts 1918 to 1956 and the Teachers' Superannuation Act 1965 and any other amounts which, if section 15 of the Teachers (Superannuation) Act 1925 had not been repealed, would have been required to be included in the account kept for that period under that section.

Savings

SCH. 3

13.—(1) Nothing in this Act or in regulations thereunder shall affect the operation of any enactment repealed by this Act in relation to—

- (a) any annual allowance which began to accrue before the appointed day under the Teachers (Superannuation) Acts 1918 to 1956 ;
- (b) any additional allowance or gratuity which became payable under those Acts before the appointed day ; or
- (c) any liability to pay contributions in respect of the person to or in respect of whom any such allowance or gratuity was granted.

(2) Without prejudice to the generality of sub-paragraph (1) above, nothing in this Act or in regulations made thereunder shall affect the operation of section 2(2) of the Teachers' Superannuation Act 1965 c. 83. 1965 (which, in relation to existing allowances, etc., preserves the former effect of certain enactments and other provisions amended, repealed or revoked by that Act).

14. The repeal by this Act of section 7(2) of the Teachers' Superannuation Act 1965 shall not affect the construction of any reference to " recognised service " or " contributory service " in any enactment in force immediately after the appointed day.

Section 17.

SCHEDULE 4
ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 5. c. 59.	The Teachers (Superannuation) Act 1925.	The title. Section 9. In section 10, subsections (1) and (2). Section 15. Section 22. In section 23, subsections (1) and (4). Schedule 2.
8 & 9 Geo. 6. c. 14.	The Teachers (Superannuation) Act 1945.	The title. In section 11, subsection (6). In section 14, subsections (1) and (4). Schedule 2, so far as it amends sections 9 and 10 of the Teachers (Superannuation) Act 1925.
4 & 5 Eliz. 2. c. 53.	The Teachers (Superannuation) Act 1956.	The title. Section 1. In section 2, subsections (1) and (2). In section 3, subsections (1) to (3). Section 4. Section 26. Part III. Schedule 1, so far as not repealed by the Teachers' Superannuation Act 1965.
1965 c. 83.	The Teachers' Superannuation Act 1965.	The whole Act.



Parliamentary Commissioner Act 1967

1967 CHAPTER 13

An Act to make provision for the appointment and functions of a Parliamentary Commissioner for the investigation of administrative action taken on behalf of the Crown, and for purposes connected therewith.

[22nd March 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:—

The Parliamentary Commissioner for Administration

1.—(1) For the purpose of conducting investigations in accordance with the following provisions of this Act there shall be appointed a Commissioner, to be known as the Parliamentary Commissioner for Administration. Appointment and tenure of office.

(2) Her Majesty may by Letters Patent from time to time appoint a person to be the Commissioner, and any person so appointed shall (subject to subsection (3) of this section) hold office during good behaviour.

(3) A person appointed to be the Commissioner may be relieved of office by Her Majesty at his own request, or may be removed from office by Her Majesty in consequence of Addresses from both Houses of Parliament, and shall in any case vacate office on completing the year of service in which he attains the age of sixty-five years.

(4) The Commissioner shall not be a member of the House of Commons, or of the Senate or House of Commons of Northern Ireland, and accordingly—

(a) in Part III of Schedule 1 to the House of Commons Disqualification Act 1957 there shall be inserted, at

the appropriate point in alphabetical order, the entry "The Parliamentary Commissioner for Administration"; and

- (b) the like amendment shall be made in the Part substituted for the said Part III by Schedule 3 to that Act in its application to the Senate and House of Commons of Northern Ireland.

(5) The Commissioner shall, by virtue of his office, be a member of the Council on Tribunals, and of the Scottish Committee of that Council, in addition to the persons appointed or designated as such under the Tribunals and Inquiries Act 1958.

1958 c. 66.

Salary and pension.

2.—(1) There shall be paid to the holder of the office of Commissioner a salary at the rate (subject to subsection (2) of this section) of £8,600 a year.

(2) The House of Commons may from time to time by resolution increase the rate of the salary payable under this section, and any such resolution may take effect from the date on which it is passed or such other date as may be specified therein.

(3) The provisions of Schedule 1 to this Act shall have effect with respect to the pensions and other benefits to be paid to or in respect of persons who have held office as Commissioner.

(4) The salary payable to a holder of the office of Commissioner shall be abated by the amount of any pension payable to him in respect of any public office in the United Kingdom or elsewhere to which he had previously been appointed or elected; but any such abatement shall be disregarded in computing that salary for the purposes of the said Schedule 1.

(5) Any salary, pension or other benefit payable by virtue of this section shall be charged on and issued out of the Consolidated Fund.

Administrative provisions.

3.—(1) The Commissioner may appoint such officers as he may determine with the approval of the Treasury as to numbers and conditions of service.

(2) Any function of the Commissioner under this Act may be performed by any officer of the Commissioner authorised for that purpose by the Commissioner.

(3) The expenses of the Commissioner under this Act, to such amount as may be sanctioned by the Treasury, shall be defrayed out of moneys provided by Parliament.

Investigation by the Commissioner

4.—(1) Subject to the provisions of this section and to the notes contained in Schedule 2 to this Act, this Act applies to the government departments and other authorities listed in that Schedule.

Departments
and
authorities
subject to
investigation.

(2) Her Majesty may by Order in Council amend the said Schedule 2 by the alteration of any entry or note, the removal of any entry or note or the insertion of any additional entry or note; but nothing in this subsection authorises the inclusion in that Schedule of any body or authority not being a department or other body or authority whose functions are exercised on behalf of the Crown.

(3) Any statutory instrument made by virtue of subsection (2) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Any reference in this Act to a government department or other authority to which this Act applies includes a reference to the Ministers, members or officers of that department or authority.

5.—(1) Subject to the provisions of this section, the Commissioner may investigate any action taken by or on behalf of a government department or other authority to which this Act applies, being action taken in the exercise of administrative functions of that department or authority, in any case where—

Matters
subject to
investigation.

(a) a written complaint is duly made to a member of the House of Commons by a member of the public who claims to have sustained injustice in consequence of maladministration in connection with the action so taken; and

(b) the complaint is referred to the Commissioner, with the consent of the person who made it, by a member of that House with a request to conduct an investigation thereon.

(2) Except as hereinafter provided, the Commissioner shall not conduct an investigation under this Act in respect of any of the following matters, that is to say—

(a) any action in respect of which the person aggrieved has or had a right of appeal, reference or review to or before a tribunal constituted by or under any enactment or by virtue of Her Majesty's prerogative;

(b) any action in respect of which the person aggrieved has or had a remedy by way of proceedings in any court of law:

Provided that the Commissioner may conduct an investigation notwithstanding that the person aggrieved has or had such a right or remedy if satisfied that in the particular circumstances it is not reasonable to expect him to resort or have resorted to it.

(3) Without prejudice to subsection (2) of this section, the Commissioner shall not conduct an investigation under this Act in respect of any such action or matter as is described in Schedule 3 to this Act.

(4) Her Majesty may by Order in Council amend the said Schedule 3 so as to exclude from the provisions of that Schedule such actions or matters as may be described in the Order; and any statutory instrument made by virtue of this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) In determining whether to initiate, continue or discontinue an investigation under this Act, the Commissioner shall, subject to the foregoing provisions of this section, act in accordance with his own discretion; and any question whether a complaint is duly made under this Act shall be determined by the Commissioner.

Provisions
relating to
complaints.

6.—(1) A complaint under this Act may be made by any individual, or by any body of persons whether incorporated or not, not being—

- (a) a local authority or other authority or body constituted for purposes of the public service or of local government or for the purposes of carrying on under national ownership any industry or undertaking or part of an industry or undertaking;
- (b) any other authority or body whose members are appointed by Her Majesty or any Minister of the Crown or government department, or whose revenues consist wholly or mainly of moneys provided by Parliament.

(2) Where the person by whom a complaint might have been made under the foregoing provisions of this Act has died or is for any reason unable to act for himself, the complaint may be made by his personal representative or by a member of his family or other individual suitable to represent him; but except as aforesaid a complaint shall not be entertained under this Act unless made by the person aggrieved himself.

(3) A complaint shall not be entertained under this Act unless it is made to a member of the House of Commons not later than

twelve months from the day on which the person aggrieved first had notice of the matters alleged in the complaint; but the Commissioner may conduct an investigation pursuant to a complaint not made within that period if he considers that there are special circumstances which make it proper to do so.

(4) A complaint shall not be entertained under this Act unless the person aggrieved is resident in the United Kingdom (or, if he is dead, was so resident at the time of his death) or the complaint relates to action taken in relation to him while he was present in the United Kingdom or on an installation in a designated area within the meaning of the Continental Shelf Act 1964 or on a ship registered in the United Kingdom or an aircraft so registered, or in relation to rights or obligations which accrued or arose in the United Kingdom or on such an installation, ship or aircraft. 1964 c. 29.

7.—(1) Where the Commissioner proposes to conduct an investigation pursuant to a complaint under this Act, he shall afford to the principal officer of the department or authority concerned, and to any other person who is alleged in the complaint to have taken or authorised the action complained of, an opportunity to comment on any allegations contained in the complaint. Procedure in respect of investigations.

(2) Every such investigation shall be conducted in private, but except as aforesaid the procedure for conducting an investigation shall be such as the Commissioner considers appropriate in the circumstances of the case; and without prejudice to the generality of the foregoing provision the Commissioner may obtain information from such persons and in such manner, and make such inquiries, as he thinks fit, and may determine whether any person may be represented, by counsel or solicitor or otherwise, in the investigation.

(3) The Commissioner may, if he thinks fit, pay to the person by whom the complaint was made and to any other person who attends or furnishes information for the purposes of an investigation under this Act—

- (a) sums in respect of expenses properly incurred by them;
- (b) allowances by way of compensation for the loss of their time,

in accordance with such scales and subject to such conditions as may be determined by the Treasury.

(4) The conduct of an investigation under this Act shall not affect any action taken by the department or authority concerned, or any power or duty of that department or authority to take further action with respect to any matters subject to

1962 c. 21.

the investigation ; but where the person aggrieved has been removed from the United Kingdom under any Order in force under the Aliens Restriction Acts 1914 and 1919 or under the Commonwealth Immigrants Act 1962, he shall, if the Commissioner so directs, be permitted to re-enter and remain in the United Kingdom, subject to such conditions as the Secretary of State may direct, for the purposes of the investigation.

Evidence.

8.—(1) For the purposes of an investigation under this Act the Commissioner may require any Minister, officer or member of the department or authority concerned or any other person who in his opinion is able to furnish information or produce documents relevant to the investigation to furnish any such information or produce any such document.

(2) For the purposes of any such investigation the Commissioner shall have the same powers as the Court in respect of the attendance and examination of witnesses (including the administration of oaths or affirmations and the examination of witnesses abroad) and in respect of the production of documents.

(3) No obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to persons in Her Majesty's service, whether imposed by any enactment or by any rule of law, shall apply to the disclosure of information for the purposes of an investigation under this Act ; and the Crown shall not be entitled in relation to any such investigation to any such privilege in respect of the production of documents or the giving of evidence as is allowed by law in legal proceedings.

(4) No person shall be required or authorised by virtue of this Act to furnish any information or answer any question relating to proceedings of the Cabinet or of any committee of the Cabinet or to produce so much of any document as relates to such proceedings ; and for the purposes of this subsection a certificate issued by the Secretary of the Cabinet with the approval of the Prime Minister and certifying that any information, question, document or part of a document so relates shall be conclusive.

(5) Subject to subsection (3) of this section, no person shall be compelled for the purposes of an investigation under this Act to give any evidence or produce any document which he could not be compelled to give or produce in proceedings before the Court.

Obstruction
and contempt.

9.—(1) If any person without lawful excuse obstructs the Commissioner or any officer of the Commissioner in the performance of his functions under this Act, or is guilty of any act or omission in relation to an investigation under this Act

which, if that investigation were a proceeding in the Court, would constitute contempt of court, the Commissioner may certify the offence to the Court.

(2) Where an offence is certified under this section, the Court may inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, deal with him in any manner in which the Court could deal with him if he had committed the like offence in relation to the Court.

(3) Nothing in this section shall be construed as applying to the taking of any such action as is mentioned in subsection (4) of section 7 of this Act.

10.—(1) In any case where the Commissioner conducts an investigation under this Act or decides not to conduct such an investigation, he shall send to the member of the House of Commons by whom the request for investigation was made (or if he is no longer a member of that House, to such member of that House as the Commissioner thinks appropriate) a report of the results of the investigation or, as the case may be, a statement of his reasons for not conducting an investigation. Reports by
Commissioner.

(2) In any case where the Commissioner conducts an investigation under this Act, he shall also send a report of the results of the investigation to the principal officer of the department or authority concerned and to any other person who is alleged in the relevant complaint to have taken or authorised the action complained of.

(3) If, after conducting an investigation under this Act, it appears to the Commissioner that injustice has been caused to the person aggrieved in consequence of maladministration and that the injustice has not been, or will not be, remedied, he may, if he thinks fit, lay before each House of Parliament a special report upon the case.

(4) The Commissioner shall annually lay before each House of Parliament a general report on the performance of his functions under this Act and may from time to time lay before each House of Parliament such other reports with respect to those functions as he thinks fit.

(5) For the purposes of the law of defamation, any such publication as is hereinafter mentioned shall be absolutely privileged, that is to say—

- (a) the publication of any matter by the Commissioner in making a report to either House of Parliament for the purposes of this Act;

- (b) the publication of any matter by a member of the House of Commons in communicating with the Commissioner or his officers for those purposes or by the Commissioner or his officers in communicating with such a member for those purposes ;
- (c) the publication by such a member to the person by whom a complaint was made under this Act of a report or statement sent to the member in respect of the complaint in pursuance of subsection (1) of this section ;
- (d) the publication by the Commissioner to such a person as is mentioned in subsection (2) of this section of a report sent to that person in pursuance of that subsection.

Provision for
 secrecy of
 information.
 1911 c. 28.

11.—(1) It is hereby declared that the Commissioner and his officers hold office under Her Majesty within the meaning of the Official Secrets Act 1911.

(2) Information obtained by the Commissioner or his officers in the course of or for the purposes of an investigation under this Act shall not be disclosed except—

- (a) for the purposes of the investigation and of any report to be made thereon under this Act ;
- (b) for the purposes of any proceedings for an offence under the Official Secrets Acts 1911 to 1939 alleged to have been committed in respect of information obtained by the Commissioner or any of his officers by virtue of this Act or for an offence of perjury alleged to have been committed in the course of an investigation under this Act or for the purposes of an inquiry with a view to the taking of such proceedings ;
 or
- (c) for the purposes of any proceedings under section 9 of this Act ;

and the Commissioner and his officers shall not be called upon to give evidence in any proceedings (other than such proceedings as aforesaid) of matters coming to his or their knowledge in the course of an investigation under this Act.

(3) A Minister of the Crown may give notice in writing to the Commissioner, with respect to any document or information specified in the notice, or any class of documents or information so specified, that in the opinion of the Minister the disclosure of that document or information, or of documents or information of that class, would be prejudicial to the safety of the State or otherwise contrary to the public interest ; and where such a notice is given nothing in this Act shall be construed as authorising or requiring the Commissioner or any officer of the Commissioner to communicate to any person or for any

purpose any document or information specified in the notice, or any document or information of a class so specified.

(4) The references in this section to a Minister of the Crown include references to the Commissioners of Customs and Excise and the Commissioners of Inland Revenue.

Supplemental

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

“action” includes failure to act, and other expressions connoting action shall be construed accordingly;

“the Commissioner” means the Parliamentary Commissioner for Administration;

“the Court” means, in relation to England and Wales the High Court, in relation to Scotland the Court of Session, and in relation to Northern Ireland the High Court of Northern Ireland;

“enactment” includes an enactment of the Parliament of Northern Ireland, and any instrument made by virtue of an enactment;

“officer” includes employee;

“person aggrieved” means the person who claims or is alleged to have sustained such injustice as is mentioned in section 5(1)(a) of this Act;

“tribunal” includes the person constituting a tribunal consisting of one person.

(2) References in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment.

(3) It is hereby declared that nothing in this Act authorises or requires the Commissioner to question the merits of a decision taken without maladministration by a government department or other authority in the exercise of a discretion vested in that department or authority.

13.—(1) Subject to the provisions of this section, this Act extends to Northern Ireland. Application to Northern Ireland.

(2) Nothing in this section shall be construed as authorising the inclusion among the departments and authorities to which this Act applies of any department of the Government of Northern Ireland, or any authority established by or with the authority of the Parliament of Northern Ireland; but this Act shall apply to any such department or authority, in relation to any action taken by them as agent for a department or authority to which this Act applies, as it applies to the last-mentioned department or authority.

(3) In section 6 of this Act the references to a Minister of the Crown or government department and to Parliament shall include references to a Minister or department of the Government of Northern Ireland and to the Parliament of Northern Ireland.

(4) In section 8 of this Act the references to the Cabinet shall include references to the Cabinet of Northern Ireland, and in relation to that Cabinet for the reference to the Prime Minister there shall be substituted a reference to the Prime Minister of Northern Ireland.

Short title and commencement.

14.—(1) This Act may be cited as the Parliamentary Commissioner Act 1967.

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

(3) A complaint under this Act may be made in respect of matters which arose before the commencement of this Act ; and for the purposes of subsection (3) of section 6 of this Act any time elapsing between the date of the passing and the date of the commencement of this Act (but not any time before the first of those dates) shall be disregarded.

SCHEDULES

SCHEDULE 1

Section 2.

PENSIONS AND OTHER BENEFITS

1. A person appointed to be the Commissioner may, within such period and in such manner as may be prescribed by regulations under this Schedule, elect between the statutory schemes of pensions and other benefits applicable respectively to the judicial offices listed in Schedule 1 to the Judicial Pensions Act 1959 and to the civil service of the State (in this Schedule referred to respectively as the judicial scheme and the civil service scheme), and if he does not so elect shall be treated as having elected for the civil service scheme. 1959 c. 9
(8 & 9 Eliz. 2).

2. Where a person so appointed elects for the judicial scheme, a pension may be granted to him on ceasing to hold office as Commissioner if he has held that office for not less than five years and either—

- (a) has attained the age of sixty-five years ; or
- (b) is disabled by permanent infirmity for the performance of the duties of that office ;

and (subject to regulations under this Schedule) the provisions of the Judicial Pensions Act 1959, other than section 2 (retiring age), and of sections 2 to 8 of the Administration of Justice (Pensions) Act 1950 (lump sums and widows and dependants pensions), shall apply in relation to him and his service as Commissioner as they apply in relation to the holders of judicial offices listed in Schedule 1 to the said Act of 1959 and service in any such office, this paragraph being the relevant pension enactment for the purposes of that Act. 1950 c. 11
(14 & 15 Geo. 6).

3. Where a person so appointed elects for the civil service scheme, the Superannuation Act 1965 shall (subject to regulations under this Schedule) apply as if his service as Commissioner were service in an established capacity in the civil service of the State. 1965 c. 74.

4. The Treasury may by statutory instrument make regulations for purposes supplementary to the foregoing provisions of this Schedule ; and such regulations may, without prejudice to section 38 of the Superannuation Act 1965 (employment in more than one public office), make special provision with respect to the pensions and other benefits payable to or in respect of persons to whom the judicial scheme or the civil service scheme has applied or applies in respect of any service other than service as Commissioner, including provision—

- (a) for aggregating other service falling within the judicial scheme with service as Commissioner, or service as Commissioner with such other service, for the purpose of determining qualification for or the amount of benefit under that scheme ;
- (b) for increasing the amount of the benefit payable under the judicial scheme, in the case of a person to whom that scheme applied in respect of an office held by him before appointment as Commissioner, up to the amount which

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SCH. 1

would have been payable thereunder if he had retired from that office on the ground of permanent infirmity immediately before his appointment ;

- (c) for limiting the amount of benefit payable under the judicial scheme, in the case of a person to whom the civil service scheme applied in respect of service before his appointment as Commissioner, by reference to the difference between the amount of the benefit granted in his case under the civil service scheme and the amount which would be payable under the judicial scheme if that service had been service as Commissioner.

5. Any statutory instrument made by virtue of this Schedule shall be subject to annulment in pursuance of a resolution of the House of Commons.

Section 4.

SCHEDULE 2

DEPARTMENTS AND AUTHORITIES SUBJECT TO INVESTIGATION

Ministry of Agriculture, Fisheries and Food.

Charity Commission.

Civil Service Commission.

Commonwealth Office.

Crown Estate Office.

Customs and Excise.

Ministry of Defence.

Department of Economic Affairs.

Department of Education and Science.

Export Credits Guarantee Department.

Foreign Office.

Ministry of Health.

Home Office.

Ministry of Housing and Local Government.

Central Office of Information.

Inland Revenue.

Ministry of Labour.

Land Commission.

Land Registry.

Lord Chancellor's Department.

Lord President of the Council's Office.

National Debt Office.

Ministry of Overseas Development.

Post Office.

Ministry of Power.

Ministry of Public Building and Works.

Public Record Office.

Public Trustee.

Department of the Registers of Scotland.

General Register Office.

General Register Office, Scotland.

Registry of Friendly Societies.

Royal Mint.

Scottish Office.

Scottish Record Office.

Ministry of Social Security.

Social Survey.

Stationery Office.
 Ministry of Technology.
 Board of Trade.
 Ministry of Transport.
 Treasury.
 Treasury Solicitor.
 Welsh Office.

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NOTES

1. The reference to the Ministry of Defence includes the Defence Council, the Admiralty Board, the Army Board and the Air Force Board.

2. The reference to the Lord President of the Council's Office does not include the Privy Council Office.

3. The reference to the Post Office is a reference to that Office in relation only to the following functions, that is to say:—

- (a) functions under the enactments relating to national savings;
- (b) functions exercised as agent of another government department or authority listed in this Schedule;
- (c) functions in respect of the control of public broadcasting authorities and services; or
- (d) functions under the Wireless Telegraphy Act 1949.

1949 c. 54.

4. The reference to the Registry of Friendly Societies includes the Central Office, the Office of the Assistant Registrar of Friendly Societies for Scotland and the Office of the Chief Registrar and the Industrial Assurance Commissioner.

5. The reference to the Board of Trade includes, in relation to administrative functions delegated to any body in pursuance of section 7 of the Civil Aviation Act 1949, a reference to that body.

1949 c. 67.

6. The reference to the Treasury does not include the Cabinet Office, but subject to that includes the subordinate departments of the Treasury and the office of any Minister whose expenses are defrayed out of moneys provided by Parliament for the service of the Treasury.

7. The reference to the Treasury Solicitor does not include a reference to Her Majesty's Procurator General.

8. In relation to any function exercisable by a department or authority for the time being listed in this Schedule which was previously exercisable on behalf of the Crown by a department or authority not so listed, the reference to the department or authority so listed includes a reference to the other department or authority.

SCHEDULE 3

Section 5.

MATTERS NOT SUBJECT TO INVESTIGATION

1. Action taken in matters certified by a Secretary of State or other Minister of the Crown to affect relations or dealings between the Government of the United Kingdom and any other Government or any international organisation of States or Governments.

2. Action taken, in any country or territory outside the United Kingdom, by or on behalf of any officer representing or acting under the authority of Her Majesty in respect of the United Kingdom, or any other officer of the Government of the United Kingdom.

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3. Action taken in connection with the administration of the government of any country or territory outside the United Kingdom which forms part of Her Majesty's dominions or in which Her Majesty has jurisdiction.

1870 c. 52.
1881 c. 69.

4. Action taken by the Secretary of State under the Extradition Act 1870 or the Fugitive Offenders Act 1881.

5. Action taken by or with the authority of the Secretary of State for the purposes of investigating crime or of protecting the security of the State, including action so taken with respect to passports.

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

6. The commencement or conduct of civil or criminal proceedings before any court of law in the United Kingdom, of proceedings at any place under the Naval Discipline Act 1957, the Army Act 1955 or the Air Force Act 1955, or of proceedings before any international court or tribunal.

7. Any exercise of the prerogative of mercy or of the power of a Secretary of State to make a reference in respect of any person to the Court of Appeal, the High Court of Justiciary or the Courts-Martial Appeal Court.

8. Action taken on behalf of the Minister of Health or the Secretary of State by a Regional Hospital Board, Board of Governors of a Teaching Hospital, Hospital Management Committee or Board of Management, or by the Public Health Laboratory Service Board.

9. Action taken in matters relating to contractual or other commercial transactions, whether within the United Kingdom or elsewhere, being transactions of a government department or authority to which this Act applies or of any such authority or body as is mentioned in paragraph (a) or (b) of subsection (1) of section 6 of this Act and not being transactions for or relating to—

- (a) the acquisition of land compulsorily or in circumstances in which it could be acquired compulsorily ;
- (b) the disposal as surplus of land acquired compulsorily or in such circumstances as aforesaid.

10. Action taken in respect of appointments or removals, pay, discipline, superannuation or other personnel matters, in relation to—

- (a) service in any of the armed forces of the Crown, including reserve and auxiliary and cadet forces ;
- (b) service in any office or employment under the Crown or under any authority listed in Schedule 2 to this Act ; or
- (c) service in any office or employment, or under any contract for services, in respect of which power to take action, or to determine or approve the action to be taken, in such matters is vested in Her Majesty, any Minister of the Crown or any such authority as aforesaid.

11. The grant of honours, awards or privileges within the gift of the Crown, including the grant of Royal Charters.



Licensing (Certificates in Suspense) (Scotland) Act 1967

1967 CHAPTER 14

An Act to provide for the abolition of the suspension of certificates for the sale by retail of exciseable liquor, and for the amendment of the procedure for the removal of existing certificates which are in suspense to premises other than those specified in the certificate and for purposes connected with the matters aforesaid. [22nd March 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 subsection (2) of this section, no certificate for the suspension of a certificate for the sale by retail of exciseable liquor shall be given by the Commissioners of Customs and Excise under either section 88(1) (suspension of certificate where business discontinued owing to war circumstances), or section 96(1) (suspension of certificate where licensed premises are compulsorily acquired), of the principal Act; and accordingly the said section 88(1) and, subject as aforesaid, the said section 96(1) are hereby repealed. Abolition of certificates in suspense.

(2) Where a notice to treat has been served or has, by virtue of paragraph 1(1) of Schedule 6 to the Town and Country Planning (Scotland) Act 1945, been deemed to have been served on any person in respect of the compulsory acquisition of licensed premises on or before the 4th day of August 1966, nothing in the foregoing subsection shall preclude the Commissioners of Customs and Excise from giving a certificate under section 96(1) of the principal Act for the suspension of the certificate for the sale by retail of exciseable liquor granted in respect of those premises. 1945 c. 33.

(3) Without prejudice to the provisions of section 85, and Parts VI and VII, of the principal Act so far as they relate to a certificate which is in suspense being extinguished in certain circumstances, any certificate which is in suspense by virtue of either section 88 or section 96 of the principal Act, before the commencement of this Act, or which becomes suspended under the said section 96 by virtue of subsection (2) of this section, shall be extinguished on a date five years after the said commencement; and accordingly the said section 85, and the said Parts VI and VII, shall cease to have effect on the said date.

Amendment
of procedure
for removal
of certificates
in suspense.

2. Sections 92(1) and 100(1) of the principal Act (which respectively make provision as to removal of a certificate which has been suspended by reason of war circumstances and of compulsory acquisition) shall apply during the period of five years mentioned in subsection (3) of the foregoing section to the removal of a certificate which is for the time being in suspense in the circumstances mentioned in each of the aforesaid sections, subject to the following modifications—

(a) the licensing court may authorise a removal of a certificate only at a general half-yearly meeting of the court, and the court shall not authorise such a removal unless application is made to them for that purpose not later than fourteen days before the first day of that meeting;

(b) the following provisions of the principal Act shall, subject to the modifications set out in this paragraph and any other necessary modifications, apply to an application made by virtue of the foregoing paragraph as they apply to an application for the grant of a new certificate mentioned in those provisions, that is to say—

(i) section 35 (publication of list of applications) except that in subsection (2) of that section the reference to the registrar of every registration district shall be construed as a reference to the registrar of the district in which the premises to which it is proposed to remove the certificate are situated;

(ii) section 36 (objections to grant or transfer of certificate);

(iii) section 37 (consideration of applications at general half-yearly meeting of licensing court);

(iv) section 49 (appeals from licensing court to court of appeal) so however that premises shall be construed as meaning the premises to which it is proposed to remove the certificate and the proviso to subsection (1) thereof shall be omitted; and sections 93 and 101 of the principal Act so far as they provide for appeal against a refusal of a licensing court to

authorise a removal of the certificate under sections 92(1) and 101(1) of the said Act respectively are hereby repealed.

3.—(1) In this Act “ the principal Act ” means the Licensing Interpretation (Scotland) Act 1959 as amended by the Licensing (Scotland) Act 1962. and construction. 1959 c. 51.

(2) This Act shall be construed as one with the principal Act. 1962 c. 51.

4.—(1) This Act may be cited as the Licensing (Certificates in Suspense) (Scotland) Act 1967, and the Licensing (Scotland) Acts 1959 and 1962 and this Act may be cited together as the Licensing (Scotland) Acts 1959 to 1967. Citation and extent.

(2) This Act shall extend to Scotland only.



Post Office (Borrowing Powers) Act 1967

1967 CHAPTER 15

An Act to increase the limits imposed by section 10(2) of the Post Office Act 1961; to provide that nothing in section 10(1) of that Act shall prevent the operation of a giro system; and for connected purposes.

[22nd March 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:—

Extension of borrowing powers.

1961 c. 15.

1964 c. 3.

1.—(1) In subsection (2) of section 10 of the Post Office Act 1961 (under which the power of the Postmaster General to borrow by way of Exchequer advances is limited by reference to the aggregate of the outstanding amounts mentioned in that subsection, as amended by the Post Office (Borrowing Powers) Act 1964), for the words “£1,120 million or such greater sum not exceeding £1,320 million” there shall be substituted the words “£1,750 million or such greater sum not exceeding £2,200 million”.

(2) The said Act of 1964 is hereby repealed.

Operation of giro system.

2. Nothing in section 10(1) of the said Act of 1961 (which prohibits the borrowing of money by the Postmaster General except in accordance with sections 8 and 9 of that Act) shall prevent the operation by the Postmaster General of a banking service of the kind commonly known as a giro system.

Short title.

3. This Act may be cited as the Post Office (Borrowing Powers) Act 1967.



Teachers of Nursing Act 1967

1967 CHAPTER 16

An act to amend section 17 of the Nurses Act 1957 and section 6(1)(f) of the Nurses (Scotland) Act 1951.

[22nd March 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. The following section shall be substituted for section 17 of the Nurses Act 1957—

“ Teachers of Nurses ”

Power of Council to prescribe qualifications for teachers of nurses.

17.—(1) The Council may make rules providing for the giving of certificates by or under the authority of the Council to persons of such classes or descriptions as may be prescribed—

- (a) who have undergone the prescribed training (being training carried out in an institution approved by the Council in that behalf) and, if the rules so provide, passed the prescribed examinations in the teaching of nursing; or
- (b) who have such other qualifications for the teaching of nursing as may be prescribed; or
- (c) who appear to the Council and the Minister, in any particular case, to be qualified for the teaching of nursing otherwise than as mentioned in paragraph (a) or (b) above.

(2) A certificate given in accordance with rules made under this section shall be known as a certificate as a teacher of nurses.

Certificates for teachers of nurses in England and Wales.
1957 c. 15.

(3) In this section 'qualifications' includes qualifications as to experience and 'qualified' shall be construed accordingly."

Certificates for teachers of nurses in Scotland. 1951 c. 55.

2. Subsection (1) of section 6 of the Nurses (Scotland) Act 1951 (which requires the General Nursing Council for Scotland to make rules for certain purposes) shall have effect with the substitution of the following paragraph for paragraph (f) thereof:—

“(f) for the giving of certificates by or under the authority of the Council to persons of such classes or descriptions as may be prescribed—

(i) who have undergone the prescribed training (being training carried out in an institution approved by the Council in that behalf) and, if the rules so provide, passed the prescribed examinations in the teaching of nursing; or

(ii) who have such other qualifications for the teaching of nursing as may be prescribed; or

(iii) who appear to the Council and the Secretary of State, in any particular case, to be qualified for the teaching of nursing otherwise than as mentioned in sub-paragraph (i) or (ii) above.”

and with the addition at the end of the said subsection of the words: “and in paragraph (f) of this subsection 'qualifications' includes qualifications as to experience, and 'qualified' shall be construed accordingly.”

Short title, citation, saving and commencement.

3.—(1) This Act may be cited as the Teachers of Nursing Act 1967, and—

(a) this Act and the Nurses Acts 1957 to 1964 may be cited together as the Nurses Acts 1957 to 1967;

(b) this Act and the Nurses (Scotland) Acts 1951 to 1964 may be cited together as the Nurses (Scotland) Acts 1951 to 1967.

1957 c. 15.

(2) Rules made under section 17 of the Nurses Act 1957 or section 6(1)(f) of the Nurses (Scotland) Act 1951 and in force immediately before the commencement of this Act shall continue in force and have effect as if made under the provisions substituted for those provisions by this Act.

(3) This Act shall come into force at the expiration of the period of six months beginning with the day on which it is passed.



Iron and Steel Act 1967

1967 CHAPTER 17

An Act to provide for the establishment of a National Steel Corporation and the transfer thereto of the securities of certain companies engaged in the production of steel and, in connection therewith, to revive certain provisions of the Iron and Steel Act 1949 and continue others in force and to amend certain of the revived provisions; to make fresh provision for the control of the provision of iron and steel production facilities; to dissolve the Iron and Steel Board and amend the provisions of the Iron and Steel Act 1953 concerning the Iron and Steel Holding and Realisation Agency; and for purposes connected with the matters aforesaid.

[22nd March 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:—

PART I

THE NATIONAL STEEL CORPORATION

1.—(1) There shall be a public authority to be called the National Steel Corporation (in this Act referred to as “the Corporation”), which shall have such powers and duties as are conferred and imposed on them by, or by virtue of, the following provisions of this Act. The National Steel Corporation.

(2) The Corporation shall be a body corporate having perpetual succession and a common seal.

(3) The Corporation shall consist of a chairman and not less than seven nor more than twenty other members, and the chairman and the other members shall be appointed by the Minister

PART I

of Power (in this Act referred to as "the Minister") from amongst persons appearing to him to have had wide experience of, and shown capacity in, the production of iron ore or iron or steel, industrial, commercial or financial matters, applied science, administration or the organisation of workers.

(4) The appointment of a member of the Corporation (other than the chairman) shall not be made by the Minister except after consultation with the chairman.

(5) As soon as possible after appointing a person to be a member of the Corporation the Minister shall lay before each House of Parliament a statement of the term for which he has been appointed.

(6) Subsections (4), and (6) to (10), of section 1 of the 1949 Act and Schedule 1 thereto (except paragraph 1) are hereby revived and shall have effect with respect to the Corporation and the members thereof as they had effect with respect to the body established by that Act by the name of the Iron and Steel Corporation of Great Britain and the members thereof.

(7) Where a person ceases, otherwise than on the expiry of his term of office, to be a member of the Corporation, and it appears to the Minister that there are special circumstances which make it right that that person should receive compensation, the Minister may, with the approval of the Treasury, require the Corporation to make to that person a payment of such amount as may be determined by the Minister with the like approval.

1957 c. 20.

(8) Part II of Schedule 1 to the House of Commons Disqualification Act 1957 (which specifies certain commissions, tribunals and other bodies all members of which are disqualified under that Act) shall, in its application to the House of Commons of the United Kingdom, be amended by inserting, at the appropriate point in alphabetical order, the words "The National Steel Corporation".

Powers of the Corporation.

2.—(1) Subject to the provisions of this Act, the Corporation shall have power to carry on any iron and steel activities and to sell iron and steel products and, with the consent of, or in accordance with the terms of any general authority given by, the Minister, to carry on any other activities which any publicly-owned company is for the time being authorised by its memorandum of association or, as the case may be, by its charter of incorporation or other charter to carry on or any company which at any time was publicly-owned was at any time so authorised to carry on; but nothing in this subsection shall empower the Corporation to hold or acquire interests in any company or to form, or take part in forming, any company.

(2) Subject to the provisions of this Act, the Corporation shall have power—

- (a) to hold such interests in companies as vest in them under or by virtue of this Act and, with the consent of, or in accordance with the terms of any general authority given by, the Minister, to acquire by agreement, and to hold, interests in other companies ;
- (b) with the consent of, or in accordance with the terms of any general authority given by, the Minister, to form, or take part in forming, companies ; and
- (c) to exercise all rights conferred by the holding of interests in companies.

(3) The Corporation shall have power to provide for any group of companies (whether consisting of all or any of the publicly-owned companies, other companies or both) any services which, in the opinion of the Corporation, can conveniently be provided as common services therefor ; and for the purposes of this subsection the Corporation shall be entitled to treat themselves as being included amongst the publicly-owned companies.

(4) The Corporation shall have power to do any thing or to enter into any transaction (whether or not involving the expenditure, the borrowing in accordance with the provisions of this Act, or the lending, of money, the acquisition of any property or rights or the disposal of any property or rights) which in their opinion is calculated to facilitate the proper carrying on of their activities under subsection (1) of this section or the proper exercise of their powers under either of the two last foregoing subsections.

(5) Any reference in this section to interests in a company includes a reference to rights in respect of money lent to the company or guarantees given for the benefit of the company.

(6) For the avoidance of doubt it is hereby declared that the foregoing provisions of this section relate only to the capacity of the Corporation as a statutory corporation, and nothing in the said provisions shall be construed as authorising the disregard by the Corporation of any enactment or rule of law.

3.—(1) It shall be incumbent on the Corporation—

- (a) to promote the efficient and economical supply by the Corporation and the publicly-owned companies of iron and steel products, and to secure that such products produced by the Corporation and the publicly-owned companies are available in such quantities, and are of such types, qualities and sizes, and are available at such prices, as may seem to the Corporation best calculated

General duty
of the
Corporation.

PART I

to satisfy the reasonable demands of the persons (including those in Northern Ireland) who use such products for manufacturing purposes and to further the public interest in all respects ;

- (b) to secure that neither the Corporation nor a publicly-owned company shall show undue preference to, or exercise unfair discrimination against, any such persons or any class thereof in the supply and price of such products, but without prejudice to such variations in the terms and conditions on which such products are supplied as may arise from ordinary commercial considerations or from the public interest ;
- (c) to take such steps as appear to the Corporation to be practicable and desirable for the promotion of the export of such products and of such other products as may be produced by the Corporation or a publicly-owned company ; and
- (d) to take such steps as appear to the Corporation to be practicable and desirable for the promotion of research into matters affecting, or arising out of, the carrying on of iron and steel activities or of any other activities carried on by the Corporation or a publicly-owned company and the doing of such work as is requisite to enable the results of such research (whether promoted by the Corporation or not) to be turned to account or to enable the consequence of an idea affecting, or arising out of, the carrying on of those activities to be so turned, either by themselves prosecuting or doing it or by their promoting it by a publicly-owned company or by others.

(2) Where the Corporation promote research or the doing of work otherwise than by themselves prosecuting or doing it, they may give assistance (including financial assistance) therefor.

(3) The policy of the Corporation shall be directed to securing the safety, health and welfare of persons employed by them and by the publicly-owned companies.

(4) Nothing in subsection (1) above shall be construed as imposing upon the Corporation, either directly or indirectly any form of duty or liability enforceable by proceedings before any court.

Duty of the Corporation to review their affairs and report to the Minister.

4.—(1) It shall be the duty of the Corporation, forthwith after the vesting date (as defined in the following provisions of this Act), to undertake a review of their affairs for the purpose of determining whether the carrying on of the activities that have fallen to be carried on under their ultimate control is organised, so far as regards the direction thereof, in the most efficient

manner and to report their conclusions to the Minister; and so often thereafter as occasion seems to them to require it, or as the Minister may require it, to undertake a further such review and to report similarly.

(2) Before reaching conclusions in consequence of a review undertaken in pursuance of the foregoing subsection, the Corporation shall seek consultation with organisations appearing to them to represent substantial proportions of the persons in the employment of the Corporation or the publicly-owned companies or of any class of such persons.

(3) The first report under subsection (1) above must be made before the expiration of the period of twelve months beginning with the said date or such longer period as the Minister may allow.

(4) The Minister shall lay before each House of Parliament a copy of each report under subsection (1) above.

5.—(1) The Corporation shall from time to time publish, in such manner as appears to them best adapted for informing the persons affected, and in such form as appears to them appropriate, notices containing prices which they propose should normally be charged in the United Kingdom by them and publicly-owned companies for iron and steel products, and terms and conditions on which they propose iron and steel products should normally be sold in the United Kingdom by them and publicly-owned companies.

Publication
by the
Corporation
of lists of
prices and
conditions of
sale.

(2) The Corporation may in such a notice provide for the variation of a price, term or condition published therein, according to such circumstances as may be specified therein.

(3) Subsection (1) above shall not apply to products of an activity specified in paragraph 4 or paragraph 6 of Schedule 3 to the 1953 Act except such, if any, of those products as the Minister may by order specify.

- 6.—(1) The Minister may give to the Corporation directions—
- (a) requiring them to compile in such form as may be specified in the directions and to publish in such manner as may be so specified such statistics and returns as may be so specified, being either statistics and returns relating to the activities of the Corporation and the publicly-owned companies or statistics and returns relating to such of those activities as may be so specified;
 - (b) to make in such form as may be so specified and to publish in such manner as may be so specified such forecasts as may be so specified, being either forecasts

Publication
by the
Corporation
of information
concerning
activities of
theirs and of
publicly-owned
companies.

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with respect to the output of the Corporation and those companies of, and their capacity to produce, iron and steel products or forecasts with respect to the output of the Corporation and those companies of, and their capacity to produce, iron and steel products of such class as may be so specified ;

and the Corporation shall give effect to any such directions.

(2) Any such directions may require statistics and returns to be compiled, and forecasts to be made, either periodically or on a specified occasion.

Miscellaneous provisions relating to the Corporation.

7.—(1) The following provisions of the 1949 Act are hereby revived and shall have effect for the purposes of this Act, namely,—

section 4 (powers of Minister in relation to Corporation) ;

section 7(1) (compulsory purchase of land) ;

section 8 (power of Corporation to promote and oppose Bills) ;

section 9 (Corporation not to be exempt from taxation, &c).

(2) The power conferred by the said section 4 on the Minister to give directions to the Corporation shall extend to the giving to them of such directions as appear to him to be requisite to secure that the carrying on of the activities that have fallen to be carried on under the ultimate control of the Corporation is organised, so far as regards the direction thereof, in the most efficient manner, notwithstanding that the directions may be of a specific character.

(3) The Corporation shall not make, or permit to be made, any substantial change in the manner in which the carrying on of the activities mentioned in the last foregoing subsection is organised, so far as regards the direction thereof, except with the consent of the Minister or in pursuance of a direction given by him by virtue of that subsection.

Re-establishment of Consumers' Council and committees.

8.—(1) On such day as the Minister may by order appoint for the purposes of this section (which shall not be later than six months after the vesting date as defined in the next following section), the Council that was established by section 6(1) of the 1949 Act by the name of the Iron and Steel Consumers' Council and ceased to exist in consequence of the enactment of section 1(1) of the 1953 Act shall, by virtue of this subsection, be re-established by that name, and the following provisions of the said section 6 with respect to the Council shall, by virtue of this subsection, be revived and shall again have effect with respect to the Council, namely, subsection (2) (with the omission

of paragraph (c) and the word "and" where occurring immediately before that paragraph) and subsections (4), (5), (8) to (10), (13) and (15).

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(2) The persons who may be appointed by the Minister to the said Council shall include persons appointed by him to represent consumers in Northern Ireland of the products of any of the principal activities of the Corporation and the publicly-owned companies.

(3) In consequence of the reviver of the said subsections, subsection (6) of the said section 6 (power of Minister to give directions on any matter arising out of any conclusion, report or representation made by the Council) shall, by virtue of this subsection, be revived also on the said day.

(4) The said Council shall be furnished by the Minister with such clerks, officers and staff as appear to him, with the concurrence of the Treasury as to numbers, to be requisite for the proper discharge of their functions (including the functions of any committee appointed by the Council), and the Minister shall, out of moneys provided by Parliament, pay to the members of the said Council and of any committee thereof such allowances, and to the clerks, officers and staff thereof such remuneration and allowances, as he may, with the approval of the Treasury, determine, and shall, out of moneys so provided, pay such expenses of the said Council and of any committee thereof as he may, with the like approval, determine.

PART II

ACQUISITION OF SECURITIES OF CERTAIN IRON AND STEEL UNDERTAKINGS AND MATTERS CONNECTED THEREWITH OR CONSEQUENTIAL THEREON

9.—(1) Subject to the provisions of this section and to the provisions of Part II of the 1949 Act revived by the following provisions of this Part of this Act, all securities of the companies specified in Schedule 1 to this Act shall, on the vesting date (as defined in subsection (5) below), vest in the Corporation by virtue of this section, free from all trusts and encumbrances.

Vesting in the Corporation of securities of scheduled companies.

(2) Securities created by a company specified in the said Schedule 1 as collateral security for a loan to that company shall be excepted from the operation of the foregoing subsection, but any securities so created shall be cancelled as from the vesting date.

(3) The companies specified in Schedule 1 to this Act are those each of which fulfils the conditions set out in one or other of the following paragraphs, namely:—

(a) that, on 4th November 1964, the company was operating works which produced in the period of twelve months

PART II

beginning the 1st July 1963 (hereafter in this subsection referred to as "the relevant year") not less than 475,000 tons of steel (including alloy steel), and on the first-mentioned day was not a subsidiary of another company ;

- (b) that, on 4th November 1964, the company was a holding company in whose case a subsidiary thereof was on that day operating works which produced in the relevant year not less than 475,000 tons of steel (including alloy steel) or in whose case two or more subsidiaries thereof were on that day operating works which together produced in the relevant year not less than 475,000 tons of steel (including alloy steel), but was not on that day a company in whose case the subsidiaries thereof exceeded fifty in number ;
- (c) that, on 4th November 1964, the company was one of more than fifty subsidiaries of another company and on that day was operating works which produced in the relevant year not less than 475,000 tons of steel (including alloy steel).

(4) For the purposes of this Act and of the provisions of the 1949 Act revived by this Act, where a company has at any time changed its name from the name by which it is referred to in Schedule 1 to this Act, that Schedule shall have effect as if the new name, or any subsequent name, were substituted for the name set out in that Schedule.

(5) In this Act, "the vesting date" means the day next following that on which the interim expires or such earlier day as the Minister may by order appoint ; and for the purposes of the foregoing definition the interim shall be taken to be the period of thirty-six weeks beginning with the day of the passing of this Act.

Compensation
for vesting
of securities.

10. Compensation for the vesting, by virtue of the last foregoing section or of a provision of the 1949 Act revived by the following provisions of this Part of this Act, of securities in the Corporation (other than any which, immediately before the vesting date, were vested in the Iron and Steel Holding and Realisation Agency) shall be satisfied by the issue, in accordance with the provisions (which are hereby revived) of Schedule 4 to the 1949 Act, of such amount of government stock (that is to say, stock the principal whereof and the interest whereon shall be charged on the Consolidated Fund) as, in the opinion of the Treasury, is of a value equal on the date of the issue to the value of the securities, regard being had (in estimating the value of the stock so issued) to the market values of other government securities at or about that date.

11.—(1) In the case of securities of any class that were quoted in the Stock Exchange Daily Official List on each of the relevant days in the last six months of the relevant period and on a previous relevant day, the value of securities of that class for the purposes of the last foregoing section shall, subject to the provisions of this section, be deemed to be—

PART II
Valuation of securities quoted before May 1966 and of new issues.

- (a) the average of the mean (adjusted, in a case in which subsection (2) below applies, in accordance with that subsection, or in a case in which subsection (3) below applies, in accordance with both subsections) of the quotations for securities of that class appearing in the said List on each of the relevant days falling within the period during which they were so quoted; or
- (b) the average of the mean (adjusted, in either such case as aforesaid, in manner aforesaid) of the quotations for securities of that class appearing in the said List on each of the relevant days in the said six months;

whichever is the higher, such addition, if any, being made to the higher average as is necessary to make it a complete multiple of one penny.

(2) Where, in the case of securities of a class whose value falls to be determined under this section, a fresh issue of securities of that class has been made before the end of the last of the relevant days, each mean of the quotations for securities of that class appearing in the said List on a relevant day before the issue is made that falls to be brought into computation under the foregoing subsection shall be adjusted by multiplying it—

- (a) in a case in which the fresh issue was made for payment, by the quotient derived by dividing the number ascertained under subsection (4) below with reference to securities of that class by that referred to in paragraph (a)(i) of that subsection;
- (b) in a case in which the fresh issue was free, by the reciprocal of the number of times by which the nominal value of the aggregate of the securities of that class before the fresh issue is increased by reason of that issue.

(3) Where, in the case of such securities as aforesaid, more fresh issues than one have been made before the end of the last of the relevant days, subsection (2) above shall be applied, with cumulative effect, with reference to each successive issue, and as well to previously adjusted mean quotations as to unadjusted ones.

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(4) The number relevant for the purposes of the application of subsection (2) above with reference to a fresh issue of securities of any class is the quotient derived by dividing—

(a) the sum of—

(i) the number that expresses in shillings (correct to five places of decimals) the mean of the quotations for the shares that constitute the existing securities (or, if those securities are constituted otherwise than of shares, for the units by reference to which those securities are quoted), on the last day on which the securities were open to be dealt in together with the right to receive an allotment of securities of the fresh issue ; and

(ii) the product obtained by multiplying the number that expresses in shillings (correct to five places of decimals) the price at which the freshly issued securities are issued by the nominal value of the aggregate of the securities freshly issued expressed as a fraction of the nominal value of the aggregate of the existing securities ; by

(b) the number of times by which the nominal value of the aggregate of the securities of the class in question before the fresh issue is increased by reason of that issue.

(5) Where, in the case of securities of any class whose value would, apart from this subsection, fall to be ascertained under the foregoing provisions of this section, there has been, at any time after the last of the relevant days, a fresh issue of securities of that class, the value of every security of that class for the purposes of the last foregoing section shall (subject to the next following subsection) instead of being ascertained under the said provisions, be deemed to be the average of the values of all the securities of that class calculated on the basis that—

(a) the value of each of the securities comprised in that issue is the price at which it was issued or, if it was issued free, is nil ; and

(b) the value of the remaining securities is that which they had or would have had for the purposes of this section immediately before the issue took place.

(6) Where, at any time after the last of the relevant days, any securities whose value would, apart from this subsection, fall to be ascertained under subsection (1) or (5) above have been converted into securities of a different nominal value—

(a) the value of those securities as so converted shall, for the purposes of the last foregoing section, be

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deemed to be a value bearing to the value which the securities had or would have had for the purposes of this section immediately before the conversion took place the same proportion as the nominal value of the securities as converted bears to the nominal value of the securities immediately before the conversion took place ; and

- (b) the last foregoing subsection shall apply to any fresh issue of securities which have been converted as aforesaid, but if a part only of a class of securities has been converted as aforesaid, the converted securities shall, for the purposes of that subsection, be treated as securities of a different class from that of the unconverted securities.

(7) Where a new class of securities has been issued after the last of the relevant days, the value of securities of that class for the purposes of the last foregoing section—

- (a) except in a case falling within the following paragraph, shall be deemed to be the price at which they were issued or, if they were issued free, shall be deemed to be nil ;
- (b) in a case in which they consist in shares issued in consideration of the extinguishment of an equivalent number of shares in another company (being one specified in Schedule 1 to this Act) which is effected by virtue of a compromise or arrangement sanctioned under section 206 (power to compromise with creditors and members) of the Companies Act 1948 by the court, 1948 c. 38. being a compromise or arrangement whose effect is that that company becomes a subsidiary of the company by whom the shares are issued, shall be deemed—

(i) in a case in which the shares extinguished do not constitute the whole of a class, to be (except in a case in which, after the compromise or arrangement takes effect, a fresh issue of shares of that class is made) the same as that of shares of that class, and (in the said excepted case) what the value of shares of that class would have been had the fresh issue not been made (no regard being had, in either event, to any conversion, after the compromise or arrangement, into shares of a different nominal value of shares of that class) ;

(ii) in a case in which the shares extinguished constitute the whole of a class, to be what the value of shares of that class would have been had they

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continued to exist and vested in the Corporation by virtue of section 9 of this Act ;

and the two last foregoing subsections shall apply to any fresh issue or conversion of securities of the new class.

(8) If all the securities of any issue were originally disposed of to a person who did not become the registered holder of those securities, the price of each of those securities shall, for the purposes of subsection (5) or (7)(a) of this section, be deemed to be either—

(a) the price paid for that security by the first registered holder thereof ; or

(b) the price received by the company for the security plus an amount equal to two and a half per cent. of that price ;

whichever is the lower.

(9) If any question arises under the foregoing provisions of this section as to the value of any securities, it shall be settled by agreement between the Minister and the stockholders' representative or, in default of such agreement, by arbitration under the 1949 Act.

(10) Calculations for the purposes of this section are to be completed correct to five places of decimals.

(11) In this section—

“convert” means, in relation to any securities, to consolidate and divide those securities into units of larger nominal value or to sub-divide those securities into units of smaller nominal value, without in either case making any change in the aggregate nominal value of the securities ;

“the mean of the quotations” means the average of the two figures shown in the Stock Exchange Daily Official List on the date in question in respect of the security in question under the heading “Quotations” ;

“quotation” has the same meaning as in the Stock Exchange Daily Official List, and accordingly does not include the statements of the business that was done ;

“relevant days” means the fifteenth days of the months comprised in the relevant period, except that in the cases of the months specified in column 1 of the Table set out at the end of this section, the relevant days shall be those respectively specified in relation thereto in column 2 of that Table ;

“relevant period” means the period of sixty-one months beginning with April, 1961 ;

“the Stock Exchange Daily Official List” means the publication known as the Stock Exchange Daily List of Officially Quoted Securities which is published by and under the authority of the Council of the Stock Exchange, London ;

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and for the purposes of subsection (1) of this section, an alteration effected, after the last of the relevant days, in rights attaching to securities shall not be taken to have changed them into different securities.

TABLE

Month	Relevant Day
April 1961	14th
July 1961	14th
October 1961	16th
April 1962	16th
July 1962	16th
September 1962	14th
December 1962	14th
April 1963	16th
June 1963	14th
September 1963	16th
December 1963	16th
February 1964	14th
March 1964	16th
August 1964	14th
November 1964	16th
May 1965	14th
August 1965	16th
January 1966	14th

12.—(1) The value, for the purposes of section 10 of this Act, of securities, other than any whose value falls to be determined under the last foregoing section, shall be such as may be agreed between the Minister and the stockholders' representative or, in default of such agreement, as may be determined by arbitration under the 1949 Act to be the value which the securities would have had under the last foregoing section had they been quoted in the Stock Exchange Daily Official List on all of the relevant days subsequent to the day on which they were issued ; and the arbitration tribunal, in determining the value that the securities would have had as aforesaid, shall have regard to all relevant factors.

Valuation of securities issued, but not quoted, before May 1966.

(2) In this section “the Stock Exchange Daily Official List” and “relevant days” have the same meanings as in the last foregoing section.

PART II
 Reviver of
 sections 12 to
 14 and 17 to
 27 of 1949
 Act and
 Schedules 5
 and 6 thereto.

13.—(1) The following provisions of, or connected with, Part II of the 1949 Act are hereby revived and shall have effect for the purposes of this Act, namely:—

- section 12 (effect of transfer of securities to Corporation);
- section 13 (disclaimer of agreements and leases);
- section 14 (effect of Act on certain loan and other agreements);
- section 17(1), (2) and (4) and Schedule 5 (stockholders' representatives);
- section 18 (control of dividends, interest and other payments);
- section 19 (final payment of dividends and interest);
- section 20 (power to acquire securities of certain additional companies);
- section 21 (removal of company from list of those to be nationalised);
- section 22 (prohibition of transfer of iron and steel works);
- section 23 and Schedule 6 (recovery of assets transferred by a company which comes into public ownership);
- section 24 (dissipation of assets by transactions involving payments, distributions, &c., to members of company);
- section 25 (other transactions resulting in dissipation of assets);
- section 26 (supplementary provisions relating to dissipation of assets);
- section 27 (approvals and undertakings given before passing of nationalisation Act).

(2) Section 23 of the 1949 Act, as revived by this section and amended by virtue of the following provisions of this Act, shall apply to a transfer or grant made at any time after 4th November 1964 by a company which does not come into public ownership under this Act or under Part II of the 1949 Act but on, or at any time after, that day was a wholly owned subsidiary of a company so coming into public ownership (other than a transfer or grant made to a company so coming into public ownership) as it applies to a transfer or grant made during the period mentioned in subsection (1) of that section by a company so coming into public ownership, but with the substitution, for the reference to three months after the date of transfer of the company appearing to the Minister to have entered into the transaction in question, of a reference to three months after the date of transfer of the company of which the company making the transfer or grant was at the material time a wholly owned subsidiary.

PART II

(3) Nothing in section 17 or 19 of the 1949 Act, so far as revived by this section, shall apply to a company whose securities were, immediately before the vesting date, vested in the Iron and Steel Holding and Realisation Agency.

(4) The Minister shall, out of moneys provided by Parliament, pay to a stockholders' representative such remuneration (whether by way of salary or fees) and such allowances, and such expenses incurred by him in the exercise of his functions, as may be determined by the Minister with the approval of the Treasury, and any sums paid by the Minister under this subsection shall be repaid to him by the Corporation on demand and shall be paid by him into the Exchequer.

(5) Any sum required by the Treasury to enable them to pay interest under the paragraph substituted by this Act for paragraph 5 of Schedule 6 to the 1949 Act shall be issued out of the Consolidated Fund.

14.—(1) On the vesting date, there shall be transferred to the Corporation the right of the Iron and Steel Holding and Realisation Agency to repayment of the principal of, and to payment of interest on, any loan then outstanding that was made by them under section 20(1)(a) of the 1953 Act.

Transfer to the Corporation of right to receive repayment of certain loans.

(2) Any agreement made by the Minister under section 5 of the 1953 Act shall have effect, as from the vesting date, in favour of and against the Corporation as if,—

(a) the Corporation had been a party, instead of the Minister, to the agreement; and

(b) for any reference (however worded, and whether express or implied) to the Minister, there were substituted, as respects anything falling to be done or occurring on or after the vesting date, a reference to the Corporation;

and section 14 of the 1949 Act shall not apply to any such agreement.

PART III

CONTROL OF PROVISION OF IRON AND STEEL PRODUCTION FACILITIES BY PERSONS OTHER THAN THE CORPORATION OR A PUBLICLY-OWNED COMPANY

15.—(1) The following provisions of this section shall, as from the vesting date, have effect in place of section 6 of the 1953 Act (which, in certain cases, requires the provision of additional production facilities to have the consent of the Iron and Steel Board or, on appeal, the Minister).

Provision of production facilities to be subject to the Minister's consent in certain cases.

(2) The Minister may from time to time by order require that, in such cases as may be defined in the order by reference to

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PART III size, cost or other relevant factors, any person (other than the Corporation or a publicly-owned company) proposing to provide or procure the provision of any additional production facilities in Great Britain shall give particulars in writing of the proposal to the Minister and shall not proceed therewith without the consent in writing of the Minister.

(3) Before making an order under the last foregoing subsection, the Minister shall consult with the Corporation and also with such organisations as he thinks fit, being organisations appearing to him to be representative of iron and steel producers, of workers employed in the carrying on in Great Britain of iron and steel activities, of consumers of iron and steel products, of workers employed in the undertakings of such consumers, or any class of such producers, workers or consumers as aforesaid.

(4) An order under subsection (2) of this section shall be so framed that, so far as practicable, the consent of the Minister under that subsection is required only in cases where the provision of the additional production facilities concerned would be likely, in the Minister's opinion, substantially to affect the efficient and economic development of production facilities in Great Britain.

(5) The Minister shall not refuse his consent under subsection (2) of this section to such a proposal as is therein mentioned except after giving to the person seeking the consent notice containing particulars of the reasons for which he has not yet given the consent and after considering any representations made in writing by that person; and that person shall be given an opportunity of appearing, either personally or by his representative, before a person appointed by the Minister, and if he avails himself of that opportunity the Minister shall, before giving or refusing his consent, consider the report of the person so appointed.

(6) Where a person seeking the consent under subsection (2) of this section of the Minister avails himself of the right conferred by the last foregoing subsection to appear before a person appointed by the Minister, the Minister shall furnish him with a copy of the report of the person so appointed and a statement of the Minister's reasons for giving or refusing his consent.

(7) Nothing in this section shall affect the provision of any production facilities if, before the vesting date, the Iron and Steel Board or the Minister have, under section 6 of the 1953 Act, consented in writing to the provision thereof.

(8) Section 29(1), (5), (6) and (7) of the 1953 Act (which relate to the enforcement of certain provisions of that Act by injunction) shall have effect with the substitution, for references

to section 6 of that Act, of references to this section and, for references to the Iron and Steel Board, of references to the Minister.

PART III

(9) References in this section to the provision of additional production facilities shall be construed as references to the provision of new production facilities and to the reconstruction of, or making of additions to, existing production facilities; and in this section "production facilities" means premises, plant or machinery used or proposed to be used for the carrying on of any activities included in paragraphs 2 and 3 of Schedule 3 to the 1953 Act.

PART IV

FINANCE

16.—(1) It shall be the duty of the Corporation so to exercise and perform their functions under this Act and the 1949 Act as to secure that the combined revenues of the Corporation and all the publicly-owned companies taken together are not less than sufficient to meet their combined charges properly chargeable to revenue account, taking one year with another.

General
financial
duties of the
Corporation.

(2) The Corporation shall charge to revenue account in every year all charges which are proper to be made to revenue account, including, in particular, proper provision for the depreciation or renewal of assets and proper allocations to general reserve, and shall secure that the publicly-owned companies charge to revenue account in every year all charges which are proper to be made to revenue account including, in particular, proper provision for the depreciation or renewal of assets; and the references in the foregoing and following subsections to charges properly chargeable to revenue account shall be construed accordingly.

(3) It shall be incumbent on the Corporation to secure that if, in the case of a financial year in respect of which there is prepared pursuant to the following provisions of this Part of this Act a consolidated statement of accounts dealing with the state of affairs and profit and loss of the Corporation and the publicly-owned companies as a whole, the combined revenues in that year of the Corporation and all the publicly-owned companies taken together (as shown in the statement) exceeds their combined charges properly chargeable to revenue account for that year (as so shown), the excess is, to such (if any) extent as the Minister may direct, applied for such purposes of the Corporation and of the said companies as he may direct and, subject to that, is applied for such of those purposes as the Corporation may determine.

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PART IV
General
reserve.

17.—(1) Without prejudice to the Corporation's power to establish specific reserves, they shall establish and maintain a general reserve.

(2) The management by the Corporation of their general reserve, the sums to be carried from time to time to the credit thereof, and the application of the moneys comprised therein shall (subject to the following provisions of this section) be as the Corporation may determine.

(3) None of the moneys comprised in the Corporation's general reserve shall be applied otherwise than for the purposes of the Corporation or of the publicly-owned companies.

(4) The power conferred by section 4 of the 1949 Act on the Minister to give directions to the Corporation shall extend to the giving to them, with the approval of the Treasury, of directions as to any matter relating to the establishment or management of the Corporation's general reserve or the carrying of sums to the credit thereof or the application of the moneys comprised therein, notwithstanding that the directions may be of a specific character.

The
Corporation's
commencing
capital debt.

18.—(1) The Corporation shall, on the vesting date, assume a debt due to the Minister of the aggregate of the following amounts:—

- (a) such amount as may be notified to the Corporation in writing by the Minister as being the amount determined by him, with the approval of the Treasury, to be necessary to recoup the Crown expenses and liabilities incurred by virtue of the provisions of section 10 of this Act and Schedule 6 to the 1949 Act;
- (b) the aggregate of the amounts of loans the right to repayment of which is transferred to the Corporation by section 14 of this Act; and
- (c) £110,274,094 (being the value of securities vested in the Corporation by section 9 of this Act which, immediately before the vesting date, were vested in the Iron and Steel Holding and Realisation Agency).

(2) The rate of interest payable on the said debt and the date from which interest is to begin to accrue, the arrangements for paying off the principal of the said debt, and the other terms of the said debt shall be such as the Minister, with the approval of the Treasury, may from time to time determine; and different rates and dates may be determined under this subsection with respect to different portions of the said debt.

(3) Any sums received by the Minister by way of interest on, or repayment of, the said debt shall be paid into the

Exchequer and shall be issued out of the Consolidated Fund at such times as the Treasury may direct and applied by the Treasury as follows, that is to say,—

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

19.—(1) The Corporation may borrow temporarily, by way of overdraft or otherwise, either from the Minister or, with the consent of the Minister and the approval of the Treasury, from any other person, such sums as the Corporation may require for meeting their obligations or exercising and performing their functions under this Act or the provisions thereby revived of the 1949 Act or for lending money temporarily to a publicly-owned company.

Borrowing powers of the Corporation and of publicly-owned companies.

(2) The Corporation may borrow from the Minister (otherwise than by way of temporary loan) such sums as they may require for all or any of the following purposes, namely,—

- (a) the provision of money for meeting any expenses incurred by the Corporation or a publicly-owned company in connection with any works the cost of which is properly chargeable to capital ;
- (b) the provision of working capital required by the Corporation or a publicly-owned company ;
- (c) the acquisition under section 2 of this Act of any interests in, or property or rights of, a company or the formation under that section of a company ;
- (d) the lending of money to a publicly-owned company (otherwise than by way of temporary loan) ;
- (e) the payment off of any part of the debt assumed by the Corporation under the last foregoing section or any money borrowed by them ;
- (f) any other purpose for which capital moneys are properly applicable.

(3) A publicly-owned company may borrow from the Corporation or, with the consent of the Corporation and the Minister, by way of temporary loan from any other person, such sums as the company may require for the purposes of their undertaking.

(4) The aggregate amount outstanding in respect of the sum of the principal of any money borrowed under this section by the Corporation (other than money borrowed for the payment

PART IV

off of any part of the debt assumed by them under the last foregoing section) and the principal of any money borrowed under this section by the publicly-owned companies otherwise than from the Corporation shall not exceed £300,000,000.

(5) The Commons House of Parliament may resolve that the last foregoing subsection shall have effect with the substitution, for the reference to £300,000,000, of a reference to such greater sum (not exceeding £400,000,000) as may be specified in the resolution.

(6) Neither the Corporation nor a publicly-owned company shall have power to borrow money except in accordance with this section.

Loans by the
Minister
to the
Corporation.

20.—(1) The Minister may, with the approval of the Treasury, lend to the Corporation any sums which the Corporation have power to borrow under the last foregoing section.

(2) Any loans which the Minister makes under this section shall be repaid to him at such times and by such methods, and interest thereon shall be paid to him at such rates and at such times, as he may, with the approval of the Treasury, from time to time direct.

(3) The Treasury may issue out of the Consolidated Fund to the Minister such sums as are necessary to enable him to make loans under this section.

1939 c. 117.

(4) For the purpose of providing sums to be issued under this section out of the Consolidated Fund to the Minister or of providing for the replacement of sums so issued, the Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act 1939, and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act.

(5) Any sums received by the Minister under subsection (2) of this section shall be paid into the Exchequer, and shall be issued out of the Consolidated Fund at such times as the Treasury may direct, and shall be applied by the Treasury as follows, that is to say:—

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

21. The Minister shall, as respects each financial year, prepare in such form and manner as the Treasury may direct an account of sums received by him as mentioned in section 18(3) of this Act, of sums received by him under section 20(2) thereof and of sums issued to him under section 20(3) thereof and of the disposal by him of those sums respectively, and send it to the Comptroller and Auditor General not later than the end of November following the year ; and the Comptroller and Auditor-General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

PART IV
Accounts of
the Minister.

22.—(1) The Treasury may guarantee, in such manner and on such conditions as they may think fit, the repayment of the principal of, and the payment of interest on, any sums which the Corporation borrow from a person other than the Minister.

Treasury
guarantees.

(2) Immediately after a guarantee is given under this section, the Treasury shall lay a statement of the guarantee before each House of Parliament, and where any sum is issued for fulfilling a guarantee so given the Treasury shall, as soon as possible after the end of each financial year, beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged, lay before each House of Parliament a statement relating to that sum.

(3) Any sums required by the Treasury for fulfilling any guarantee under this section shall be charged on and issued out of the Consolidated Fund.

(4) If any sums are issued in fulfilment of any guarantee given under this section, the Corporation shall make to the Treasury, at such times and in such manner as the Treasury may from time to time direct, payments, of such amounts as the Treasury may so direct, in or towards repayment of the sums so issued and payments of interest on what is outstanding for the time being in respect of sums so issued at such rate as the Treasury may so direct.

(5) Any sums received by the Treasury under the last foregoing subsection shall be paid into the Exchequer.

23.—(1) Any sums in the hands of the Corporation which are not immediately required for the purposes of their business may be invested in such manner as the Corporation think proper.

Investment
powers of the
Corporation.

(2) Nothing in the foregoing subsection shall be taken to authorise the Corporation to do, without the consent of, or otherwise than in accordance with the terms of any general

PART IV

authority given by, the Minister, anything which, under section 2 of this Act, may be done by them only with such consent or in accordance with the terms of any such general authority.

Accounts of the Corporation and audit thereof.

24.—(1) The Corporation shall keep proper accounts and other records and shall prepare—

- (a) in respect of each financial year, a statement of the accounts of the Corporation ;
- (b) in respect of the first financial year in which it is practicable so to do, and of each financial year thereafter, a consolidated statement of accounts dealing with the state of affairs and profit or loss of the Corporation and the publicly-owned companies as a whole ; and
- (c) in respect of a financial year as to which the Minister, with the approval of the Treasury, directs that this paragraph shall have effect (being a year in respect of which the Corporation are required to prepare a consolidated statement of accounts under the last foregoing paragraph), a consolidated statement of accounts dealing with the state of affairs and profit or loss of the Corporation and (according as may be specified in the direction) its subsidiaries or such of them as may be so specified ;

in such form as the Minister, with the approval of the Treasury, may direct.

(2) The Minister may make regulations—

- (a) requiring that there shall be stated in, or in a note on or statement annexed to, the statement referred to in subsection (1)(a) above, such information relating to bodies which, at a time specified in the regulations, are subsidiaries of the Corporation and to assets of the Corporation consisting of shares in, or amounts owing (whether on account of a loan or otherwise) from, such bodies as may be so specified ;
- (b) requiring that there shall be so stated such information as may be so specified relating to bodies corporate (not being at such time as aforesaid subsidiaries of the Corporation) shares in which are, at that time, to such extent as may be so specified, held by the Corporation, and to assets of the Corporation consisting of shares in, or amounts owing (whether on account of a loan or otherwise) from, those bodies corporate ;
- (c) requiring that there shall be so stated, in such form as may be so specified, the information furnished by the Corporation's subsidiaries in compliance with any provision of the enactments for the time being in force

relating to companies imposing on a company a requirement to furnish information corresponding to any that may be required to be furnished by the Corporation by virtue of paragraph (b) above ;

- (d) determining the circumstances in which, for the purposes of any requirement imposed by virtue of paragraph (a) or (b) above, shares in, or amounts owing from, a body corporate are to be treated as being held by or owing to the Corporation ;
- (e) granting exemption in circumstances so specified from a requirement imposed by virtue of paragraph (a) or paragraph (b) above ;
- (f) making such provision supplementary to any requirement imposed by virtue of paragraph (a) or (b) above as the Minister thinks necessary or expedient.

(3) The accounts of the Corporation shall be audited by auditors appointed by the Minister, and a person shall not be qualified to be so appointed unless he is a member of one or more of the following bodies :—

The Institute of Chartered Accountants in England and Wales ;

The Institute of Chartered Accountants of Scotland ;

The Association of Certified and Corporate Accountants ;

The Institute of Chartered Accountants in Ireland ;

Any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 c. 38. 1948 by the Board of Trade ;

but a Scottish firm may be so appointed if each of the partners is qualified to be so appointed.

(4) So soon as the accounts of the Corporation have been audited, the Corporation shall send to the Minister—

- (a) a copy of the statement referred to in subsection (1)(a) above and of any note or statement required by virtue of subsection (2) above to be placed thereon or annexed thereto, together with a copy of any report made by the auditors on the statement so referred to ;
- (b) copies of the accounts of each of the publicly-owned companies prepared in accordance with the Companies Act 1948, as amended by any subsequent enactment, whether passed before or after the passing of this Act, and a copy of the report of the directors of each such company, but so that where group accounts within the meaning of that Act are prepared by any company it shall not be necessary for a copy of the accounts of any

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PART IV

subsidiary dealt with in those group accounts or of the report of the directors of the subsidiary to be sent to the Minister ;

- (c) if the first-mentioned accounts are in respect of a financial year in respect of which the Corporation are required to prepare a consolidated statement of accounts under subsection (1)(b) above, a copy of that consolidated statement, together with a copy of any report made by the auditors on that statement ; and
- (d) if the first-mentioned accounts are in respect of a financial year in respect of which the Corporation are required to prepare a consolidated statement of accounts under subsection (1)(c) above, a copy of that consolidated statement, together with a copy of any report made by the auditors on that statement.

1948 c. 38.

In this subsection any reference to the report of the directors of a company is a reference to the report of the directors of the company which, by section 157 of the Companies Act 1948, is required to be attached to every balance sheet of the company laid before it in general meeting.

(5) The Minister shall lay a copy of every such statement, note, account and report before each House of Parliament.

(6) The Corporation shall keep at their principal office copies, which shall be available for inspection during business hours, of any statement of information furnished by the Corporation in compliance with a requirement imposed by virtue of subsection (2) above, and shall furnish a copy of the statement to any person on demand and on payment of such reasonable charge as the Corporation may require.

Information respecting certain classes of business of the Corporation and publicly-owned companies to be contained in the Corporation's report to the Minister.

25.—(1) If a body in the group consisting of the Corporation and the publicly-owned companies has, in the course of a financial year of the body ending after such date as the Minister may determine for the purposes of this subsection, carried on business of a kind to which this section applies, or business of that kind of two or more classes that differ substantially from each other, the Corporation shall determine the amount of the turnover of the body for that financial year in respect of business of that kind or, as the case may be, of each of those classes ; and if the amount of turnover in respect of that business or, as the case may be, of any of those classes, is determined by the Corporation to have exceeded £250,000, there shall be contained, if the body is the Corporation, in the report which, by section 4(6) of the 1949 Act, they are required to make next after the end of that financial year or, if the body is a publicly-owned company, in the report which the Corporation are by that section required to make next

after the end of the financial year of the Corporation with or within which the first-mentioned financial year ends, a statement of—

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- (a) that amount ;
- (b) the extent or approximate extent (expressed, in either case, in monetary terms) to which, as so determined, the carrying on of business of that kind or, as the case may be, of that class by the body contributed to, or restricted, the profit or loss of the body for the financial year of the body before taxation ;
- (c) the extent or approximate extent to which, as so determined, capital moneys were, in the course of that financial year, employed in the carrying on by the body of business of that kind or, as the case may be, that class ; and
- (d) such further information, if any, relating to the carrying on by the body of business of that kind or, as the case may be, that class as the Minister may from time to time direct.

(2) If, in the course of a financial year of the Corporation ending after such date as the Minister may determine for the purposes of this subsection, any two or more bodies in the group consisting of the Corporation and the publicly-owned companies have carried on business of a kind to which this section applies, or business of that kind of two or more classes that differ substantially from each other, the Corporation shall determine the amount of the turnover for that financial year of the said bodies as a whole in respect of business of that kind or, as the case may be, each of those classes ; and if the amount of that turnover in respect of business of that kind or, as the case may be, any of those classes, is determined by the Corporation to have exceeded £1,000,000, there shall be contained, in the report which, by section 4(6) of the 1949 Act, the Corporation are required to make next after the end of that financial year, a statement of—

- (a) that amount ;
- (b) the extent or approximate extent (expressed, in either case, in monetary terms) to which, as so determined, the carrying on by the said bodies of business of that kind or, as the case may be, that class contributed to, or restricted, the profit or loss of the Corporation and the publicly-owned companies as a whole for that financial year ;
- (c) the extent or approximate extent to which, as so determined, capital moneys were, in the course of that year, employed in the carrying on by the said bodies as a whole of business of that kind or, as the case may be, that class ;

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PART IV

(d) such further information, if any, relating to the carrying on by the said bodies of business of that kind or, as the case may be, that class as the Minister may from time to time direct.

(3) Each report made by the Corporation under section 4(6) of the 1949 Act after they are required to make a determination in pursuance of a subsection above shall contain a statement of the method or, if more than one method is used, of each method, by which turnover is determined by the Corporation for the purposes of that subsection ; and in any such report containing a statement made in pursuance of that subsection there shall be stated with respect to each matter involving a determination by the Corporation (other than the determination of an amount of turnover) the method by which that determination is arrived at.

(4) The method used in arriving at a determination in any case for purposes of paragraph (c) of subsection (1) above and that used in arriving at a determination in any case for purposes of paragraph (c) of subsection (2) above shall be such as, when examined in conjunction with the determination made in the first-mentioned case in pursuance of paragraph (b) of the said subsection (1) and that made in the second-mentioned case in pursuance of paragraph (b) of the said subsection (2) respectively, will give a true and fair view of the relationship in those cases respectively between capital employed and profits made or loss incurred.

(5) The Corporation shall not be required, by virtue of this section, to furnish information which is furnished in any statement, note, account or report which, in pursuance of section 24(4) of this Act, the Corporation have sent to the Minister, or in any statistics or return published in pursuance of a direction given under section 6 of this Act.

(6) This section applies to business consisting wholly or mainly in activities not being iron or steel activities, and, for the purposes of this section, classes of business that do not differ substantially from each other shall be treated as one class.

(7) The Minister may from time to time direct that this section or a provision thereof shall not apply to business of a class or description specified in the direction ; and if the Minister gives a direction under this subsection, that fact, and the class or description of business to which the direction relates, shall be stated in each report made under section 4(6) of the 1949 Act so long as that direction is in force.

(8) The Minister may from time to time vary the amount by reference to which it is to be determined, under subsection (1) or (2) above, whether a statement is to be contained in a report made under section 4(6) of the 1949 Act, and may fix different amounts under this subsection for different purposes.

26.—(1) Stock issued in satisfaction of compensation payable under this Act in respect of the vesting of securities or of compensation payable under Schedule 6 to the 1949 Act shall bear such rate of interest, and be subject to such conditions as to repayment, redemption and other matters as the Treasury may determine. PART IV
General
provisions as
to stock issued
for
compensation.

(2) The Treasury may by regulations make provisions as to the procedure for the issuing by the Bank of England of government stock in satisfaction as aforesaid, including provisions as to evidence of the amount of stock to be issued in any case, and the person to whom it is to be issued, on which the Bank is to be authorised or required to act.

(3) The Corporation shall be liable to indemnify the Bank of England against any loss suffered by them arising out of, or in connection with, the issue of such stock.

(4) Any expenses incurred in connection with the issue or repayment of such stock shall be charged on and issued out of the Consolidated Fund.

(5) The Treasury may, for the purpose of providing any sums required by them in order to redeem such stock, raise money in any manner in which they are authorised to raise money under the National Loans Act 1939, and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act. 1939 c. 117.

(6) There shall be paid to the Banks of England and Ireland respectively, out of the Consolidated Fund, such sum in respect of the management of any such stock in any financial year as may be agreed upon between the Treasury and those Banks respectively.

(7) Section 47 of the Finance Act 1942 (which empowers the Treasury to make regulations as respects the transfer and registration of stock and registered bonds of the descriptions specified in Part I of Schedule 11 to that Act), and any regulations made under that section which are in force immediately before the passing of this Act, shall have effect as if such stock were included amongst the stocks mentioned in the said Part I and amongst the stocks to which the said regulations apply. 1942 c. 21.

(8) The following enactments, namely,—

(a) paragraphs 3 and 5 of Schedule 2 to the National Loans Act 1939 ;

(b) section 196(1) of the Income Tax Act 1952 ;

(c) section 15(1) of the National Debt Act 1958 ;

1952 c. 10.
1958 c. 6.
(7 & 8 Eliz. 2.)

shall have effect as if references to securities issued under the said Act of 1939 included references to such stock.

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(9) The power of the Treasury to make regulations under the said section 47 shall include power to make regulations (so as to have effect pending the registration of stock issued in satisfaction of compensation payable under this Act in respect of the vesting of securities) providing for all or any of the matters for which provision was made by paragraphs 22 to 25 of Schedule 7 to the 1949 Act and regulations providing for the matter for which provision was made by paragraph 28(3) of that Schedule.

PART V

DISSOLUTION OF THE IRON AND STEEL BOARD AND THE IRON AND STEEL HOLDING AND REALISATION AGENCY, AND OTHER PROVISIONS RELATING THERETO

Transfer of assets, &c., of, and dissolution of, the Iron and Steel Board.

27.—(1) Subject to the provisions of this Act, on the vesting date,—

- (a) all the property, rights, liabilities and obligations which, immediately before that date, were property, rights, liabilities and obligations of the Iron and Steel Board established under Part II of the 1953 Act shall, by virtue of this section, become property, rights, liabilities and obligations of the Corporation ; and
- (b) the said Board shall cease to have any powers or duties under sections 3 to 15 of the 1953 Act (which give to the Board certain supervisory and other functions in relation to the iron and steel industry).

(2) On the expiration of the period of one month beginning with the vesting date, or of such longer period beginning with that date as the Minister may by order direct, the said Board shall cease to exist.

(3) The temporary and transitional provisions of Part I of Schedule 2 to this Act shall have effect in relation to the Iron and Steel Board for the remaining period of the Board's existence, and the supplemental provisions of Part II of that Schedule shall have effect in connection with the matters provided for in subsection (1)(a) of this section ; and in that Schedule "the Board" means the Iron and Steel Board.

(4) Nothing in this section shall be taken as transferring to the Corporation any statutory powers or duties conferred or imposed on the Iron and Steel Board by the 1953 Act.

Termination of the Iron and Steel Board's levies on iron and steel producers.

28. The Minister may by order provide for the termination of liabilities imposed by virtue of section 13 of the 1953 Act (provision of funds for the Iron and Steel Board) on iron and steel producers.

29.—(1) The duty imposed by section 18(1) of the 1953 Act on the Iron and Steel Holding and Realisation Agency to secure the return to private ownership of the undertakings owned by bodies which, on the day appointed under section 1 of that Act, became subsidiaries of theirs is hereby determined; and, in section 25(1) of that Act, for the words “If at any time it appears to the Treasury that the duty of the Agency under section eighteen of this Act has been substantially discharged, the Treasury may by order dissolve the Agency”, there shall be substituted the words “The Treasury may, at any time after the vesting date under the Iron and Steel Act 1967, by order dissolve the Agency”.

PART V
Cesser of duty of the Iron and Steel Holding and Realisation Agency to return undertakings to private ownership, and amendments of provisions of 1953 Act as to dissolution of Agency.

(2) An order dissolving the Agency may substitute a Minister of the Crown, a Government department or the Corporation for the Agency in any regulations made under section 24 of the 1953 Act (compensation to officers and servants of companies).

(3) In subsection (2)(a) of the said section 25 (by virtue whereof property, rights, liabilities and obligations of the said Agency immediately before its dissolution must be transferred by the order dissolving it to a Minister of the Crown or his nominees or agents), after the word “agents” there shall be inserted the words “or to the National Steel Corporation” and in the said subsection—

- (a) references to rights shall be construed as not including references to the right transferred to the Corporation by section 14(1) of this Act; and
- (b) references to liabilities shall be construed as including references to any contingent liability falling on the said Agency by virtue of paragraph 7(1) of Schedule 1 to the 1953 Act (which transferred to the Agency any liability of the Iron and Steel Corporation of Great Britain under section 49 of the 1949 Act to satisfy judgments or orders obtained against publicly-owned companies);

and the said order may include provision for giving to the transferee under it of any such liability as is mentioned in paragraph (b) of this subsection the same right of indemnity as is given to the Agency by paragraph 7(3) of the said Schedule 1.

(4) Different substitutions may be made by virtue of subsection (2) above, and different provision may be made by virtue of the said subsection (2)(a), in relation to different cases.

PART VI**MISCELLANEOUS AND GENERAL**

Right of certain iron and steel producers to object to trade practices of the Corporation and publicly-owned companies appearing to be unfair.

30.—(1) Subject to subsection (6) below, the three next following subsections shall have effect where an iron and steel producer, being neither one of a description mentioned in subsection (5) below, nor the Corporation nor a publicly-owned company, makes to the Minister written complaint about a practice employed by the Corporation or a publicly-owned company in selling iron and steel products, being products of an activity specified neither in paragraph 4 nor in paragraph 6 of Schedule 3 to the 1953 Act, and the complaint is expressed to be made on the ground that the practice is unfair to the complainant and specifies the respects in which he considers that it is so unfair.

(2) The Minister shall forthwith after receiving the complaint send a copy thereof to the Corporation and, after such period for consideration of, and comment upon, the complaint by the Corporation as the Minister thinks reasonable has elapsed, shall send to the complainant a statement of the comments, if any, made by the Corporation on the complaint and shall, if he is of opinion that the complaint raises a question of substance and that the complainant has a reasonable case to make in support of the complaint, afford the complainant and the Corporation an opportunity of appearing, either personally or by a representative, before a person appointed by the Minister.

(3) The Minister shall consider the report of the person appointed under the last foregoing subsection and may, if it appears to him that the practice complained of is unfair to the complainant, give to the Corporation such directions as appear to him to be requisite to secure the removal of the grounds on which it is so unfair; and the Minister shall furnish the complainant with a statement of any such directions and the Corporation shall give effect thereto.

(4) Where a complainant avails himself of the right conferred by subsection (2) above to appear before a person appointed by the Minister, the Minister shall furnish the complainant and the Corporation each with a copy of the report of the person so appointed, and a statement of the conclusions reached by the Minister on considering the report.

(5) The description of iron and steel producer referred to in subsection (1) above is an iron and steel producer who carries on business comprising one or more of the activities specified in paragraphs 4 and 6 of Schedule 3 to the 1953 Act, but no other iron and steel activity.

(6) The Minister may by order give either or both of the following directions—

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- (a) a direction that subsection (1) of this section shall have effect as if the reference to an iron and steel producer of a description mentioned in the last foregoing subsection did not include a reference to an iron and steel producer of a specified description or that that subsection shall have effect as if the first-mentioned reference were omitted ;
- (b) a direction that that subsection shall have effect as if the reference to products of an activity specified neither in paragraph 4 nor in paragraph 6 of Schedule 3 to the 1953 Act did not include a reference to products of a specified description or that that subsection shall have effect as if the first-mentioned reference were omitted.

31.—(1) The following provisions of the 1949 Act as to conditions of employment, pension rights and compensation of officers, that is to say, sections 39, 40 (except subsection (6)) and 41, are hereby revived. Conditions of employment, pension rights, &c.

(2) Section 39 of the 1949 Act shall be amended as follows:—

- (a) in subsection (1) after the word “ section ” there shall be inserted the words “ being machinery for operation at national level or works level or a level falling between those levels and appearing to the Corporation to be appropriate ”, after the words “ establishment and maintenance ” there shall be inserted the words “ for operation at any such level as aforesaid ”, and for paragraph (b) there shall be substituted the following paragraph—

“ (b) the promotion and encouragement of measures affecting efficiency, in any respect, in the carrying on by the Corporation and by publicly-owned companies of their activities, and the promotion and encouragement of measures affecting the safety, health and welfare of persons employed by the Corporation and by publicly-owned companies ”;

- (b) in subsection (2), for the words “ the Minister of Labour and National Service ”, there shall be substituted the words “ the Minister of Labour ”; and
- (c) after subsection (2) there shall be inserted the following subsection—

“ (2A) Where it falls to the Corporation or a publicly-owned company to participate in the operation of machinery established under this section, and the operation involves discussion of a subject by other persons participating therein, the Corporation

PART VI

or, as the case may be, the publicly-owned company shall make available to those persons, at a reasonable time before the discussion is to take place, such information in their possession relating to the subject as, after consultation with those persons, appears to the Corporation or, as the case may be, publicly-owned company to be necessary to enable those persons to participate effectively in the discussion ”.

(3) Section 40 of the 1949 Act shall be amended as follows:—

- (a) in subsection (1), in paragraph (a), after the words “ the Corporation ” there shall be inserted the words “ or the Iron and Steel Board ”, and, in paragraph (b), after the word “ purposes ” (in the second place in which it occurs) there shall be inserted the words “ (whatever the date on which they came into force) ” ;
- (b) in subsection (2), in the proviso, for the words “ provision made by this Act or in anticipation of the making of any such provision ”, there shall be substituted the words “ provision made by the Iron and Steel Act 1967 or this Act, or in anticipation of the making of any provision by the said Act of 1967 ” ; and
- (c) in subsection (3), for the words from “ referred to a referee ” onwards, there shall be substituted the words “ referred to and determined by a tribunal established under section twelve of the Industrial Training Act 1964 ” ;

1964 c. 16.

1965 c. 62.

and for the purposes of paragraph (e) of section 46(1) of the Redundancy Payments Act 1965 (which includes amongst the proceedings with respect to which the Minister of Labour is required by that subsection to make regulations, proceedings to determine any question which, by or under any statutory provision passed or made after the passing of that Act, is directed to be referred to and determined by such a tribunal as aforesaid) the said subsection (3), as amended by this section, shall be deemed to have been so passed.

(4) Section 41 of the 1949 Act shall be amended as follows:—

- (a) at the end of subsection (1) there shall be added the following words “ or of effect being given to conclusions reported under section four of the Iron and Steel Act 1967 to the Minister or a direction given by him by virtue of subsection (2) of section seven of that Act, and the payment by the Corporation, in such cases and to such extent as may be specified in the regulations, of compensation to officers of the Iron and Steel Board who suffer loss of employment or loss or diminution of emoluments or pension rights in consequence of the dissolution of the Board ” ; and

(b) in subsection (3), for the words from "a referee" onwards, there shall be substituted the words "a tribunal established under section twelve of the Industrial Training Act 1964".

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1964 c. 16.

(5) The Minister shall not make regulations under the said section 40 or the said section 41 except after consultation with the Corporation and such organisations as appear to him to be representative of persons concerned.

(6) Any increase attributable to this section in the sums which, under section 12(3) of the Industrial Training Act 1964, as amended by the Redundancy Payments Act 1965, are defrayed out of moneys provided by Parliament shall be defrayed out of moneys so provided.

1965 c. 62.

32.—(1) For the purpose of determining any question or dispute which, under this Act or under any provision of the 1949 Act revived by this Act or any regulations made under any such provision, is expressly required to be determined by arbitration under the 1949 Act, or any matter in respect of which jurisdiction is given by any such provision to the tribunal that was established by section 43(1) of that Act by the name of the Iron and Steel Arbitration Tribunal, that tribunal shall, by virtue of this subsection, be re-established by that name on such day as the Lord Chancellor may by order appoint for the purposes of this section and shall, subject to the provisions of subsection (7) of that section with respect to the reference by the tribunal of proceedings to a person for inquiry and report, hear and determine every such question, dispute or matter as aforesaid.

Re-establishment of the Iron and Steel Arbitration Tribunal.

(2) The following provisions of the 1949 Act shall, on the said day, be revived by virtue of this subsection and shall again have effect with respect to, and to proceedings before, the Iron and Steel Arbitration Tribunal and with respect to the members and officers thereof and any person to whom any proceedings are referred under the said subsection (7), namely, the provisions (other than subsection (1)) of the said section 43 and sections 44, 45, 46(1), (2) and (3) and 60(7).

(3) The Tribunals and Inquiries Act 1958 shall have effect as if the Iron and Steel Arbitration Tribunal were included amongst the tribunals specified in Schedule 1 thereto.

1958 c. 66.

(4) Any remuneration and allowances payable by virtue of section 46(2) or (3) of the 1949 Act to the members or officers of the Iron and Steel Arbitration Tribunal or to a person to whom proceedings are referred under section 43(7) of that Act for inquiry and report and any other expenses of the tribunal shall be defrayed in the first instance by the Minister out of

PART VI moneys provided by Parliament, but the amounts from time to time so paid by the Minister shall be repaid on demand to the Minister by the Corporation and shall be paid by him into the Exchequer.

Consequential amendment of, and power of the Minister to repeal, section 7(1) of Restrictive Trade Practices Act 1956. 1956 c. 68.

33.—(1) As from the vesting date, section 7(1) of the Restrictive Trade Practices Act 1956 (which, in the case of agreements made by iron and steel producers and providing for exclusivity in regard to the supply of raw materials or other products, enables an agreement to be excepted from the application of Part I of that Act if the relevant term has been approved by the Iron and Steel Board and by the Minister) shall have effect with the omission of the words “by the Iron and Steel Board and”.

(2) If at any time after the vesting date it appears to the Minister that adequate arrangements for the importation of raw materials or other iron and steel products for use in the carrying on of iron and steel activities which are, or are to be, carried on by or under the ultimate control of the Corporation have been established under the direct or indirect control of the Corporation, the Minister may make an order directing that the said section 7(1) shall cease to have effect as from such date as may be specified in the order.

(3) If the Minister makes an order under the last foregoing subsection, the two following subsections shall have effect for the purpose of applying provisions in Part I of the said Act of 1956 to any agreement in force immediately before, and remaining in force on and after, the date on which the said section 7(1) ceases to have effect, being an agreement to which the said Part I applies on and after that date and would have applied before that date but for the said section 7(1).

(4) Any such agreement shall be treated, for the purposes of section 10 of the said Act of 1956 (which requires particulars of agreements to be furnished to the Registrar of Restrictive Trading Agreements), as having on the said date become subject to registration under the said Part I by virtue of an order made under section 9 of the said Act of 1956.

(5) The order of the Minister under subsection (2) above shall, for the purposes of section 10(1) and (2) of the said Act of 1956, specify the period or periods within which the particulars mentioned in those subsections are to be furnished to the said Registrar, and accordingly, in relation to such an agreement as aforesaid, those subsections shall have effect with the substitution, for references to the period specified in that section, of references to the period specified in the order.

34. Sections 47 (duty of Corporation, National Coal Board, Gas Council and Area Gas Boards to consult with respect to carbonisation development) and 49 (liability of Corporation for debts of publicly-owned companies) of the 1949 Act are hereby revived.

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Reviver of provisions of 1949 Act as to carbonisation development and debts of publicly-owned companies.

35.—(1) Section 15 of the Mineral Workings Act 1951 (which empowered the Minister of Housing and Local Government to make regulations modifying sections 1 to 14 of that Act in their application to operators being publicly-owned companies and was repealed by the 1953 Act) is hereby revived, but with the substitution, for references to the Iron and Steel Corporation of Great Britain, of references to the National Steel Corporation.

Reviver of section 15 of Mineral Workings Act 1951.
1951 c. 60.

(2) This section shall not extend to Scotland.

36. The Schedule to the Building Control Act 1966 (bodies in whose case work carried out at their expense is exempt from control under that Act by virtue of section 5(1)(e) thereof) shall have effect as if the Corporation and the publicly-owned companies were included amongst the bodies therein mentioned.

Exemption of the Corporation and publicly-owned companies from Building Control Act 1966.
1966 c. 27.

37. In determining the location of its commercial and administrative offices, the Corporation shall have regard to the location of the manufacturing activities under the ultimate control of the Corporation and to the desirability of distributing major commercial and administrative offices throughout Great Britain.

Location of the Corporation's offices.

38. The Minister may by order change the name of the authority established by section 1(1) of this Act, and an order under this section may make such provision as appears to the Minister to be requisite or expedient in consequence of the change of name effected thereby, including (without prejudice to the generality of the foregoing words) provision for amending enactments (whether contained in this or in any other Act).

Power of the Minister to change the Corporation's name.

39.—(1) Section 50 of the 1949 Act and Schedule 9 to that Act (which relate to the constitution and proceedings of publicly-owned companies and have remained in force by virtue of paragraph 15 of Schedule 1 to the 1953 Act) shall, as from the vesting date, have effect by virtue of this section instead of by virtue of the said paragraph 15, and on that date that paragraph shall cease to have effect.

Miscellaneous provisions as to publicly-owned companies.

(2) Any notice given or other thing done before the vesting date by the Iron and Steel Holding and Realisation Agency in relation to a company which was then in public ownership shall, if in force immediately before that date, continue to have

PART VI effect and be deemed, as from that date, to have been given or done by the Corporation.

(3) A company which is publicly owned shall not, except with the consent of, or in accordance with the terms of any general authority given by, the Minister acquire interests in a company or form, or take part in forming, a company.

Exemption from stamp duty.
1930 c. 28.

40.—(1) For the purpose of section 42 of the Finance Act 1930 (which affords relief from transfer stamp duty in the case of the transfer of property between associated companies), the Corporation shall be deemed to be a company with limited liability.

(2) Where a company is to be formed by the Corporation or the amount of the nominal share capital of a subsidiary of the Corporation is to be increased, then if the Treasury are satisfied that the formation of the company or, as the case may be, the increase of capital is for the purpose of giving effect to conclusions reported under section 4 of this Act to the Minister or a direction given by him by virtue of section 7(2) of this Act or is for purposes that include that purpose, stamp duty shall not be chargeable on so much of the nominal share capital of the company or, as the case may be, of the increase of the nominal share capital of the subsidiary as, in the opinion of the Treasury, is necessary for achieving that purpose.

Furnishing of information to the Minister and the Corporation.

41.—(1) Subject to subsection (5) below, it shall be the duty of every company specified in Schedule 1 to this Act, every company which on 4th November 1964 was, or thereafter became (whether before or after the passing of this Act), a subsidiary of a company so specified, and every person in whom are vested any property or rights which on that day were, or thereafter (whether before or after the passing of this Act) became, property or rights of a company so specified or a subsidiary thereof or which are derived from any such property or rights—

- (a) to produce to any person authorised by the Minister, on production by that person, if so required, of a duly authenticated document showing his authority, such books of account, records and documents, and to supply copies of, or extracts from, such books, records and documents, and to furnish such other information, as may reasonably be required by the Corporation or the Minister for the purposes of this Act or the provisions thereby revived of the 1949 Act; and
- (b) to provide facilities for the examination of any such books, records and documents, and the taking of copies thereof and extracts therefrom, and facilities

for inspecting any property of the said company or other person for the purpose of verifying information furnished by him as aforesaid.

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(2) The Minister may, for the purpose of obtaining forecasts reasonably required by him for the exercise and performance of his functions under this Act, by notice in writing served on an iron and steel producer (other than the Corporation or a publicly-owned company) require him to furnish to the Minister such forecasts with respect to his output of, and capacity to produce, such iron and steel products as may be specified in the notice; and any such notice may require any such forecasts to be furnished in such manner and within such time as may be specified in the notice, and either periodically or on one occasion or more.

(3) Subject to subsection (7) below, the Corporation may, by notice in writing (served as mentioned in subsection (6) below), require any organisation appearing to the Corporation to be representative of the interests of iron and steel producers (not being an organisation so appearing to be representative solely of the interests of those who are not publicly-owned companies) to furnish to the Corporation such information relating to the organisation as may reasonably be required by the Corporation for the exercise and performance of their functions under this Act; and any such notice may require any such information to be certified as correct by the auditors of the organisation.

(4) Subject to subsection (7) below, the Corporation may, by notice in writing served on a person engaged in doing, as a common service for iron and steel producers or any group thereof, any thing (not being a person doing it exclusively for producers who are not publicly-owned companies), require him to furnish to the Corporation information relating to the doing of that thing; and any such notice may require any such information to be certified as correct by that person's auditors.

(5) Subsection (1) above shall not apply to a company after it has come into public ownership, and shall cease to have effect on the expiration of the period of twelve months beginning with the vesting date.

(6) A notice under subsection (3) above shall, in the case of an organisation which is a body corporate, be served on the body and shall, in the case of an organisation which is not a body corporate, be served on, and take effect as a requirement on, such officer of the organisation as appears to the Corporation to be appropriate.

(7) No notice shall be served by the Corporation under subsection (3) or subsection (4) above after the expiration of the period of twenty-four months beginning with the vesting date.

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(8) A person who fails to satisfy an obligation to which he is subject by, or by virtue of, any of the foregoing provisions of this section shall, unless he proves that he had reasonable excuse for the failure, be guilty of an offence and liable, on summary conviction, to a fine not exceeding £50, or in the case of a second or subsequent conviction to a fine not exceeding £200.

Penalization of
furnishing
false
information.

42. A person who—

- (a) in purported compliance with a requirement imposed under this Act or a provision of the 1949 Act revived by this Act or under regulations under this Act or any such provision to furnish information, or in making any claim or giving any notice for the purposes of any such provision, furnishes any information which he knows to be false in a material particular or recklessly furnishes any information which is so false; or
- (b) in purported compliance with a requirement so imposed to supply a copy of, or extract from, a book of account, record or document, supplies a document purporting to be such a copy or extract but which he knows to differ in a material particular from the book, record or document of which it purports to be a copy or, as the case may be, from the passage in which it purports to consist, or recklessly supplies a document purporting to be such a copy or extract but which so differs; or
- (c) with intent to deceive, produces for the purposes of the last foregoing section or of section 29 of the 1953 Act any book, record or document which is false in a material particular;

shall be guilty of an offence and shall be liable—

- (i) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding £100 or to both;
- (ii) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

Restriction of
disclosure of
information
obtained
under Iron
and Steel
Acts.

43.—(1) No information obtained under this Act, the 1953 Act or the 1949 Act shall be disclosed except—

- (a) with the consent of the person by whom it was furnished or, as the case may be, carrying on the undertaking or business to which related the books, records or other documents from which it was obtained; or
- (b) in the form of a summary of information furnished by, or obtained from documents relating to undertakings or businesses carried on by, a number of persons, being

a summary so framed as not to enable particulars relating to the business of individual persons to be ascertained therefrom ; or

- (c) for the purpose of enabling the Corporation or the Minister to discharge their or his functions under this Act or the provisions of the 1949 Act thereby revived or of enabling the Iron and Steel Board to discharge their functions under the 1953 Act or this Act ; or
- (d) with a view to the institution of, or otherwise for the purposes of, any criminal proceedings pursuant to, or arising out of, this Act or the provisions of the 1949 Act thereby revived ;

and nothing contained in a forecast obtained under this Act or the 1953 Act shall be disclosed except with the consent of the person by whom the forecast was furnished, in the form of a summary of forecasts furnished by a number of persons (being a summary framed as mentioned in paragraph (b) above), for such a purpose as is mentioned in paragraph (c) above or as mentioned in paragraph (d) above.

(2) If a disclosure is made by a person in contravention of the foregoing subsection he 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 £100, or to both ;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

44. Section 56 (service of documents) of the 1949 Act is hereby revived and shall have effect as well in relation to a notice authorised by section 41 of this Act to be served as in relation to a document required or authorised by or under that Act or regulations made thereunder to be given, delivered or served. Service of notices, &c.

45.—(1) Where an offence under section 42 or 43 of this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a 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 shall be liable to be proceeded against accordingly. Offences by corporations.

(2) In the foregoing subsection, the expression “director” in relation to the Corporation or any other body corporate established by or under an enactment for the purpose of carrying on

PART VI under national ownership an industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of, as the case may be, the Corporation or that other body corporate.

Regulations,
orders and
rules.

46.—(1) Any power conferred by this Act or by the provisions of the 1949 Act revived by this Act to make regulations, the power conferred by section 4 of the 1949 Act to make an order and any power conferred by this Act to make an order, and the power conferred by section 44(4) of the 1949 Act to make rules shall be exercisable by statutory instrument.

(2) A statutory instrument by which any such power as aforesaid is exercised (except one containing an order under any provision of this Act other than sections 5, 15, 28 and 30 thereof or regulations under section 41(4) of the 1949 Act) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) No order shall be made under section 33(2), 38 or 48(1) of this Act unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament.

(4) The power conferred by each of the following provisions, namely, section 4 of the 1949 Act and sections 5, 15 and 30 of this Act to make an order shall include power exercisable in the like manner to vary or revoke an order.

Interpretation.

47.—(1) Section 59 (interpretation) of the 1949 Act is hereby revived and shall have effect as well for the purposes of, and for the interpretation of, this Act as for the purposes of, and for the interpretation of, that Act; but for the purposes of section 9 of this Act “company” shall not include any body other than a company as defined in the said section 59.

(2) In this Act—

1949 c. 72.

“the 1949 Act” means the Iron and Steel Act 1949;

1953 c. 15.

“the 1953 Act” means the Iron and Steel Act 1953;

“iron and steel producer” means a person carrying on in Great Britain a business comprising any iron and steel activities;

“iron and steel products” means products of any iron and steel activities;

and references to the provisions of the 1949 Act revived by this Act shall be construed as including references to section 50 of that Act and Schedule 9 thereto.

(3) In the provisions of the 1949 Act revived by this Act—

PART VI

(a) references to the date of transfer shall be construed as referring—

(i) in relation to a company whose securities vest in the Corporation by virtue of this Act or of the said provisions, to the date on which those securities so vest ; and

(ii) in relation to any other company which comes into public ownership under Part II of this Act or the said provisions, to the date on which that company comes into public ownership ;

(b) references to the general date of transfer shall be construed as referring to the vesting date ;

(c) references to the Corporation shall be construed as referring to the National Steel Corporation ;

(d) references to the Minister shall be construed as referring to the Minister of Power ;

and those provisions, in their application to Scotland, shall have effect subject to subsections (2), (3), (4) and (6) of section 60 (application to Scotland) of the 1949 Act, which subsections are hereby revived.

(4) For the purposes of this Act and the provisions of the 1949 Act revived thereby,—

(a) “ the Consolidated Fund ” means the Consolidated Fund of the United Kingdom ;

(b) “ iron and steel activities ” means the activities included in Schedule 3 to the 1953 Act ; and

(c) the securities of a company to which the same rights attach shall be deemed to constitute a class of securities, and the date of issue of any securities shall be deemed to be the date on which a resolution allotting those securities is made.

(5) A company shall not, for the purposes of the provisions of the 1949 Act revived by this Act, be taken not to have come into public ownership by reason of the fact that, immediately before the vesting date, its securities were vested in the Iron and Steel Holding and Realisation Agency.

48.—(1) If it appears to the Minister that the processing of iron or steel by a process which, at the passing of this Act, was not being applied by persons carrying on business in Great Britain or was not, in his opinion, being so applied to a substantial extent ought to be treated as included in Schedule 3 to the 1953 Act, he may by order provide that the processing

Power of the Minister to extend definition of iron and steel activities.

PART VI

of iron or steel by that process shall be deemed, for the purposes of the 1949 Act and this Act, to be included in that Schedule.

(2) An order under the foregoing subsection with respect to a process shall not be made by the Minister except after consultation with—

- (a) the Corporation ;
- (b) the Iron and Steel Consumers' Council ;
- (c) such organisations as appear to him to be representative of the interests of persons carrying on business in Great Britain who apply that process ; and
- (d) such organisations as appear to him to be representative of the interests of persons employed in Great Britain in applying that process.

Amendment of provisions of 1949 Act, and form in which they are to have effect.

49.—(1) The provisions of the 1949 Act revived by this Act specified in column 1 of Schedule 3 to this Act shall have effect subject to the amendments respectively specified in relation thereto in column 2 of that Schedule.

(2) In addition to the provisions of the 1949 Act revived by the foregoing provisions of this Act, there shall also be revived the following words and headings in the first-mentioned Act, namely,—

- (a) the words “ PART I ” (where occurring before section 1) ;
- (b) the words “ PART II ” (where occurring before section 11) and the headings that immediately follow those words ;
- (c) the headings immediately before sections 18 and 20 ;
- (d) the words “ PART V ” (where occurring before section 39) and the headings that immediately follow those words ;
- (e) the headings before sections 43 and 47 ;
- (f) the words “ PART I ” and “ PART II ” (where occurring in Schedule 4) and the headings that immediately follow those words ;
- (g) the headings to Schedules 5, 6 and 9 ;

and there shall be a heading to Part I consisting of the words “ THE NATIONAL STEEL CORPORATION ”, a heading to Schedule 1 consisting of the words “ PROVISIONS AS TO NATIONAL STEEL CORPORATION ” and a heading to Schedule 4 consisting of the words “ ISSUE OF GOVERNMENT STOCK IN SATISFACTION OF COMPENSATION ”.

(3) The provisions of the 1949 Act, to the extent to which they are revived by, or continue in operation by virtue of, this Act shall (with the additions provided for by the last foregoing

subsection) have effect in the form set out in Schedule 4 to this Act, being the form in which the said provisions (together with the said additions) have, to that extent, effect as revived or, as the case may be, continued in operation, and as amended by this Act.

50. Any administrative expenses incurred for the purposes of this Act or the provisions thereby revived of the 1949 Act by the Minister shall be defrayed out of moneys provided by Parliament. The Minister's administrative expenses.

51.—(1) This Act may be cited as the Iron and Steel Act 1967. Short title, extent and repeal.

(2) This Act (except section 1(8) thereof) shall not extend to Northern Ireland; but this provision shall not be taken to prejudice the capacity of the Corporation under section 2 of this Act.

(3) The provisions of the 1953 Act specified in column 1 of Schedule 5 to this Act are hereby repealed to the extents respectively specified in relation thereto in column 2 of that Schedule on the dates respectively so specified in column 3 of that Schedule.

SCHEDULES

Sections
9 11 & 41.

SCHEDULE 1**COMPANIES WHICH FULFIL CONDITIONS FOR VESTING OF THEIR SECURITIES**

Colvilles Limited.
 Consett Iron Company Limited.
 Dorman, Long & Co., Limited.
 English Steel Corporation Limited.
 G.K.N. Steel Company Limited.
 John Summers & Sons Limited.
 The Lancashire Steel Corporation Limited.
 The Park Gate Iron and Steel Company, Limited.
 Richard Thomas & Baldwins Limited.
 Round Oak Steel Works Limited.
 South Durham Steel and Iron Company Limited.
 The Steel Company of Wales Limited.
 Stewarts and Lloyds, Limited.
 The United Steel Companies Limited.

Section 27.

SCHEDULE 2**TRANSITIONAL PROVISIONS IN CONNECTION WITH DISSOLUTION OF THE IRON AND STEEL BOARD****PART I****TEMPORARY PROVISIONS RELATING TO THE IRON AND STEEL BOARD PENDING ITS DISSOLUTION**

1. Section 2(8) of the 1953 Act (under which the Board may remunerate its members and provide for their pensions) shall not have effect in relation to any period beginning with, or after, the vesting date, but the Corporation shall in relation to any such period pay to members of the Board such remuneration (whether by way of salaries or fees) and such allowances as the Minister may, with the approval of the Treasury, determine.

2.—(1) The Board shall (if they have not already done so) comply with subsections (3) and (4) of section 16 of the 1953 Act (which relate to the preparation, audit and publication of the Board's accounts) in relation to their last complete financial year before the vesting date and shall also comply with those subsections in respect of the period (if any) between the end of the said financial year and the vesting date, which period shall be treated for the purposes of the said subsections as if it were a complete financial year; but save as aforesaid the said section 16 shall not have effect as from the vesting date.

(2) As from the vesting date, the Corporation shall make available to the Board such facilities, and the services of such persons, as the Board and their auditors may reasonably require for performing their duties under this paragraph on and after the vesting date, and the remuneration of the auditors shall be paid by the Corporation.

SCH. 2

3. The Board's capacity as a statutory corporation shall, as from the vesting date, instead of being as specified in paragraph 4 of Schedule 2 to the 1953 Act, extend only to doing such things and entering into such transactions as are incidental or conducive to the exercise and performance of functions which survive to the Board by virtue of this Part of this Schedule.

4.—(1) The Board shall, in accordance with directions of the Minister and before the vesting date, set aside all such documents, being property of theirs, as appear to the Board—

- (a) to contain material concerning the affairs of any company as to which the Minister gives to the Board his opinion that it will not come into public ownership, or
- (b) to belong to any class or description of documents which the Minister has, for the purposes of this paragraph, directed the Board to set aside,

and any documents so set aside by the Board shall be excluded from the property of the Board which vests in the Corporation by virtue of section 27(1)(a) of this Act.

(2) The Board shall dispose of any documents set aside by them pursuant to the foregoing sub-paragraph in such manner as the Minister may direct, but the Corporation shall be entitled to see and take copies of anything in those documents which, in the opinion of the Minister, ought reasonably to be made known to the Corporation for the purposes of their functions under the 1949 Act or this Act.

(3) The last foregoing sub-paragraph shall not entitle the Corporation to see or take copies of anything in a document being a thing which, in the opinion of the Minister, relates only to, or cannot conveniently be severed from a thing which relates only to, the affairs of a company referred to in sub-paragraph (1)(a) above, not being a company engaged in doing anything as a common service for iron and steel producers or any group thereof.

(4) The foregoing provisions of this paragraph shall not apply to a document which appears to the Board to be relevant for the purposes of any legal proceedings pending immediately before the vesting date by or against the Board.

(5) In this paragraph, "document" includes any device by means of which information is recorded or stored, and, in relation to information recorded or stored by means of a device, the reference in sub-paragraph (2) of this paragraph to the Corporation's being entitled to see it shall be construed as a reference to their being entitled to have it made available to them, and sub-paragraph (3) of this paragraph shall have effect accordingly.

(6) Before giving any directions to the Board for the purposes of this paragraph, the Minister shall consult with the Board and the Corporation, and also with such organisations as he thinks fit, being organisations appearing to him to be representative of companies not coming into public ownership.

SCH. 2 5. Subject to the last foregoing paragraph, and without prejudice to the generality of section 27(1)(a) of this Act,—

- (a) it shall be the duty of the Board to give to the Minister and the Corporation all such information, to prepare all such documents and to do all such other things as appear to the Minister and the Corporation respectively to be necessary or expedient for facilitating the carrying into effect of this Act and for facilitating the exercise and performance by the Minister and the Corporation of their respective functions under the 1949 Act and this Act ;
- (b) the Board shall, in accordance with directions of the Corporation, make available to the Corporation all their records and information of whatsoever kind concerning the affairs of any company which is publicly-owned or is, in the Minister's opinion, likely to come into public ownership.

PART II

PROVISIONS SUPPLEMENTAL TO SECTION 27(1)(a)

6. Every agreement, whether in writing or not, including any agreement for the performance of personal services, to which the Board were a party immediately before the vesting date, shall have effect as from that date as if the Corporation had been a party to the agreement and for any reference to the Board there were substituted, as respects anything falling to be done or occurring on or after the vesting date, a reference to the Corporation ; and any other agreement (whether in writing or not) or document referring to the Board shall be construed in accordance with the preceding provisions as far as applicable.

7. Any legal proceedings pending immediately before the vesting date by or against the Board shall be continued on and after that date with the substitution of the Corporation for the Board as a party to the proceedings.

Section 49.

SCHEDULE 3

AMENDMENTS OF REVIVED PROVISIONS OF 1949 ACT

<i>Provision revived</i>	<i>Amendment</i>
Section 1(7) ...	For the words from "disclose the nature of his interest" to the end of the subsection there shall be substituted the following words "declare the nature of his interest— (a) if he is not the chairman, to the chairman; (b) if he is the chairman, to the Minister; (c) in any case, at a meeting of the Corporation; and the member shall not take any part after making a declaration in pursuance of any of the foregoing paragraphs in any deliberation or

<i>Provision revived</i>	<i>Amendment</i>
Section 1(7) — <i>cont.</i>	decision of the Corporation with respect to that contract; and a declaration made in pursuance of paragraph (c) above shall be recorded in the minutes of the Corporation ”.
Section 1(9) ...	For paragraph (b) there shall be substituted the following paragraph:— “ (b) as regards any members in whose case the Minister may so determine with the approval of the Treasury, shall make provision for, or pay to or in respect of them, such pensions as may be so determined ”.
Section 1(10)...	For the words “ the passing of this Act ”, there shall be substituted the words “ the passing of the Iron and Steel Act 1967 ”, and for the words “ provides for the payment ” there shall be substituted the words “ relates to the payment of, or to payment towards the provision ”.
Section 4 ...	In subsection (3), for the words “ In making or securing provision for the training and education of persons employed by the Corporation or any publicly-owned company, and for research ”, there shall be substituted the words “ In discharging the duty imposed on the Corporation by paragraph (d) of subsection (1) of section three of the Iron and Steel Act 1967 ”. In subsection (4), in paragraph (a), after the word “ activities ”, there shall be inserted the words “ (other than iron and steel activities carried on in Great Britain) ” and after the word “ assets ”, there shall be inserted the words “ (other than assets in Great Britain used or capable of use in the production of iron and steel products) ”; in paragraph (b), after the word “ company ”, where first occurring, there shall be inserted the words “ (other than iron and steel activities carried on in Great Britain) ” and after the word “ company ”, where secondly occurring, there shall be inserted the words “ (other than assets in Great Britain used as aforesaid or capable of use as aforesaid) ”; and, in paragraph (i) of the proviso, for the words “ this Act ”, there shall be substituted the words “ the Iron and Steel Act 1967 and this Act ” and, in paragraph (ii), for the word “ five ” there shall be substituted the word “ two ”. In subsection (6), for the words “ the publicly-owned companies ” there shall be substituted the words “ their subsidiaries ”.

SCH. 3	<i>Provision revived</i>	<i>Amendment</i>
Section 6(2) ...		For the words "The Council" there shall be substituted the words "The Iron and Steel Consumers' Council (hereafter in this section referred to as 'the Council')" and at the end of paragraph (a) there shall be inserted the word "and".
Section 6(4) ...		Paragraph (c) shall be omitted.
Section 6(6) ...		At the end, there shall be added the words "but, if he decides not to give directions on any such matter, he shall lay before each House of Parliament a statement of that matter and of his reason for not giving directions thereon".
Section 6(8) ...		The words "with the approval of the Minister" shall be omitted.
Section 6(10)...		The words "with the approval of the Minister" and the words from "and copies" onwards shall be omitted.
Section 7(1) ...		The words "(except section two thereof)" shall be omitted, and at the end, there shall be added the words "In the above proviso, 'activity' does not include the working and getting of iron ore".
Section 9 ...		For the words "this Act", there shall be substituted the words "the Iron and Steel Act 1967 or this Act".
Section 12 ...		For the words "this Act", where first occurring, there shall be inserted the words "the Iron and Steel Act 1967 or this Act"; and for the words "this Act", where last occurring, there shall be substituted the words "either of those Acts".
Section 13 ...		In subsection (1), for the words "the twenty-first day of October, nineteen hundred and forty-seven", there shall be substituted the words "4th November 1964". In the proviso to subsection (2), for the words "provision made by this Act or with any anticipation of the making of any such provision" there shall be substituted the words "provision made by the Iron and Steel Act 1967 or this Act or with any anticipation of the making of any provision by the said Act of 1967".
Section 14 ...		In subsection (1), for the words "this Act", where first occurring, there shall be substituted the

<i>Provision revived</i>	<i>Amendment</i>	SCH. 3
Section 14— <i>cont.</i>	<p>words “ the Iron and Steel Act 1967 ”; for the words “ the Third Schedule ”, there shall be substituted the words “ the First Schedule to that Act ”; and for the words “ this Act ”, where last occurring, there shall be substituted the words “ the Iron and Steel Act 1967 or this Act ”.</p> <p>In subsection (2), for the words “ this Act ”, there shall be substituted the words “ the Iron and Steel Act 1967 ”.</p> <p>In subsection (4), after the words “ this Act ”, where first occurring, there shall be inserted the words “ or by virtue of any provision of the Iron and Steel Act 1967 ”; for the words from “ the twenty-ninth day of October ” to “ the Minister ” there shall be substituted the words “ 4th November 1964 or made on or after the said day and having the approval in writing of the Minister ”; paragraph (a) of the proviso shall be omitted, and, in paragraph (b) thereof, for the words “ this Act ” there shall be substituted the words “ the Iron and Steel Act 1967 or this Act ”.</p>	
Section 17(1)...	For the words “ this Act ” (where first occurring) there shall be substituted the words “ the Iron and Steel Act 1967 or this Act ”.	
Section 18 ...	<p>In subsection (1), for the words “ the Third Schedule to this Act, not being a wholly-owned subsidiary of a company so specified ”, there shall be substituted the words “ the First Schedule to the Iron and Steel Act 1967 ”; for the words “ the twenty-ninth day of October, nineteen hundred and forty-eight ” there shall be substituted the words “ 30th April 1965 ”, and after the word “ dividend ” (in the first place where it occurs), there shall be inserted the words “ (other than payments by way of capital or special dividend) ”.</p> <p>In subsection (2)(b)(i), for the words from “ at the rate ” to the end of the sub-paragraph there shall be substituted the words “ at the rate, calculated as an annual rate, paid (otherwise than as a capital or special dividend) on that class of securities in respect of the last financial year in respect of which a final dividend was paid before 30th April 1965 or, in the case of a class of securities on which a final dividend was never paid before the said day, at such rate as the Minister may approve for the purposes of this section ”.</p> <p>In subsection (3), paragraph (a) shall be omitted.</p>	

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*Provision
revived**Amendment*

Section 19 ... In subsection (1), for the words " the Third Schedule to this Act ", there shall be substituted the words " the First Schedule to the Iron and Steel Act 1967 "; for the words " this Part of this Act ", there shall be substituted the words " Part II of the Iron and Steel Act 1967 "; in paragraph (a), after the word " section " there shall be inserted, and at the end of paragraph (b) there shall be added, the words " or, if rates in excess of those rates have been approved for the purposes of subsection (1) of that section, at the highest rates so approved "; and for the proviso to subsection (3) there shall be substituted the following proviso:—

" Provided that where, in the case of a company, the accounts thereof in respect of the last complete financial year before the date of transfer have not been laid before the company in general meeting before that date, the said expression means that year together with such part of the financial year during which the date of transfer occurs as precedes that date ".

Section 20 ... For subsection (1) there shall be substituted the following subsection:—

" (1) Where it appears to the Minister that any company not specified in the First Schedule to the Iron and Steel Act 1967 operates or owns the whole, or a substantial or essential part, of works used for the carrying on of any iron and steel activities, being works which were, on or at any time after 4th November 1964, operated or owned, as the case may be, by a company specified in the said First Schedule or by a subsidiary of a company so specified, the Minister may, at any time before the general date of transfer or within the period of three months beginning with that date, serve on the first-mentioned company a notice (in this section referred to as a 'notice of acquisition') stating that, subject to the following provisions of this section, the securities of the company will be transferred to the Corporation in like manner as the securities of the companies specified in the said First Schedule:

Provided that this subsection shall not apply in a case where the Minister has approved in writing for the purposes of this subsection, either before or after they were effected, all transactions entered into after the said day resulting directly or indirectly in the transfer or grant to the first-mentioned company of

<i>Provision revived</i>	<i>Amendment</i>	SCH. 3
Section 20— <i>cont.</i>	<p>rights of ownership in, or rights in respect of the user of, any of the said works which were operated or owned by the company specified in the said First Schedule or, as the case may be, by the subsidiary, and the Minister undertook that the powers conferred by this subsection would not be used in relation to those works”.</p> <p>In subsection (2), for the words “ the Third Schedule to this Act ”, in both places where they occur, there shall be substituted the words “ the First Schedule to the Iron and Steel Act 1967 ”; for the words “ the twenty-ninth day of October, nineteen hundred and forty-eight ”, there shall be substituted the words “ 4th November 1964 ”; and for the words “ this Part of this Act ”, in both places where they occur, there shall be substituted the words “ Part II of that Act ”.</p> <p>In subsection (3), the words “ paragraphs (a) and (b) of ”, where first occurring, shall be omitted.</p> <p>For subsection (6) there shall be substituted the following subsection:—</p> <p style="padding-left: 40px;">“ (6) Where a notice of acquisition is served on a company under this section and is not withdrawn or revoked, the securities of the company shall, on the date of transfer in relation to the company, vest in the Corporation (except any created as collateral security for a loan to it, which shall be cancelled as from that date), and the provisions (other than this section) of this Part of this Act revived by the Iron and Steel Act 1967, shall apply, and be deemed always to have applied, to the company as they apply to the companies specified in the First Schedule to that Act ”.</p>	
Section 21 ...	<p>In subsection (1), for the words “ the Third Schedule to this Act ”, there shall be substituted the words “ the First Schedule to the Iron and Steel Act 1967 ”, and for the words from “ that it operates ” to the words “ that activity ” there shall be substituted the words “ that it or a subsidiary of it operates or owns the whole, or a substantial or essential part, of works used for the carrying on of any iron and steel activities ”; and for the words “ this Act ”, where last occurring, there shall be substituted the words “ that Act ”.</p> <p>In subsection (4), for the words “ this Act ”, there shall be substituted the words “ the Iron and Steel Act 1967 ”.</p>	

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*Provision
revived**Amendment*

Section 21—*cont.* For subsection (5) there shall be substituted the following subsection:—

“(5) Where a notice is served on a company under this section and is not withdrawn or revoked, the Iron and Steel Act 1967 and this Act shall have effect, and be deemed always to have had effect, as if the company had never been specified in the First Schedule to the said Act of 1967, but without prejudice to the operation of the last preceding section or either of the next two following sections in relation to any works which were owned or operated by the company or its subsidiary, as the case may be, on or after 4th November 1964, and ceased to be so owned or operated before the service of the said notice”.

Section 22 ... In subsection (1), for the words “any company specified in the Third Schedule to this Act”, there shall be substituted the words “any company specified in the First Schedule to the Iron and Steel Act 1967 or any subsidiary of a company so specified”; for the words “any of the activities specified in the first column of the Second Schedule to this Act”, there shall be substituted the words “any iron and steel activities”; for the words “the twenty-ninth day of October, nineteen hundred and forty-eight”, there shall be substituted the words “4th November 1964”; for the words “a company so specified and were used for the carrying on of any of the said activities”, there shall be substituted the words “a company so specified or a subsidiary of a company so specified, and were used for the carrying on of any such activities”; and after the word “question”, there shall be inserted the words “either to themselves or”.

Section 23 ... For subsection (1) there shall be substituted the following subsection:—

“(1) Where it appears to the Minister—

(a) that any company specified in the First Schedule to the Iron and Steel Act 1967 or any other company which comes into public ownership under this Part of this Act has, at any time after 4th November 1964, and before the date of transfer, entered into any transaction which—

<i>Provision revived</i>	<i>Amendment</i>	SCH. 3
Section 23— <i>cont.</i>	<p>(i) transferred or granted to any person other than such a company as aforesaid any rights of ownership in any works or rights in respect of the user of any works; or</p> <p>(ii) transferred or granted to any such person any rights in respect of the user of any invention or registered design; or</p> <p>(iii) transferred or granted to any such person any relevant mineral rights; and</p> <p>(b) that it is in the public interest, for the purpose of securing the efficient carrying on of any business managed by or under the ultimate control of the Corporation, that the rights so transferred or granted, or any rights derived from those rights, should vest in or be surrendered to the Corporation or a publicly-owned company;</p> <p>he may authorise the Corporation to serve, at any time within three months after the date of transfer of the first-mentioned company, a notice (in this section and in the Sixth Schedule to this Act referred to as a 'notice of acquisition') on any person in whom any such rights are vested stating that those rights are to vest or be surrendered in accordance with the Sixth Schedule to this Act, together with such other property and rights as are mentioned in the said Schedule:</p> <p>Provided that, where any such transfer or grant has been approved in writing for the purposes of this section by the Minister (whether before or after the date of transfer or grant), this subsection shall not apply, but such approval may be given subject to conditions, including conditions enabling the Corporation to require the transfer, surrender or grant of rights in respect of the works, invention or registered design in question either to themselves or to a publicly-owned company or, in the case of relevant mineral rights, conditions enabling the Corporation or a publicly-owned company to exploit, or participate in the exploitation of, those rights".</p> <p>In subsection (5) for the words "the Patents and 1907 c. 29. Designs Act 1907", there shall be substituted the words "the Registered Designs Act 1949"; and 1949 c. 88.</p>	

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Provision
revived

Amendment

Section 23—*cont.*

at the end of the subsection there shall be added the words “ and ‘ relevant mineral rights ’ means (without prejudice to the definition of ‘ works ’ in section fifty-nine of this Act) any right or interest in respect of land in Great Britain, whether arising under contract or otherwise, which enables the proprietor of the right, or a person under his direction or authority, to search for, win, work, get, carry away, make merchantable or dispose of iron ore in the land ”.

Section 24 ...

In subsection (1), for the words “ the twenty-ninth day of October, nineteen hundred and forty-eight ”, there shall be substituted the words “ 30th April 1965 ”, the word “ or ”, at the end of paragraph (c) shall be omitted, after that paragraph there shall be inserted the following paragraph:—

“ (ca) made to the holders of any of its securities any payment by way of special dividend thereon ”;

and, at the end of paragraph (d), there shall be inserted the following:—

“ or

(e) being the subsidiary of another company, effected (without consideration) a transfer to that other company or a subsidiary thereof of rights of ownership in any works ”.

In subsection (2), after the words “ paragraph (c) ” there shall be inserted the words “ paragraph (ca) ”; for the words “ this Part of this Act ”, where first occurring, there shall be substituted the words “ Part II of the Iron and Steel Act 1967 ”; after paragraph (a) there shall be inserted the following paragraph:—

“ (aa) in the case of any such transfer as is mentioned in paragraph (e), include a condition requiring the compensation so payable in respect of such securities of the company as may be so specified to be reduced to such extent as aforesaid ”;

for the words from “ and the provisions ” to “ hereof ” there shall be substituted the words “ and the provisions of Part II of the Iron and Steel Act 1967 relating to the payment of compensation shall have effect subject to any such condition as is mentioned in paragraph (a) or (aa) hereof and those of this Part of this Act relating to the control of dividends shall have effect subject

<i>Provision revived</i>	<i>Amendment</i>	SCH. 3
Section 24— <i>cont.</i>	<p>to any such condition as is mentioned in paragraph (b) hereof"; and after the words "paragraph (a)", where last occurring, there shall be inserted the words " or (aa)".</p> <p>In subsection (4), for the words " the Third Schedule to this Act ", there shall be substituted the words " the First Schedule to the Iron and Steel Act 1967 "; and for the words " this Part of this Act ", there shall be substituted the words " Part II of the Iron and Steel Act 1967 or this Part of this Act ".</p>	
Section 25 ...	<p>In subsection (1), for the words " the twenty-ninth day of October, nineteen hundred and forty-eight ", there shall be substituted the words " 30th April 1965 ".</p> <p>In subsection (3), for the words " provision made by this Act or with any anticipation of the making of any such provision " there shall be substituted the words " provision made by the Iron and Steel Act 1967 or this Act or with any anticipation of the making of any provision by the said Act of 1967 "; for the words " the Third Schedule to this Act ", there shall be substituted the words " the First Schedule to the Iron and Steel Act 1967 "; and for the words " this Part of this Act " there shall be substituted the words " Part II of the Iron and Steel Act 1967 or this Part of this Act ".</p> <p>In subsection (4), for the words " the said twenty-ninth day of October, nineteen hundred and forty-eight ", there shall be substituted the words " 30th April 1965 ".</p>	
Section 27 ...	<p>In subsection (1), for the words " the passing of this Act ", where first occurring, there shall be substituted the words " the passing of the Iron and Steel Act 1967 ", for the words " come into operation " there shall be substituted the word " revive ", and for the words " the passing of this Act ", where last occurring, there shall be substituted the words " the passing of that Act "; and in subsection (2), for the words " the passing of this Act ", where first occurring, there shall be substituted the words " the passing of the Iron and Steel Act 1967 ", and for the words " the passing of this Act ", where last occurring, there shall be substituted the words " the passing of that Act ".</p>	
Section 43 ...	<p>In subsection (5), the words " or in connection with the licensing of any business " shall be omitted.</p>	

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SCH. 3	<i>Provision revived</i>	<i>Amendment</i>
1950 c. 27.	Section 44 ...	<p>In subsection (2), for the words “ the Arbitration Acts 1889 to 1934 ”, there shall be substituted the words “ the Arbitration Act 1950 ”; and for the words “ the said Acts ”, there shall be substituted the words “ that Act ”.</p> <p>In subsection (4), for the words “ rules to be made by the tribunal with the approval of the Lord Chancellor ” there shall be substituted the words “ rules to be made by the Lord Chancellor ”.</p>
1937 c. 67. 1961 c. 34.	Section 59 ...	<p>In subsection (1), for the definition of “ arbitration tribunal ” there shall be substituted the following definition:—</p> <p style="padding-left: 2em;">“ ‘ arbitration tribunal ’ means the Iron and Steel Arbitration Tribunal ”;</p> <p style="padding-left: 2em;">the definitions of “ date of transfer ”, “ general date of transfer ” and “ Minister ” shall be omitted; in the definition of “ financial year ”, for the words “ the passing of this Act ”, there shall be substituted the words “ the passing of the Iron and Steel Act 1967 ”, and the words “ under this Act ” shall be omitted; paragraph (b) of the definition of “ securities ” and the word “ or ” immediately preceding that paragraph shall be omitted; and in the definition of “ works ” for the words “ the Factories Act 1937 ”, there shall be substituted the words “ the Factories Act 1961 ”.</p> <p>In subsection (2), for the words “ this Act ” there shall be substituted the words “ the Iron and Steel Act 1967 and this Act ”.</p> <p>In subsection (3), for the words “ this Act ”, where last occurring, there shall be substituted the words “ the Iron and Steel Act 1967 or this Act ”.</p>
	Schedule 1 ...	<p>In paragraph 3, after the word “ shall ”, where first occurring, there shall be inserted the words “ if the number of the members thereof exceeds ten, be such number, not being less than five, as the Corporation may from time to time determine and, if the number of the members thereof does not exceed ten ”.</p>
	Schedule 4 ...	<p>In Part I, in paragraph 1, for the words “ this Act ” there shall be substituted the words “ the Iron and Steel Act 1967 ”; in paragraph 2, for the words “ British Iron and Steel Stock ”, there shall be substituted the words “ government stock ”; for the words “ this Act ”, where secondly occurring, there shall be substituted the words</p>

Provision
revived

Amendment

SCH. 3

Schedule 4—cont.

“ the Iron and Steel Act 1967 ”; and the words from “ and the transitional provisions ” onwards shall be omitted; in paragraph 4, for the words “ British Iron and Steel Stock ”, there shall be substituted the words “ government stock ”, and for the words “ this Act ”, there shall be substituted the words “ the Iron and Steel Act 1967 or this Act ”.

In Part II, in paragraph 1, for the words “ this Act ”, there shall be substituted the words “ the Iron and Steel Act 1967 ”; in paragraph 2, for the words “ British Iron and Steel Stock ”, there shall be substituted the words “ government stock ”, and for the words “ this Act ”, there shall be substituted the words “ Part II of the Iron and Steel Act 1967 ”; in paragraph 3, for the words “ British Iron and Steel Stock ”, there shall be substituted the words “ government stock ”, and the words from “ and the transitional provisions ” onwards shall be omitted; in paragraph 5, for the words “ British Iron and Steel Stock ”, wherever occurring, there shall be substituted the words “ government stock ”; after the word, in sub-paragraph (2), “ before ” there shall be inserted the words “ the day on which the last payment of interest fell to be made before ” and for the words, in sub-paragraph (3), from “ be added ” onwards there shall be substituted the words “ at the expense of the Corporation be distributed by them amongst the persons to whom payments were made under the foregoing provisions of this paragraph so that each of them receives in the aggregate the amount which he would have received had the amount paid as aforesaid been equal to the amount so found to have accrued ”; in paragraph 6, for the words “ British Iron and Steel Stock ”, there shall be substituted the words “ government stock ”, and for the words “ this Act ”, there shall be substituted the words “ the Iron and Steel Act 1967 and this Act ”.

Schedule 5 ... In paragraph 2, for the words “ this Act ”, there shall be substituted the words “ the Iron and Steel Act 1967 and this Act ”.

In paragraph 6(3)(a), for the words “ the Act ”, there shall be substituted the words “ the Iron and Steel Act 1967 ”.

In paragraph 9(2), for the words “ this Act ”, there shall be substituted the words “ the Iron and Steel Act 1967 ”.

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SCH. 3

*Provision
revived**Amendment*

Schedule 5—*cont.* In paragraph 13(1), for the words “the Seventh Schedule to this Act”, there shall be substituted the words “regulations made under or by virtue of section twenty-six of the Iron and Steel Act 1967”.

In paragraph 15(1)(a), for the words “this Act”, there shall be substituted the words “the Iron and Steel Act 1967 and this Act”.

In paragraph 17(2) for the words “this Act”, there shall be substituted the words “the Iron and Steel Act 1967 or this Act”.

1949 c. 72.

In the Appendix, for the heading “Iron and Steel Act 1949”, there shall be substituted the heading “Iron and Steel Act 1967”; for the words “the above-mentioned Act”, in both places where they occur, there shall be substituted the words “the Iron and Steel Act 1949”.

Schedule 6 ... In paragraph 1, for the words “such publicly-owned company as may be specified in the notice”, there shall be substituted the words “such body as may be specified in the notice (being either the Corporation or a publicly-owned company)”, for the words “the company”, there shall be substituted the words “the body so specified” and after the words “determined to be property” there shall be inserted the words “or rights”.

In paragraph 2, for the words “the publicly-owned company”, where first occurring, there shall be substituted the words “the body specified in the notice”, for the words “the publicly-owned company”, where secondly occurring, and the words “the said company”, there shall be substituted the words “that body”, and for the words “by virtue of this Act” there shall be substituted the words “by virtue of the Iron and Steel Act 1967 or this Act”.

In paragraph 3, the words “by the Corporation” shall be omitted, and for the words “this Act”, where first occurring there shall be substituted the words “the Iron and Steel Act 1967”.

For paragraph 5 there shall be substituted the following paragraph:—

“5. The compensation payable under the preceding provisions of this Schedule shall be satisfied by the issue to the transferor of such amount of government stock (that is to say,

<i>Provision revived</i>	<i>Amendment</i>	SCH. 3
Schedule 6— <i>cont.</i>	stock the principal whereof and the interest whereon shall be charged on the Consolidated Fund) as, in the opinion of the Treasury, is of a value equal on the date of the issue to the amount of the compensation, regard being had (in estimating the value of the stock so issued) to the market values of other government securities at or about that date; and the Treasury shall be liable to pay interest on that amount, at such rates as they may determine, in respect of the period from the said date (that is, the date referred to in paragraph 1 of this Schedule) until the date of payment”.	

SCHEDULE 4

Section 49

FORM IN WHICH PROVISIONS OF 1949 ACT HAVE EFFECT BY VIRTUE OF THIS ACT

PART I

THE NATIONAL STEEL CORPORATION

1.—

(4) Every member of the Corporation shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment:

Provided that any member may at any time by notice in writing to the Minister resign his office.

(6) Before appointing a person to be a member of the Corporation, the Minister shall satisfy himself that that person will have no such financial or other interest as is likely to affect prejudicially the exercise or performance by him of his functions as a member of the Corporation and the Minister shall also satisfy himself from time to time with respect to every member of the Corporation that he has no such interest; and any person who is, or whom the Minister proposes to appoint and who has consented to be, a member of the Corporation shall, whenever requested by the Minister so to do, furnish to him such information as the Minister considers necessary for the performance by the Minister of his duties under this subsection.

(7) A member of the Corporation who is in any way directly or indirectly interested in a contract made or proposed to be made by the Corporation, or in any contract made or proposed to be made by a subsidiary of the Corporation which is brought up for consideration by the Corporation, shall, as soon as possible after the relevant circumstances have come to his knowledge, declare the nature of his interest—

- (a) if he is not the chairman, to the chairman;
- (b) if he is the chairman, to the Minister;

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SCH. 4

(c) in any case, at a meeting of the Corporation ;
and the member shall not take any part after making a declaration in pursuance of any of the foregoing paragraphs in any deliberation or decision of the Corporation with respect to that contract ; and a declaration made in pursuance of paragraph (c) above shall be recorded in the minutes of the Corporation.

(8) The Minister may appoint one or more members of the Corporation to be deputy chairman or deputy chairmen of the Corporation.

(9) The Corporation—

(a) shall pay to their members such remuneration (whether by way of salaries or fees) and such allowances as the Minister may, with the approval of the Treasury, determine ; and

(b) as regards any members in whose case the Minister may so determine with the approval of the Treasury, shall make provision for, or pay to or in respect of them, such pensions as may be so determined.

(10) The Minister shall, as soon as possible after the passing of the Iron and Steel Act 1967, lay before each House of Parliament a statement of the remuneration and allowances that are or will be payable under the last preceding subsection to the members of the Corporation, and, if any subsequent determination by him under the last preceding subsection involves any departure from the terms of the said statement, or if a determination by him under that subsection relates to the payment of, or to payment towards the provision of, a pension to or in respect of any member of the Corporation, the Minister shall as soon as possible after the determination lay a statement thereof before each House of Parliament.

4.—(1) The Minister may, after consultation with the Corporation, give to the Corporation directions of a general character as to the exercise and performance by the Corporation of their functions (including the exercise of rights conferred by the holding of interests in companies) in relation to matters which appear to him to affect the national interest, and the Corporation shall give effect to any such directions.

(2) In carrying out any such measure of reorganisation or any such work of development as involves substantial outlay on capital account, and in securing the carrying out by publicly-owned companies of any such measure or work, the Corporation shall act in accordance with a general programme settled from time to time with the approval of the Minister.

(3) In discharging the duty imposed on the Corporation by paragraph (d) of subsection (1) of section three of the Iron and Steel Act 1967, the Corporation shall act in accordance with a general programme settled as aforesaid.

(4) Without prejudice to the preceding provisions of this section, the Minister may, after consultation with the Corporation, direct the Corporation—

(a) to discontinue or restrict any of their activities (other than iron and steel activities carried on in Great Britain) or to

dispose of any part of their assets (other than assets in Great Britain used or capable of use in the production of iron and steel products); or

- (b) to secure the discontinuance or restriction of any of the activities of a publicly-owned company (other than iron and steel activities carried on in Great Britain), or the disposal of the whole or any part of the assets of any such company (other than assets in Great Britain used as aforesaid or capable of use as aforesaid), or the winding up of any such company;

and the Corporation shall give effect to any such direction :

Provided that—

- (i) the Minister shall not give any direction under this subsection unless he is satisfied that it can be given effect to without prejudice to the proper discharge of the duties of the Corporation under the Iron and Steel Act 1967 and this Act; and
- (ii) after the expiration of two years from the general date of transfer, a direction under this subsection shall only be given by order.

(5) The Corporation shall furnish the Minister with such returns, accounts and other information with respect to their property and activities, and the property and activities of the publicly-owned companies, as he may from time to time require.

(6) Without prejudice to the provisions of the last preceding subsection, the Corporation shall, as soon as possible after the end of each financial year of the Corporation, make to the Minister a report on the exercise and performance by the Corporation of their functions during that year and on their policy and programme, and the report shall include a general account of the activities of their subsidiaries, and the Minister shall lay a copy of every such report before each House of Parliament.

(7) The report made under the last preceding subsection for any year shall set out any direction given by the Minister to the Corporation during that year unless the Minister has notified to the Corporation his opinion that it is against the interests of national security to do so or the Minister accepts the contention of the Corporation that it is contrary to the commercial interests of the Corporation to do so.

6.—

(2) The Iron and Steel Consumers' Council (hereafter in this section referred to as "the Council") shall consist of—

- (a) an independent chairman appointed by the Minister; and
- (b) not less than fifteen nor more than thirty other persons appointed by the Minister, after consultation with such bodies (which may include organisations representing workers) as he thinks fit, to represent the interests of persons (hereafter in this section referred to as "the con-

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sumers”) who are consumers of the products of any of the principal activities of the Corporation and the publicly-owned companies.

(4) The Council shall be charged with the duties—

- (a) of considering any matter affecting the interests of the consumers (including prices), being a matter which is the subject of a representation made to them by any of the consumers or which appears to the Council to be a matter to which consideration ought to be given apart from any such representation, and, where action appears to them to be requisite as to any such matter, of notifying their conclusions to the Corporation ;
- (b) of considering and reporting to the Minister or the Corporation on any matter referred to the Council by the Minister or the Corporation ;
- (d) of making representations to the Minister on such matters affecting the interests of the consumers as the Council think necessary.

(5) The Council shall send to the Minister copies of any conclusion notified or report made to the Corporation, and shall send to the Corporation copies of any report or representation made to the Minister.

(6) The Minister may give directions to the Corporation on any matter arising out of any conclusion, report or representation made to him or to the Corporation by the Council, and shall inform the Council of any directions so given, and the Corporation shall give effect to any such directions ; but, if he decides not to give directions on any such matter, he shall lay before each House of Parliament a statement of that matter and of his reason for not giving directions thereon.

(8) The Council may appoint committees, consisting wholly or partly of persons who are not members of the Council, to consider and report to the Council upon matters affecting the interests of particular classes of the consumers, whether defined by reference to locality, the products concerned or otherwise, and the Council shall, before appointing the members of any such committee, consult with such organisations representing the consumers concerned and their workers as the Minister may determine.

(9) The Council may appoint committees, consisting wholly of members of the Council, to consider and report to the Council on any matter referred to them by the Council.

(10) The Council shall make rules with respect to the quorum, proceedings, meetings and determinations of the Council and any committee appointed by the Council.

(13) Every member of the Council and of every committee appointed by the Council shall hold and vacate his office in accordance with the terms of his appointment.

(15) The Council shall, as respects each financial year of the Corporation, make to the Minister a report on the exercise and performance by the Council and the committees appointed by them of their functions during that year, and the Minister shall lay a copy of every such report before each House of Parliament. SCH. 4

7.—(1) The Minister may authorise the Corporation to purchase compulsorily any land required for the exercise and performance of their functions or the carrying on of any activity by a publicly-owned company, and the Acquisition of Land (Authorisation Procedure) Act 1946 shall apply as if the Corporation were a local authority within the meaning of that Act and as if this Act had been in force immediately before the commencement of that Act: 1946 c. 49.

Provided that the Minister shall not authorise under this section the acquisition by the Corporation for the purpose of the carrying on of any activity by them or any publicly-owned company of land which is being used wholly or mainly by any other person for the purpose of carrying on that activity or for purposes incidental to the carrying on of that activity.

In the above proviso, “activity” does not include the working and getting of iron ore.

8. The Corporation may, with the consent of the Minister, promote Bills in Parliament and may, without any such consent, oppose any Bill in Parliament.

9. Nothing in the Iron and Steel Act 1967 or this Act shall be deemed to exempt the Corporation from liability for any tax, duty, rate, levy or other charge whatsoever, whether general or local.

PART II

ACQUISITION OF SECURITIES OF CERTAIN IRON AND STEEL UNDERTAKINGS AND CERTAIN OTHER ASSETS

12. The Corporation shall, in respect of the securities of any company which vest in them by virtue of the Iron and Steel Act 1967 or this Act, be entitled or subject, as from the date of transfer to the exclusion of the previous holders thereof, to all the rights, privileges and advantages, and all the liabilities and obligations, arising from the holding of those securities, in all respects as if the securities had been duly transferred to the Corporation in accordance with the enactments and rules of law (other than either of those Acts) applicable thereto and everything necessary to make those rights, privileges, advantages, liabilities and obligations, fully effective had been duly done; and, without prejudice to the preceding provisions of this section, all persons concerned with the keeping of the register of the holders of any such securities shall forthwith register the Corporation therein and the company shall forthwith issue to the Corporation the appropriate documents of title relating to the securities of the company vested in them as aforesaid.

13.—(1) Where any company which comes into public ownership under this Part of this Act has made or varied an agreement or

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lease on or after 4th November 1964, and before the date of transfer, and the agreement or lease remains unperformed or unexpired, in whole or in part, on the date of transfer, and the Corporation are of the opinion that the making or variation of that agreement or lease was not reasonably necessary for the purposes of the activities of the company, or that the agreement or lease was made or varied with an unreasonable lack of prudence on the part of the company, regard being had in either case to the circumstances at the time, the company shall, if so directed by the Corporation, by notice in writing given to the other parties to the agreement or lease at any time within six months after the date of transfer, disclaim the agreement or lease:

Provided that any of the said other parties may, within two months after the date on which the notice is served, refer to arbitration under this Act the question whether or not the agreement or lease ought to be disclaimed under this section, and the Corporation (as well as the publicly-owned company) shall be made a party to the arbitration.

(2) If the arbitration tribunal are satisfied on any such reference that the making or variation of the agreement or lease was not reasonably necessary for the purposes of the activities of the company, or that the agreement or lease was made or varied with an unreasonable lack of prudence on the part of the company, regard being had in either case to the circumstances at the time, the tribunal shall confirm the notice and if not so satisfied shall revoke it:

Provided that, if the arbitration tribunal are satisfied of the matters aforesaid but are also satisfied that the making or variation of the agreement or lease was a proper transaction made in the ordinary course of business, regard being had to the circumstances at the time, and was in no way connected with any provision made by the Iron and Steel Act 1967 or this Act or with any anticipation of the making of any provision by the said Act of 1967, the tribunal shall revoke the notice.

(3) Where a notice is so given by a company with respect to any agreement or lease and is not revoked by the arbitration tribunal, the agreement shall be deemed to be frustrated or, as the case may be, the lease shall be deemed to be surrendered, on the date on which the notice of disclaimer becomes final, and the parties thereto for that reason to be discharged from the further performance of their obligations thereunder.

1943 c. 40.

(4) Where an agreement is deemed to be frustrated as aforesaid, section 2(3) of the Law Reform (Frustrated Contracts) Act 1943 (which requires the court to give effect to any provision of a contract intended to operate on or notwithstanding the frustration of the contract) shall not apply to that agreement.

(5) Where a reference to arbitration is made under this section with respect to a notice of disclaimer and the notice is confirmed, the arbitration tribunal shall have exclusive jurisdiction to determine claims arising under the agreement or lease in question with respect

to the period before the frustration or surrender and (in the case of an agreement) any claims arising under the Law Reform (Frustrated Contracts) Act 1943, and the tribunal may, in the case of a lease, on the application of either party thereto, make such modifications (if any) of the provisions of the lease relating to repairing obligations or any other provisions taking effect on or within a limited time before the determination of the lease as they think just. SCH. 4
1943 c. 40.

(6) For the purposes of this section, a notice of disclaimer which is not revoked shall be deemed to become final on the following date, that is to say—

- (a) if no reference to arbitration is made under subsection (1) of this section, the date on which the period for making such a reference expires ;
- (b) in any other case, the date on which the notice is confirmed by the arbitration tribunal.

(7) This section shall not apply to any agreement or lease the making or variation of which has been approved in writing by the Minister for the purposes of this section, either generally or specially, and whether before or after the date of the making or variation of the agreement or lease.

14.—(1) Any agreement in force immediately before the passing of the Iron and Steel Act 1967 which—

- (a) provides for the lending of money to any company specified in the First Schedule to that Act ; and
- (b) contains any provision conferring a right to require the issue of, or to subscribe for or purchase or otherwise acquire, any securities of the company, or a right to appoint any person to, or to hold, the office of director of the company, or contains any other provision which will or may be determined or become impossible of performance under or by virtue of any provision of the Iron and Steel Act 1967 or this Act ;

shall, notwithstanding that it contains any such provision as is referred to in paragraph (b) hereof, continue in force and have full effect during the period before the date of transfer, and any such agreement is hereafter in this section referred to as a “loan agreement”.

(2) Every loan agreement shall cease to have effect as from the date of transfer, and the following provisions shall, subject to any agreement made after the passing of the Iron and Steel Act 1967 by the parties to the loan agreement, have effect:—

- (a) the amount outstanding in respect of the sums lent under the loan agreement shall be repayable by the company at the time and in the manner provided in the loan agreement :

Provided that either party to that agreement may, at any time not less than twelve months after the date of transfer, if the said amount has not been repaid and is not repayable within the next six months, give notice in writing

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to the other party to the effect that the said amount will be repaid six months after the service of the notice, and the said amount shall be repaid accordingly ;

- (b) interest shall be payable by the company on the said amount until repayment, at the rate and at the times provided in the loan agreement ; and
- (c) any amount outstanding in respect of sums payable under the loan agreement by the company by way of engagement fees shall be paid by the company at the times and in the manner provided in the loan agreement.

(3) Any agreement, other than a loan agreement, between a company which comes into public ownership under this Part of this Act and any other person shall, in so far as it confers a right to require the issue of, or to subscribe for or purchase or otherwise acquire, any securities of the company, or a right to appoint any person to, or to hold, the office of director of the company, cease to have effect as from the date of transfer.

(4) Where any person, other than a publicly-owned company, suffers loss by reason of the determination, by virtue of this section or any other provision of this Act or by virtue of any provision of the Iron and Steel Act 1967, of any such right as is referred to in subsection (1) or subsection (3) of this section, being a right conferred by an agreement made before 4th November 1964, or made on or after the said day and having the approval in writing of the Minister, he shall be entitled to claim compensation from the Corporation in respect of that loss ; and any question whether any person has a right to claim such compensation or as to the amount thereof shall, in default of agreement, be determined by arbitration under this Act :

Provided that this subsection shall not apply—

- (b) to any right arising from the holding of securities which vest by virtue of the Iron and Steel Act 1967 or this Act or any right which can only be exercised on the redemption of such securities ;

and no claim for compensation under this subsection shall be made more than twelve months after the date of transfer.

17.—(1) In the case of every company any of whose securities are to vest by virtue of the Iron and Steel Act 1967 or this Act, there shall be appointed an individual, in this Act referred to as the “stockholders’ representative”, and it shall be his duty to represent the interests of holders of securities of that company in connection with the determination of the amount of compensation payable in respect of those securities.

(2) The provisions of the Fifth Schedule to this Act shall have effect with respect to the office of stockholders’ representative and meetings of the holders of securities whose interests are represented by a stockholders’ representative and matters incidental thereto.

(4) The company for which a stockholders’ representative is appointed and any person to whom property or rights of the company have been disposed of after the date of transfer and any

person by whom any property or rights have been disposed of to the company shall make available to the stockholders' representative such facilities for the examination of and the making of extracts from or copies of books, accounts and documents of the company or person, and such services of officers of that company or person, as he may reasonably request for the purposes of his duties or, in the event of any question arising between the stockholders' representative and the company or person whether any request is reasonable, as may be directed by the Minister.

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Payments of dividends and interest pending transfer

18.—(1) Where any company specified in the First Schedule to the Iron and Steel Act 1967 has without the approval of the Minister made, in pursuance of an authority or recommendation contained in a resolution of the directors of the company passed after 30th April 1965, and before the date of transfer, payments of interest or dividend (other than payments by way of capital or special dividend) on any of its securities in respect of the last complete financial year before the said day or any subsequent period before the date of transfer, being payments which, regard being had to any interest or interim dividend paid before the said day in respect of that year or period, are in excess of the payments of interest or dividend permitted under this section, all persons who were directors of the company at the time when the resolution of the directors was passed authorising or recommending the payments shall, subject to the provisions of this section, be liable to pay to the Corporation an amount equal to the total amount of the excess.

(2) The payments of interest or dividend permitted under this section are as follows:—

(a) in the case of securities forming part of the loan capital of the company, payments of interest at the minimum rate required to prevent the company from committing any default in respect of its obligations to the holders of the securities;

(b) in the case of securities forming part of the share capital of the company—

(i) if the securities fall in the class, or in one of the classes, which ranks or rank lowest in order of priority for payment of dividend (in this section referred to as "ordinary shares"), payments of dividend at the rate, calculated as an annual rate, paid (otherwise than as a capital or special dividend) on that class of securities in respect of the last financial year in respect of which a final dividend was paid before 30th April 1965 or, in the case of a class of securities on which a final dividend was never paid before the said day, at such rate as the Minister may approve for the purposes of this section;

(ii) if the securities fall in a class ranking for dividend in priority to the ordinary shares, payments of dividend at the minimum rate required to enable, in accordance with the constitution of the company and

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the rights attaching to the various classes of securities, the permitted payments of dividend to be made on the ordinary shares :

Provided that such payments of dividend shall only be made out of the net revenue of the company for the period in respect of which they are made, as certified by the auditor or one of the auditors of the company, or out of any funds or reserves applicable in accordance with the normal practice for the purpose of maintaining or equalising rates of dividend, and no payment of dividend made otherwise than out of that revenue or out of those funds or reserves shall be permitted under this section, so, however, that this proviso shall not be taken as preventing the payment out of the net revenue for any period (as so certified) of the permitted dividend on any securities mentioned in sub-paragraph (ii) hereof notwithstanding that the payment or a part thereof is attributable to an earlier period, if the payment is made by virtue of cumulative rights attaching to the securities.

(3) Notwithstanding anything in the last preceding subsection the Minister may—

(b) in the case of any securities which after the said day were issued at a price below the market value thereof or were issued free, direct that the payments of interest or dividend thereon permitted under this section shall be less than those which would otherwise be permitted or that no such payments shall be permitted.

(4) Where any such company as aforesaid has without the approval of the Minister made, in pursuance of a resolution passed after the said day and before the date of transfer, payments of dividend in respect of any period prior to the last complete financial year before the said day, other than such payments of dividend on securities mentioned in paragraph (ii) of subsection (2) of this section as are permitted to be made under that subsection, all persons who were directors of the company at the time when the resolution of the directors was passed authorising or recommending the payments shall, subject to the provisions of this section, be liable to pay to the Corporation an amount equal to the total amounts of the payments.

(5) For the purposes of this section references to the payment of a dividend shall include a reference to any payment by a company to its members in their capacity as members out of the net revenue of the company.

(6) Any claim under this section by the Corporation against the directors of any such company as aforesaid shall be made within twelve months after the date of transfer, and, if so made and not settled by agreement, shall be determined by arbitration under this Act, and, if the arbitration tribunal decide the claim in favour of the Corporation, they shall make such orders against all or any of the said directors in respect of their liability on the claim as the tribunal think just, having regard to all the circumstances.

(7) References in this and the next following section to any payments of interest or dividend made or permitted to be made by any

company shall be construed as references to the gross amounts of those payments, that is to say, to the amounts thereof before any deduction is made therefrom in respect of income tax, and, if any such payment has been made by a company without deduction of income tax, the amount paid shall be deemed for the purposes of this and the next following section to be a net amount paid after deduction of income tax, and the gross amount of that payment for the purposes of this section shall be calculated accordingly:

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Provided that, in determining the amount recoverable under this section from the directors of any company in respect of payments of interest or dividend made by that company, there shall be deducted from the amount which would, but for this proviso, be so recoverable a sum equal to the income tax chargeable on that amount at the standard rate for the year in which the payments became due.

19.—(1) A company specified in the First Schedule to the Iron and Steel Act 1967 shall make the following payments as soon as possible after the date of transfer to the persons who immediately before that date were holders of securities of the company in respect of which compensation is payable under Part II of the Iron and Steel Act 1967:—

- (a) interest payments on any securities forming part of the loan capital of the company, which have accrued up to the date of transfer and have not been paid, at the rates permitted under the last preceding section or, if rates in excess of those rates have been approved for the purposes of subsection (1) of that section, at the highest rates so approved; and
- (b) subject to the next following subsection, payments of dividend for the final financial period on any other securities of the company at the maximum rates permitted under that section or, if rates in excess of those rates have been approved for the purposes of subsection (1) of that section, at the highest rates so approved;

and for the purpose of any such payments the statutory or other provisions relating to the company shall be deemed to permit payments of interest or dividend in respect of the final financial period.

(2) The payments required to be made by a company under paragraph (b) of the preceding subsection shall not exceed the aggregate of—

- (a) the amount certified by the auditor or one of the auditors of the company to be the net revenue of the company for the final financial period, less the total amounts paid by the company before the date of transfer by way of interim dividend on any securities mentioned in that paragraph in respect of the final financial period, and less the total amounts of the payments mentioned in paragraph (a) of the preceding subsection, in so far as those amounts would not otherwise be deducted in calculating the said net revenue of the company for the final financial period; and

- SCH. 4** (b) the amount of any funds or reserves possessed by the company at the date of transfer and applicable in accordance with the normal practice for the purpose of maintaining or equalising rates of dividend ;

and if the aggregate of those amounts is insufficient to enable all the said payments to be made in full, the payments shall be made in the proper order of priority and according to the respective rights attaching to the securities in question.

(3) In this section, the expression " final financial period " means such part of the financial year during which the date of transfer occurs as precedes that date :

Provided that where, in the case of a company, the accounts thereof in respect of the last complete financial year before the date of transfer have not been laid before the company in general meeting before that date, the said expression means that year together with such part of the financial year during which the date of transfer occurs as precedes that date.

Safeguarding of assets pending transfer

20.—(1) Where it appears to the Minister that any company not specified in the First Schedule to the Iron and Steel Act 1967 operates or owns the whole, or a substantial or essential part, of works used for the carrying on of any iron and steel activities, being works which were, on or at any time after 4th November 1964, operated or owned, as the case may be, by a company specified in the said First Schedule or by a subsidiary of a company so specified, the Minister may, at any time before the general date of transfer or within the period of three months beginning with that date, serve on the first-mentioned company a notice (in this section referred to as a " notice of acquisition ") stating that, subject to the following provisions of this section, the securities of the company will be transferred to the Corporation in like manner as the securities of the companies specified in the said First Schedule :

Provided that this subsection shall not apply in a case where the Minister has approved in writing for the purposes of this subsection, either before or after they were effected, all transactions entered into after the said day resulting directly or indirectly in the transfer or grant to the first-mentioned company of rights of ownership in, or rights in respect of the user of, any of the said works which were operated or owned by the company specified in the said First Schedule or, as the case may be, by the subsidiary, and the Minister undertook that the powers conferred by this subsection would not be used in relation to those works.

(2) Where it appears to the Minister—

- (a) that the membership of any company not specified in the First Schedule to the Iron and Steel Act 1967 was, on 4th November 1964, such that, if it remained unchanged, the company would come or would have come into public ownership under Part II of that Act ; and

- (b) that since the said day the membership of the company has changed in such a way as to prevent (but for this provision) the company coming into public ownership under Part II of that Act ;

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the Minister may, at any time before the general date of transfer or within the period of three months beginning with that date, serve on the company a notice (in this section referred to as a "notice of acquisition") stating that, subject to the following provisions of this section, the securities of the company will be transferred to the Corporation in like manner as the securities of the companies specified in the First Schedule to the Iron and Steel Act 1967:

Provided that this subsection shall not apply in a case where the Minister has approved in writing for the purposes of this subsection, either generally or specially, the changes in the membership of the company since the said day.

For the purposes of this subsection, where any share in a company held by any person as a nominee of another company ceases to be held by him as the nominee of that company, there shall be deemed to have been a change in the membership of the first-mentioned company.

(3) A company on which a notice of acquisition has been served under this section may, within one month after the service of the notice of acquisition, serve a notice on the Minister contending that the company does not operate or own the whole, or a substantial or essential part, of works which fulfil the conditions specified in subsection (1) or, as the case may be, that the conditions specified in paragraphs (a) and (b) of subsection (2) of this section are not fulfilled with respect to the company, and the notice shall set out the grounds of that contention.

(4) Where a notice is served on the Minister under the last preceding subsection, and neither that notice nor the notice of acquisition is withdrawn, the question whether the contention of the company is correct shall be determined by arbitration under this Act, and on any such arbitration the arbitration tribunal shall, if they are satisfied that the contention of the company is correct, revoke the notice of acquisition but shall otherwise confirm it.

(5) Every notice of acquisition shall specify a date (not being earlier than the general date of transfer and not being earlier than the expiration of three months after the service of the notice) which, subject as hereinafter provided, shall be the date of transfer in relation to the company on which the notice is served:

Provided that—

- (a) the Minister and the company may by agreement substitute another date for the date specified as aforesaid ;
- (b) where a reference to arbitration is made under the preceding provisions of this section and the arbitration tribunal confirm the notice, the date of transfer shall be the date specified as aforesaid or a date substituted by agreement

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as aforesaid or a date two months after the decision of the arbitration tribunal, whichever is the latest date.

(6) Where a notice of acquisition is served on a company under this section and is not withdrawn or revoked, the securities of the company shall, on the date of transfer in relation to the company, vest in the Corporation (except any created as collateral security for a loan to it, which shall be cancelled as from that date), and the provisions (other than this section) of this Part of this Act revived by the Iron and Steel Act 1967, shall apply, and be deemed always to have applied, to the company as they apply to the companies specified in the First Schedule to that Act.

(7) When a notice of acquisition has been served on a company under this section and either the period within which the company may serve a notice under subsection (3) of this section has expired without such a notice being served or the question whether or not the notice is to have effect has been finally settled in favour of the Minister, the company shall forthwith give notice to every holder of its securities of the fact that its securities are to be acquired by the Corporation; and the notice shall, in the case of security holders whose names are entered in any register kept by or on behalf of the company, be given in the same manner as the company gives notice to its members of its general meetings and shall, in any other case, be given by advertisement or in any way allowed by the company's articles of association for giving notice to its members.

21.—(1) Where it appears to the Minister that any company specified in the First Schedule to the Iron and Steel Act 1967 does not fulfil the following condition, namely, that it or a subsidiary of it operates or owns the whole, or a substantial or essential part, of works used for the carrying on of any iron and steel activities, he may, at any time before the general date of transfer, serve a notice on the company stating that, subject to the following provisions of this section, the securities of the company will not vest in the Corporation by virtue of that Act.

(2) A company on which a notice has been served under this section may, within one month after the service of the notice, serve a notice on the Minister contending that the condition specified in the preceding subsection was fulfilled with respect to the company on the date of the service of the notice by the Minister.

(3) Where a notice is served on the Minister under the last preceding subsection, and neither that notice nor the notice of the Minister is withdrawn, the question whether the said condition was fulfilled with respect to the company on the said date shall be determined by arbitration under this Act, and on any such arbitration the arbitration tribunal shall, if they are satisfied that the contention of the company is correct, revoke the notice of the Minister but shall otherwise confirm it.

(4) Where a notice has been served by the Minister as aforesaid on any company, no transfer of the securities of the company shall take place by virtue of the Iron and Steel Act 1967 during the

period within which a notice may be served by the company under subsection (2) hereof or, if such a notice has been served by the company, pending the final settlement of the question whether or not the Minister's notice is to have effect, and, if the Minister withdraws his notice or the arbitration tribunal revoke the notice of the Minister, and, but for this subsection, the said transfer of securities would have already taken place or would take place less than two months after the date of the withdrawal or, as the case may be, the decision of the arbitration tribunal, the date of transfer shall be a date two months after the date of the withdrawal or decision.

(5) Where a notice is served on a company under this section and is not withdrawn or revoked, the Iron and Steel Act 1967 and this Act shall have effect, and be deemed always to have had effect, as if the company had never been specified in the First Schedule to the said Act of 1967, but without prejudice to the operation of the last preceding section or either of the next two following sections in relation to any works which were owned or operated by the company or its subsidiary, as the case may be, on or after 4th November 1964, and ceased to be so owned or operated before the service of the said notice.

(6) When a notice has been served on a company under this section by the Minister and either the period within which the company may serve a notice under subsection (2) of this section has expired without such a notice being served or the question whether or not the Minister's notice is to have effect has been finally settled in favour of the Minister, the effect of the latter notice shall be published in the London and Edinburgh Gazettes, and the company shall give the like notice thereof to the holders of its securities as in the case of a notice of acquisition under the last preceding section.

22.—(1) It shall not be lawful—

- (a) for any company specified in the First Schedule to the Iron and Steel Act 1967 or any subsidiary of a company so specified, at any time before the date of transfer, to enter into any transaction transferring or granting to any person any rights of ownership in, or rights in respect of the user of, any works or part of any works used for the carrying on of any iron and steel activities ;
- (b) for any other company which has acquired any rights of ownership in, or any rights in respect of the user of, any works or part of any works which, on or at any time after 4th November 1964, were operated or owned by a company so specified or a subsidiary of a company so specified, and were used for the carrying on of any such activities, to enter into any transaction transferring or granting to any person any rights of ownership in those works or any part thereof, or any rights in respect of the user of those works or any part thereof, at any time before the general date of transfer or within the period of three months beginning with that date or, if a notice of acquisition is served under the last but one preceding section on the company, at any time

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before the date of transfer of that company or, if the notice is withdrawn or revoked, the date of such withdrawal or revocation ;

and any transaction purporting to effect such a transfer or grant shall accordingly be void :

Provided that this section shall not apply to any transfer or grant approved in writing for the purposes of this section by the Minister, either generally or specially, and the Minister may approve such a transfer or grant after it has been made and in that case the transfer or grant shall be deemed always to have been valid, but such approval may be given subject to conditions including conditions enabling the Corporation to require the transfer, surrender or grant of rights in respect of the works or part of the works in question either to themselves or to a publicly-owned company.

(2) Any question whether any transaction is rendered void by the preceding subsection shall, unless settled by agreement between the Corporation and the parties to the transaction and the parties to any subsequent transaction relating to the same works, be determined by arbitration under this Act between the Corporation and those parties, and any proceedings for the determination thereof shall be commenced within twelve months after the date of transfer or (if the company concerned has no date of transfer) the general date of transfer, and, if such proceedings are not commenced within that period, the transaction shall, subject to any such agreement as aforesaid, be deemed to be a valid transaction so far as this section is concerned.

(3) If the Corporation suffer damage by reason of any transaction which is unlawful by virtue of subsection (1) of this section, the Corporation may, at any time within twelve months after the date of transfer or (if the company has no date of transfer) the general date of transfer, make an application to the arbitration tribunal, and all parties to the transaction and all persons who were directors of the company at the time when the transaction was entered into shall, unless the tribunal otherwise direct, be made parties to the application ; and if the tribunal are satisfied that the Corporation has suffered such damage, they shall make such orders against any of the parties to the application as they think just, having regard to the extent to which those parties were respectively responsible for the transaction or benefited from it and to all the circumstances of the case, for the payment by them to the Corporation of sums sufficient to enable the loss, or such part thereof as the tribunal think just, to be made good :

Provided that, in the case of any transaction entered into in pursuance of a resolution of the directors, no person who was not a director at the time when the resolution authorising or recommending the transaction was passed, shall, by reason of his directorship, be made a party to the application.

(4) No person shall be liable to any criminal proceedings by reason only of a contravention of subsection (1) of this section.

23.—(1) Where it appears to the Minister—

- (a) that any company specified in the First Schedule to the Iron and Steel Act 1967 or any other company which comes into public ownership under this Part of this Act has, at any time after 4th November 1964, and before the date of transfer, entered into any transaction which—
- (i) transferred or granted to any person other than such a company as aforesaid any rights of ownership in any works or rights in respect of the user of any works ; or
 - (ii) transferred or granted to any such person any rights in respect of the user of any invention or registered design ; or
 - (iii) transferred or granted to any such person any relevant mineral rights ; and
- (b) that it is in the public interest, for the purpose of securing the efficient carrying on of any business managed by or under the ultimate control of the Corporation, that the rights so transferred or granted, or any rights derived from those rights, should vest in or be surrendered to the Corporation or a publicly-owned company ;

he may authorise the Corporation to serve, at any time within three months after the date of transfer of the first-mentioned company, a notice (in this section and in the Sixth Schedule to this Act referred to as a “ notice of acquisition ”) on any person in whom any such rights are vested stating that those rights are to vest or be surrendered in accordance with the Sixth Schedule to this Act, together with such other property and rights as are mentioned in the said Schedule :

Provided that, where any such transfer or grant has been approved in writing for the purposes of this section by the Minister (whether before or after the date of transfer or grant), this subsection shall not apply, but such approval may be given subject to conditions, including conditions enabling the Corporation to require the transfer, surrender or grant of rights in respect of the works, invention or registered design in question either to themselves or to a publicly-owned company or, in the case of relevant mineral rights, conditions enabling the Corporation or a publicly-owned company to exploit, or participate in the exploitation of, those rights.

(2) Any person on whom a notice of acquisition has been served may, within one month after the service thereof, serve a notice on the Corporation contending that the conditions specified in paragraph (a) of the preceding subsection are not fulfilled, and the notice shall set out the grounds of that contention.

(3) Where a notice is served on the Corporation under the last preceding subsection, and neither that notice nor the notice of acquisition is withdrawn, the question whether the said conditions are fulfilled shall be determined by arbitration under this Act,

SCH. 4 and on any such arbitration the arbitration tribunal shall, if they are satisfied that the contention of the said person is correct, revoke the notice of acquisition, but shall otherwise confirm it.

(4) Where a notice of acquisition is served and is not withdrawn or revoked, the provisions of the Sixth Schedule to this Act shall have effect in relation thereto.

(5) In this section the expression "user", in relation to an invention, means any making, use or vending of the invention and, in relation to a registered design, means any manufacture or sale of the articles to which the design has been applied; and the expression "registered design" means any design registered under the Registered Designs Act 1949 in which the copyright still exists and "relevant mineral rights" means (without prejudice to the definition of "works" in section fifty-nine of this Act) any right or interest in respect of land in Great Britain, whether arising under contract or otherwise, which enables the proprietor of the right, or a person under his direction or authority, to search for, win, work, get, carry away, make merchantable or dispose of iron ore in the land.

1949 c. 88.

24.—(1) This section shall apply where any company which comes into public ownership under this Part of this Act has, after 30th April 1965 and before the date of transfer—

- (a) made any payments to its members for the purpose of reducing the share capital of the company otherwise than by the redemption of any redeemable securities;
- (b) redeemed any securities which the company was not under any obligation to redeem before the date of transfer or made payments in respect of the redemption of any securities which exceed the minimum payments required to satisfy the rights existing on the said day of the holders of those securities;
- (c) made any other payment to the holders of its securities (in their capacity as such) out of capital moneys, or distributed assets other than money to the holders of its securities (in their capacity as such);
- (ca) made to the holders of any of its securities any payment by way of special dividend thereon;
- (d) entered into any transaction the effect of which is that property or rights of the company are transferred or granted to any person, and the consideration for such transfer or grant is received by the holders of securities of the company or any of them (in their capacity as such); or
- (e) being the subsidiary of another company, effected (without consideration) a transfer to that other company or a subsidiary thereof of rights of ownership in any works:

Provided that this section shall not apply to any payment or other transaction which has been approved in writing by the

Minister for the purposes of this section, either generally or specially, and whether before or after the date of the payment or transaction.

(2) An approval given by the Minister for the purposes of this section may be given on such conditions as may be specified in the approval, which may—

- (a) in the case of any such payment or distribution to, or transaction involving the receipt of consideration by, members or holders of securities as is mentioned in paragraph (a), paragraph (c), paragraph (ca) or paragraph (d) of the preceding subsection, include a condition requiring the compensation payable under Part II of the Iron and Steel Act 1967 in respect of the securities of those members or holders to be reduced to such extent as may be specified in the approval or subsequently determined in a manner so specified ;
- (aa) in the case of any such transfer as is mentioned in paragraph (e), include a condition requiring the compensation so payable in respect of such securities of the company as may be so specified to be reduced to such extent as aforesaid ;
- (b) in the case of any such payment as is mentioned in the said paragraph (a) involving a reduction in the nominal value of any securities, include a condition reducing, as respects future dividends paid by the company on those securities before the date of transfer, the payments of dividend permitted under the provisions of this Part of this Act relating to the control of dividends ;

and the provisions of Part II of the Iron and Steel Act 1967 relating to the payment of compensation shall have effect subject to any such condition as is mentioned in paragraph (a) or (aa) hereof and those of this Part of this Act relating to the control of dividends shall have effect subject to any such condition as is mentioned in paragraph (b) hereof :

Provided that the Minister shall not approve any transaction on such a condition as is mentioned in paragraph (a) or (aa) hereof unless he is satisfied that a meeting has been held of the holders for the time being of the securities affected, after not less than fourteen days' notice in writing, and that a majority in number representing three-fourths in value of the said holders present and voting either in person or by proxy at the meeting have agreed to that condition.

(3) The Corporation may, in the case of any such company, at any time within twelve months after the date of transfer, make an application to the arbitration tribunal in respect of any transaction to which in the opinion of the Corporation this section applies, and all persons who were directors of the company at the time when the transaction was entered into and, in the case of a transaction mentioned in paragraph (d) of subsection (1) of this section, or any transaction mentioned in paragraph (c) thereof where the payments made or assets distributed represent the consideration for the

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Provided that, in the case of any transaction entered into in pursuance of a resolution of the directors, no person who was not a director at the time when the resolution authorising or recommending the transaction was passed shall, by reason of his directorship, be made a party to the application.

(4) Where the arbitration tribunal are satisfied that a transaction in respect of which such an application is made is a transaction to which this section applies, they shall determine the extent of the net loss resulting to the Corporation from the transaction, and shall make such orders against any of the parties to the application as the tribunal think just, having regard to the extent to which those parties were respectively responsible for the transaction or benefited from it and all the circumstances of the case, for the payment by them to the Corporation of sums sufficient to enable the net loss, or such part thereof as the tribunal think just, to be made good or met :

Provided that, in the case of a company other than a company specified in the First Schedule to the Iron and Steel Act 1967, the tribunal shall not make an order under this subsection against any director of the company or other person who satisfies the tribunal that he did not know and could not reasonably have expected that the company would come into public ownership under Part II of the Iron and Steel Act 1967 or this Part of this Act.

25.—(1) This section shall apply where any company which comes into public ownership under this Part of this Act has, after 30th April 1965 and before the date of transfer,—

- (a) made any payment to any person without consideration or for an inadequate consideration ;
- (b) sold or disposed of any of its property or rights without consideration or for an inadequate consideration ;
- (c) acquired any property or rights for an excessive consideration ;
- (d) entered into or varied any agreement so as to require an excessive consideration to be paid or given by the company ; or
- (e) entered into any other transaction of such an onerous nature as to cause a loss to or impose a liability on the company substantially exceeding any benefit accruing to the company ;

and the payment, sale, disposal, acquisition, agreement or variation thereof, or other transaction was not reasonably necessary for the purposes of the company or was made with an unreasonable lack of prudence on the part of the company, regard being had in either case to the circumstances at the time :

Provided that this section shall not apply—

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- (i) to any payment or other transaction to which the last preceding section or section eighteen of this Act applies ;
- (ii) to any payment or other transaction made or entered into for any charitable purpose ;
- (iii) to any payment or other transaction made or entered into in connection with the determination of any question, dispute or matter falling to be determined under any provision of this Part of this Act or any regulations made thereunder ; or
- (iv) to any payment or other transaction which has been approved in writing for the purposes of this section or section thirteen of this Act by the Minister, either generally or specially, and whether before or after the date of the payment or transaction.

(2) The Corporation may, in the case of any such company, at any time within twelve months after the date of transfer, make an application to the arbitration tribunal in respect of any transaction to which in the opinion of the Corporation this section applies, and all parties to the transaction, and all persons who were directors of the company at the time when the transaction was entered into shall, unless the tribunal otherwise direct, be made parties to the application :

Provided that, in the case of any transaction entered into in pursuance of a resolution of the directors, no person who was not a director at the time when the resolution authorising or recommending the transaction was passed shall, by reason of his directorship, be made a party to the application.

(3) Where the arbitration tribunal are satisfied that a transaction in respect of which an application is made is a transaction to which this section applies, then, unless they are also satisfied that the transaction was a proper transaction made in the ordinary course of business, regard being had to the circumstances at the time, and was in no way connected with any provision made by the Iron and Steel Act 1967 or this Act, or with any anticipation of the making of any provision by the said Act of 1967, the tribunal shall determine the extent of the net loss resulting to the Corporation from the transaction, and shall make such orders against any of the parties to the application as the tribunal think just, having regard to the extent to which those parties were respectively responsible for the transaction or benefited from it and all the circumstances of the case, for the payment by them to the Corporation of sums sufficient to enable the net loss, or such part thereof as the tribunal think just, to be made good or met :

Provided that, in the case of a company other than a company specified in the First Schedule to the Iron and Steel Act 1967, the tribunal shall not make an order under this subsection against any director of the company or other person who satisfies the tribunal that he did not know and could not reasonably have expected that the company would come into public ownership under Part II of the Iron and Steel Act 1967 or this Part of this Act.

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(4) Where any such company has disclaimed an agreement or lease by a notice under this Part of this Act, being an agreement or lease entered into or varied after 30th April 1965, the Corporation may make an application to the arbitration tribunal under this section in respect of any loss resulting from the onerous nature of the agreement or lease before the date on which the agreement or lease is deemed to have been frustrated or surrendered.

(5) Where an application is made to the arbitration tribunal under this section in respect of any transaction and the application is determined in favour of the Corporation, the tribunal shall have exclusive jurisdiction to determine any claims outstanding in respect of the transaction.

26.—(1) Where it appears to the arbitration tribunal that a transaction in respect of which an application is made under either of the two last preceding sections is or may be one of a group of inter-connected transactions which ought to be treated for the purposes of that section as a single transaction, they may order such additional persons as they think fit, being parties to any transaction comprised in the group, to be made parties to the application, and, if the tribunal are satisfied that the whole or part of the group of transactions ought to be treated as a single transaction for the purposes of that section, they may give a direction to that effect, and the section shall have effect accordingly.

(2) The serving of a notice of acquisition under section twenty-three of this Act in relation to any property or rights shall not prejudice the taking of proceedings under either of the two last preceding sections with respect to any transaction relating to that property or those rights, and any such proceedings and any proceedings pursuant to the notice may, if the arbitration tribunal think fit, be heard together, and any sums ordered by the tribunal in the proceedings under either of the two last preceding sections to be paid by any person may, if the tribunal think fit, be set off against any compensation payable to that person in the proceedings pursuant to the notice.

27.—(1) Where the Minister has approved in writing any transaction before the passing of the Iron and Steel Act 1967, and the approval was expressed to be given for the purposes of any provision of this Part of this Act when that provision should revive, or to be subject to a condition affecting the operation of any provision of this Part of this Act, and the approval sufficiently identifies the provision in question, the approval shall have effect for the purposes of or in relation to that provision in like manner as if it had been given after the passing of that Act.

(2) Where the Minister has given an undertaking in writing before the passing of the Iron and Steel Act 1967 with respect to the use of any powers to be conferred by any provision of this Part of this Act, and the undertaking sufficiently identifies the provision in question, the undertaking shall have effect in relation to that provision in like manner as if it had been given after the passing of that Act.

PART V

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MISCELLANEOUS AND GENERAL

Conditions of employment, pension rights and compensation of officers

39.—(1) Except so far as the Corporation are satisfied that adequate machinery exists for achieving the purposes of this section, being machinery for operation at national level or works level or a level falling between those levels and appearing to the Corporation to be appropriate, it shall be the duty of the Corporation, either directly, or indirectly by exercising control over publicly-owned companies, to seek consultation with any organisation appearing to them to be appropriate with a view to the conclusion between the Corporation and that organisation or, if the Corporation so decide, between publicly-owned companies and that organisation, of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance, for operation at any such level as aforesaid, of machinery for—

- (a) the settlement by negotiation of terms and conditions of employment of persons employed by the Corporation and by publicly-owned companies with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements ; and
- (b) the promotion and encouragement of measures affecting efficiency, in any respect, in the carrying on by the Corporation and by publicly-owned companies of their activities, and the promotion and encouragement of measures affecting the safety, health and welfare of persons employed by the Corporation and by publicly-owned companies.

(2) The Corporation shall send to the Minister and the Minister of Labour copies of any such agreement as aforesaid and of any instrument varying the terms of any such agreement.

(2A) Where it falls to the Corporation or a publicly-owned company to participate in the operation of machinery established under this section, and the operation involves discussion of a subject by other persons participating therein, the Corporation or, as the case may be, the publicly-owned company shall make available to those persons, at a reasonable time before the discussion is to take place, such information in their possession relating to the subject as, after consultation with those persons, appears to the Corporation or, as the case may be, publicly-owned company to be necessary to enable those persons to participate effectively in the discussion.

(3) Nothing in this section shall be construed as prohibiting the Corporation or a publicly-owned company from taking part together with other employers or organisations of employers in the establishment and maintenance of machinery for the settlement of terms and conditions of employment and the promotion and encouragement of measures affecting the safety, health and welfare of persons employed by them and the discussion of other matters of mutual interest to them and persons employed by them.

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40.—(1) The Minister may make regulations for all or any of the following purposes, that is to say—

- (a) for providing pensions to or in respect of persons who are or have been officers of the Corporation or the Iron and Steel Board or a company which comes into public ownership ;
- (b) for the establishment and administration of pension schemes and pension funds for the purposes of the preceding paragraph, for the continuance, amendment, repeal or revocation of existing pension schemes relating to the like purposes (whatever the date on which they came into force) and of enactments relating thereto and of trust deeds, rules or other instruments made for the purposes thereof, for the transfer in whole or in part, or for the extinguishment, of liabilities under any such existing pension schemes, and for the transfer in whole or in part, or winding up, of pension funds held for the purposes of any such existing pension schemes, so, however, that nothing in this paragraph shall be construed as authorising the diversion of any such funds to purposes other than those of the preceding paragraph ;
- (c) for making any provision consequential on any such provision as aforesaid including provision for the dissolution or winding up of bodies, whether incorporated or not, the continued existence whereof is unnecessary having regard to the regulations.

(2) Where provision is made by any such regulations for the amendment, repeal or revocation of any existing pension scheme or of any enactment relating thereto or any trust deed, rules or other instrument made for the purposes thereof, or for the transfer or extinguishment of any liability under any pension scheme or for the transfer or winding up of any pension fund held for the purposes of any such scheme, the regulations shall be so framed as to secure that persons having pension rights under the scheme, whether such persons as are mentioned in paragraph (a) of the preceding subsection or not, are not placed in any worse position by reason of the amendment, repeal, revocation, transfer, extinguishment or winding up :

Provided that this subsection shall have effect subject to such limitations as the Minister may by regulations prescribe for meeting cases in which, in connection with any provision made by the Iron and Steel Act 1967 or this Act, or in anticipation of the making of any provision by the said Act of 1967, pension rights have been created otherwise than in the ordinary course.

(3) Regulations made under this section shall not be invalid by reason that in fact they do not secure that persons having pension rights are not placed in any worse position by reason of any such amendment, repeal, revocation, transfer, extinguishment or winding up as is mentioned in the last preceding subsection, but if the Minister is satisfied or it is determined as hereinafter mentioned that any such regulations have failed to secure that result, the

Minister shall as soon as possible make the necessary amending regulations. SCH. 4

Any dispute arising as to whether or not the said result has been secured by any regulations made under this section shall be referred to and determined by a tribunal established under section twelve of the Industrial Training Act 1964.

1964 c. 16.

(4) Where, by reason of any such amendment, repeal, revocation, transfer, extinguishment or winding up as is mentioned in subsection (2) of this section, loss is suffered by any person (not being a publicly-owned company) liable as an employer to make contributions or to pay pensions under the existing pension scheme in question, the Corporation shall pay compensation to that person in respect of that loss, and the amount thereof shall, in default of agreement between the Corporation and that person, be determined by arbitration under this Act.

(5) Without prejudice to the generality of the preceding provisions of this section, regulations made under this section may contain provisions authorising any person who, being a participant in any pension scheme to which the regulations relate, becomes a member of the Corporation, being treated as if his service as a member of the Corporation were service as an officer of the Corporation, and the pension rights of any such person resulting from the operation of any such provision shall not be affected by any provision of this Act which requires that the pensions, if any, which are to be paid in the case of members of the Corporation are to be determined by the Minister with the approval of the Treasury.

(7) Regulations made under this section may contain such supplementary and consequential provisions as the Minister thinks necessary, including provisions as to the manner in which questions arising under the regulations are to be determined and provisions adapting, modifying or repealing enactments, whether of general or special application.

(8) Regulations made under this section may be made so as to have effect from a date prior to the making thereof, so, however, that so much of any regulations as provides that any provision thereof is to have effect from a date prior to the making thereof shall not place any person other than the Corporation or a publicly-owned company in a worse position than he would have been if the regulations had been made to have effect only as from the date of the making thereof.

41.—(1) The Minister shall by regulations require the payment either by the Corporation or the company, in such cases and to such extent as may be specified in the regulations, of compensation to officers of any company which comes into public ownership under Part II of this Act, being officers who suffer loss of employment or loss or diminution of emoluments or pension rights in consequence of the company becoming a publicly-owned company or of effect being given to conclusions reported under section four of the Iron and Steel Act 1967 to the Minister or a direction given by

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him by virtue of subsection (2) of section seven of that Act, and the payment by the Corporation, in such cases and to such extent as may be specified in the regulations, of compensation to officers of the Iron and Steel Board who suffer loss of employment or loss or diminution of emoluments or pension rights in consequence of the dissolution of the Board.

(2) Different regulations may be made under this section in relation to different classes of persons, and any such regulations may be so framed as to have effect as from a date prior to the making thereof, so, however, that so much of any regulations as provides that any provision thereof is to have effect as from a date earlier than the making thereof shall not place any person other than the Corporation or any such company in a worse position than he would have been in if the regulations had been made to have effect only as from the date of the making thereof.

(3) Regulations made under this section—

(a) shall prescribe the procedure to be followed in making claims for compensation, and the manner in which and the person by whom the question whether any or what compensation is payable is to be determined; and

(b) shall in particular contain provisions enabling appeals from any determination as to whether any or what compensation is payable to be brought, in such cases and subject to such conditions as may be prescribed by the regulations, before a tribunal established under section twelve of the Industrial Training Act 1964.

1964 c. 16.

(4) No regulations shall be made under this section unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament.

Iron and Steel Arbitration Tribunal

43.—

(2) The arbitration tribunal shall, as the Lord Chancellor may direct, either sit as a single tribunal or sit in two or more divisions, and shall, for the hearing of any proceedings, be constituted as follows:—

(a) one member shall be a barrister or solicitor and he shall be the president of the tribunal;

(b) there shall be two other members of whom one shall be a person of experience in business and the other shall be a person of experience in finance:

Provided that, in relation to any proceedings which, under the provisions of this Part of this Act, are to be treated as Scottish proceedings, this subsection shall have effect as if for the words "barrister or solicitor" there were substituted the words "advocate or solicitor who has practised in Scotland".

(3) The members of the tribunal shall be appointed by the Lord Chancellor, except that any member or members appointed by virtue of the proviso to the last preceding subsection shall be

appointed by the Lord President of the Court of Session, and any member appointed by the Lord President shall only act in relation to proceedings which are to be treated as Scottish proceedings.

(4) The members of the arbitration tribunal shall hold office for such period as may be determined at the time of their respective appointments and shall be eligible for reappointment :

Provided that—

- (a) a member may at any time by not less than one month's notice in writing to the Lord Chancellor, or the Lord President of the Court of Session, as the case may be, resign his office ;
- (b) the Lord Chancellor, or the Lord President of the Court of Session, as the case may be, may declare the office of any member vacant on the ground that he is unfit to continue in his office ;
- (c) if any member becomes bankrupt or makes a composition with his creditors his office shall thereupon become vacant.

(5) Where any such question, dispute or matter as aforesaid arises out of or in connection with the transfer of the securities of any company, or in connection with the recovery of assets of any company, or in connection with any transaction of any company and the principal place of business of the company or the principal place at which the works comprised in the business are situated, as the case may be, is in Scotland, the proceedings before the tribunal in respect of the question, dispute or matter shall, subject to the provisions of this section, be treated as Scottish proceedings.

(6) If any member of the arbitration tribunal becomes, by reason of illness or other infirmity, temporarily incapable of performing the duties of his office, the Lord Chancellor, or the Lord President of the Court of Session, as the case may be, shall appoint some other fit person to discharge his duties for any period not exceeding six months at one time, and the person so appointed shall, during that period, have the same powers as the person in whose place he was appointed.

(7) The arbitration tribunal may, at any stage in any proceedings before them, refer to a person or persons appointed by them for the purpose, any question arising in the proceedings, not being a question which in the opinion of the tribunal is primarily one of law, for inquiry and report, and the report of any such person or persons may be adopted wholly or partly by the tribunal and, if so adopted, may be incorporated in an order of the tribunal.

44.—(1) The arbitration tribunal shall be a court of record and have an official seal, which shall be judicially noticed, and any order of the tribunal shall be enforceable in England and Wales as if it were an order of the High Court.

(2) The provisions of the Arbitration Act 1950 with respect to— 1950 c. 27.

- (a) the administration of oaths and the taking of affirmations ;
and

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- (b) the correction in awards of mistakes and errors ; and
- (c) the summoning, attendance and examination of witnesses and the production of documents ; and
- (d) the costs of the reference and award,

shall, with any necessary modifications, apply in respect of any proceedings before the arbitration tribunal, but, save as aforesaid, that Act shall not apply to any such proceedings.

(3) The arbitration tribunal may, and if so ordered by the Court of Appeal shall, state in the form of a special case for determination by the Court of Appeal any question of law which may arise before them, and an appeal shall lie to the Court of Appeal on any question of law or fact from any determination or order of the arbitration tribunal on a claim under section eighteen of this Act against the directors of a company or on an application or claim under section twenty-two, section twenty-four or section twenty-five of this Act in respect of any transaction.

(4) Subject to the provisions of this section, the procedure in or in connection with any proceedings before the arbitration tribunal shall be such as may be determined by rules to be made by the Lord Chancellor.

(5) In relation to proceedings which, under the provisions of this Part of this Act, are to be treated as Scottish proceedings, this section shall have effect subject to the following modifications—

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

“ (2) The arbitration tribunal 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 tribunal were an arbiter under a submission.

(3) The arbitration tribunal 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 or fact from any determination or order of the arbitration tribunal on a claim under section eighteen of this Act against the directors of a company or on an application or claim under section twenty-two, section twenty-four or section twenty-five of this Act in respect of any transaction.

An appeal shall lie, with the leave of the Court of Session or of the House of Lords, from any decision of the Court of Session under this subsection, and such leave may be given on such terms as to costs or otherwise as the Court of Session or the House of Lords may determine ” ;

- (b) in subsection (4) for the reference to the Lord Chancellor there shall be substituted a reference to the Secretary of State,

and, in the case of any such proceedings, the tribunal shall, except in so far as for special reasons they think fit not to do so, sit in Scotland.

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45.—(1) If, at any stage in any proceedings before the arbitration tribunal which would not otherwise fall to be treated as Scottish proceedings, the tribunal are satisfied that, by reason of the fact that questions of Scottish law arise or for any other reason, the proceedings ought thereafter to be treated as Scottish proceedings, the tribunal may order that they shall thereafter be so treated, and the provisions of this Part of this Act shall have effect accordingly.

(2) If, at any stage in any proceedings before the arbitration tribunal which would otherwise be treated as Scottish proceedings, the tribunal are satisfied that, by reason of the fact that questions of English law arise or for any other reason, the proceedings ought not to be treated as Scottish proceedings, they may make an order that the proceedings shall thereafter not be treated as Scottish proceedings and the provisions of this Part of this Act shall have effect accordingly.

46.—(1) The arbitration tribunal may, subject to the consent of the Treasury as to numbers, appoint such officers as they consider necessary for assisting them in the proper execution of their duties.

(2) There shall be paid to the members of the arbitration tribunal and to any such officer as aforesaid such remuneration (whether by way of salaries or fees) and such allowances as the Minister may, with the approval of the Treasury, determine.

(3) There shall be paid to any person to whom proceedings are referred by the arbitration tribunal under section forty-three of this Act for inquiry and report such remuneration (whether by way of salary or fees) and such allowances as the tribunal may, with the approval of the Treasury, determine.

Other miscellaneous and general provisions

47. In planning and carrying out or securing the planning and carrying out of any programme of capital development or reorganisation of activities relating to carbonisation, the Corporation shall consult with the National Coal Board, with the Gas Council and with any Area Gas Board in whose area those activities are or are to be carried on; and in planning and carrying out any such programme in respect of their activities relating to carbonisation the National Coal Board shall consult with the Corporation.

49. If any sum required by any judgment or order to be paid by a company which at the time of the judgment or order is a publicly-owned company, or has at any time since the cause of action arose been a publicly-owned company, is not paid by the company within fourteen days from the date on which execution

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Where any such sum as aforesaid is required to be paid in respect of a liability arising under a contract made by the company, the cause of action shall be deemed, for the purposes of this section, to have arisen at the time when the contract was made.

50.—(1) The provisions of the Ninth Schedule to this Act, which relate to the constitution and proceedings of publicly-owned companies, shall have effect in relation to any such company so long as it remains in public ownership, notwithstanding any enactment or other instrument applicable to the company, and when any company comes into public ownership or ceases to be in public ownership, the Corporation shall, as soon as possible thereafter, publish that fact in the London and Edinburgh Gazettes.

(2) The Corporation shall keep at their principal office a list, which shall be available for inspection during business hours, of the companies which are for the time being publicly-owned companies and of the other companies (to be shown separately) which are for the time being subsidiaries of the Corporation and shall furnish a copy of the list to any person on demand and on the payment of such reasonable charge as the Corporation may require.

56. Any notice or other document required or authorised by or under this Act or regulations made thereunder to be given, delivered or served may, without prejudice to any provisions in that behalf of any such regulations, be given, delivered or served either—

- (a) by delivering it to the person to whom it is to be given or delivered or on whom it is to be served ; or
- (b) by leaving it at the usual or last known address of that person ; or
- (c) by sending it in a prepaid letter which shall, in the case of a notice required to be served under section thirteen, section twenty, section twenty-one or section twenty-three, be a registered letter, addressed to that person at his usual or last known address ; or
- (d) in the case of an incorporated company or body or the arbitration tribunal, by delivering it to the secretary or clerk of the company, body or tribunal at their registered or principal office or sending it in a prepaid letter addressed to the secretary or clerk of the company, body or tribunal at that office ; or
- (e) if it is not practicable after reasonable enquiry to ascertain the name or address of a person to whom it should be given or delivered, or on whom it should be served, as being a person having any interest in premises, by addressing it to him by the description of the person having that

interest in the premises (naming them) to which it relates, and delivering it to some responsible person on the premises, or affixing it, or a copy of it, to some conspicuous part of the premises.

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

“ arbitration tribunal ” means the Iron and Steel Arbitration Tribunal ;

“ company ” means a company within the meaning of the Companies Act 1948 and a body incorporated by royal charter 1948 c. 38 ;

“ consumer ”, in relation to any products, means a person who uses those products for manufacturing purposes or is engaged in the merchandising of those products ;

“ emoluments ” includes any allowances, privileges or benefits, whether obtaining legally or by customary practice ;

“ employed ” means employed as an officer and “ employment ” shall be construed accordingly ;

“ financial year ”—

(a) in relation to the Corporation, means a period of twelve months ending with a day to be prescribed by regulation by the Minister so however that the first financial year shall be the period beginning with the passing of the Iron and Steel Act 1967 and ending—

(i) if the interval between the general date of transfer and the first occurrence after that date of the prescribed day is more than six months, with that first occurrence ; or

(ii) if the said interval is less than six months, with the second occurrence after the general date of transfer of the prescribed day ;

and, in the case of any alteration of the prescribed day, the duration of the financial year as to which the alteration is first to have effect shall be shortened or extended as may be prescribed, by not more than six months, so as to end on the new prescribed day ; and

(b) in relation to any publicly-owned company means the period for which the accounts of the company are made up for the purpose of being laid before the annual meeting, whether that period is a year or not ;

“ functions ” means duties and powers ;

“ holding company ” shall be construed in accordance with section one hundred and fifty-four of the Companies Act 1948 ;

“ iron ore ” means ore containing not less than one fifth part by weight of iron ;

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- “ lease ”** includes an agreement for a lease and any tenancy agreement ;
- “ loan capital ”**, in relation to any company, means the securities of the company which do not form part of the share capital ;
- “ manufacturing purposes ”** includes the carrying out of building operations and works of construction or civil engineering and the treatment of products by any process ;
- “ net revenue ”**, in relation to any company, means the revenue of that company, after deducting therefrom proper provision for the redemption of capital and all charges which are proper to be made to revenue account, including, in particular, proper provision for the depreciation of assets or for renewal of assets and provision for interest on the loan capital of the company ;
- “ officer ”** includes a managing director and a director whose functions are substantially those of a managing director or of an employee but not any other director, and also includes a servant ;
- “ operate ”**, in relation to any works, means to be actively engaged, whether alone or with others, in the management of the works, but a person shall not be deemed to operate works by reason only that he exercises an indirect control of the management thereof by means of the holding of shares in the operating company or otherwise ;
- “ own ”**, in relation to land, includes hold on lease, and **“ rights of ownership ”**, in relation to land, means an estate in fee simple or a lease, and, in the case of property owned by a member of a partnership and held by him for the purposes of the partnership, the property shall be deemed to be owned by each of the members of the partnership ;
- “ pension ”**, in relation to any person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a gratuity so payable and a return of contributions to a pension fund, with or without interest thereon or any other addition thereto ;
- “ pension fund ”** means a fund established for the purposes of paying pensions ;
- “ pension rights ”** includes, in relation to any person, all forms of right to or eligibility for the present or future payment of a pension to or in respect of that person, and any expectation of the accruer of a pension to or in respect of that person under any customary practice and includes a right of allocation in respect of the present or future payment of a pension ;
- “ pension scheme ”** includes any form of arrangements for the payment of pensions, whether subsisting by virtue of an

Act, trust, contract, or otherwise and also includes any customary practice under which pensions are paid ;

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“products”, in relation to any activities, means the direct products of those activities and does not include any by-products thereof ;

“publicly-owned company” means a company which for the time being qualifies for inclusion in any group of bodies corporate as respects which the following conditions are for the time being fulfilled, that is to say—

(a) every body corporate of the group is either the Corporation or a subsidiary of the Corporation ; and

(b) every member of every company in the group is either the Corporation or another company in the group or a nominee of the Corporation or of a company in the group ;

and “public ownership”, in relation to any company, shall be construed accordingly ;

“securities”, in relation to a company, means any shares, debentures, debenture stock, loan stock, mortgages, income notes, income stock, funding certificates and securities of a like nature, but does not include—

(a) any security forming part of the loan capital of the company, the terms of which enable it to be redeemed, either without notice or upon not more than one year’s notice, at a price not exceeding the nominal amount of the security together with any outstanding interest, at any time after the creation of the security or the expiration of a period not exceeding one year after the creation of the security ;

“share” includes stock resulting from the conversion of any share into stock ;

“stockholders’ representative” means, in relation to a company, the individual appointed under section seventeen of this Act to represent the holders of securities of that company ;

“subsidiary” shall be construed in accordance with section one hundred and fifty-four of the Companies Act 1948 and “wholly owned subsidiary” shall be construed in accordance with subsection (4) of section one hundred and fifty of that Act ; 1948 c. 38.

“works” means—

(a) any factory (within the meaning of the Factories Act 1961) ; 1961 c. 34.

(b) any mine or quarry ; or

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(c) any premises used by way of trade or business for the purposes of the storage, transport or distribution of any articles or for the supply of electricity or other forms of power ;

together with any machinery or equipment installed in any such factory, mine, quarry or premises as aforesaid and any land occupied for the purposes thereof:

Provided that the said expression does not include any factory, mine, quarry, premises or land outside Great Britain.

(2) For the purposes of the Iron and Steel Act 1967 and this Act, the extension, alteration or re-equipment of any works, or the replacement of any machinery or equipment therein, shall not be deemed to change the identity of the works, and, in determining whether a company is operating any works at a particular time, any temporary closing of the works at that time owing to holidays, repairs or for any other reason, shall be disregarded.

(3) For the purposes of this Act, any reference to a company which comes into public ownership under Part II of this Act shall be construed as referring to any company whose securities vest in the Corporation by virtue of the Iron and Steel Act 1967 or this Act and any company which comes into public ownership on the date of transfer of any such company as aforesaid and in consequence of the vesting of securities of any such company.

(4) References in this Act to any other enactment shall be construed as references to that enactment as amended by or under any other enactment, including this Act.

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1946 c. 49. (2) For any reference to the Acquisition of Land (Authorisation Procedure) Act 1946, there shall be substituted a reference to the
1947 c. 42. Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.

(3) The expression "mortgage" includes a heritable security, "disclaim" includes abandon, and the expression "disclaimer" shall be construed accordingly.

1936 c. 52. (4) Any reference to a Bill in Parliament shall include a reference to an order under the Private Legislation Procedure (Scotland) Act 1936.

1943 c. 40. (6) Subsection (5) of section thirteen of this Act shall have effect as if for any reference to the Law Reform (Frustrated Contracts) Act 1943, there were substituted a reference to the common law of Scotland with regard to the frustration of contracts.

(7) An order of the arbitration tribunal may be recorded for execution in the books of Council and Session and may be enforced accordingly.

SCHEDULES

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FIRST SCHEDULE

PROVISIONS AS TO NATIONAL STEEL CORPORATION

2. The Corporation may act notwithstanding a vacancy among the members thereof.

3. The quorum of the Corporation shall, if the number of the members thereof exceeds ten, be such number, not being less than five, as the Corporation may from time to time determine, and, if the number of the members thereof does not exceed ten, be such number, not being less than three, as the Corporation may from time to time determine and, where any member is disqualified from taking part in any deliberation or decision of the Corporation with respect to any matter, he shall be disregarded for the purpose of constituting a quorum of the Corporation for deliberating on or deciding that matter ; and, subject as aforesaid, the Corporation may regulate their own procedure.

4. The Corporation shall appoint a secretary and may appoint such other officers and such servants as they may determine.

5. The application of the seal of the Corporation shall be authenticated by the signatures of the chairman or some other member of the Corporation authorised by the Corporation to authenticate the application of the seal thereof, and of the secretary of the Corporation or some person authorised by the Corporation to act in his stead in that behalf.

6. Every document purporting to be an instrument issued by the Corporation and to be sealed as aforesaid or to be signed on behalf of the Corporation shall be received in evidence and be deemed to be such an instrument without further proof unless the contrary is shown.

FOURTH SCHEDULE

ISSUE OF GOVERNMENT STOCK IN SATISFACTION
OF COMPENSATION

PART I

Provisions applicable to securities with values determined before the date of transfer

1. This Part of this Schedule shall apply to securities in respect of which compensation is payable under Part II of the Iron and Steel Act 1967 and the values of which are declared by order of the Minister to have been determined under the said Part II before the date of transfer.

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2. The persons who, immediately before the date of transfer, were the holders of any securities to which this Part of this Schedule applies shall, by virtue of this Act, become instead on that date the holders of the amount of government stock to which they are entitled under the Iron and Steel Act 1967 in satisfaction of compensation payable in respect of securities.

3. The interest on the said stock shall begin to accrue as from the date of transfer.

4. Where the holder of any securities becomes, under this Part of this Schedule, instead the holder of government stock, he shall hold that stock in the same right and on the same trusts and subject to the same powers, privileges, charges, restraints and liabilities as those in, on or subject to which he held those securities, and any provision of any deed, will, disposition or other instrument, and any statutory provision as to what is to be done by the holder of the securities or the redemption moneys thereof, shall, with any necessary modifications, have effect in relation to the said stock as it would have had effect in relation to the securities if they had not vested in the Corporation by virtue of the Iron and Steel Act 1967 or this Act.

5. Nothing in this Part of this Schedule affects the making of any payment or distribution, in accordance with the provisions of Part II of this Act relating to the final payment of dividends and interest, to the holders of securities to which this Part applies.

PART II

Provisions applicable to other securities

1.—(1) The provisions of this Part of this Schedule shall apply to such of the securities in respect of which compensation is payable under Part II of the Iron and Steel Act 1967 as are not securities to which Part I of this Schedule applies.

(2) In this Part of this Schedule, the expression “ the conversion date ” means, in relation to any securities, such date as may be specified in relation thereto by order of the Minister, being a date as soon as conveniently may be after the compensation payable in respect of those securities has been determined.

2. During the period beginning with the date of transfer and ending immediately before the conversion date, the persons who, immediately before the date of transfer, were the holders of securities to which this Part of this Schedule applies, shall have the following rights, namely,—

- (a) the right to have the amount of government stock to which they are entitled under Part II of the Iron and Steel Act 1967 in satisfaction of compensation payable in respect of the securities ; and
- (b) the right to the payment of interest under paragraph 5 of this Part of this Schedule ;

and those rights shall be transferable in like manner as the securities were transferable, and the Corporation shall make arrangements for recording the persons who are the holders thereof; and the documents of title which before the date of transfer related to those securities shall be treated as applicable to those rights.

3. The holders of any such rights shall, by virtue of this Act, become instead on the conversion date the holders of the amount of government stock to which they are entitled.

4. Interest on the said stock shall begin to accrue as from the date of transfer.

5.—(1) The Corporation shall, on such dates as the Minister may direct, make to the persons who are, at such times as may be specified in the direction, holders of any such rights as aforesaid, payments of interest not exceeding the amount which, in the opinion of the Corporation, will be found to have accrued on the government stock ultimately issued under paragraph 3 of this Part of this Schedule in satisfaction of compensation payable in respect of the securities.

(2) If the amounts paid by the Corporation under this paragraph in respect of any such rights are equal to or greater than the amount of interest which is found to have accrued, for the period beginning with the date of transfer and ending immediately before the day on which the last payment of interest fell to be made before the conversion date, on the government stock created and issued as aforesaid in satisfaction of compensation payable in respect of the securities, the interest so found to have accrued shall be treated as discharged.

(3) If the amount paid as aforesaid is less than the amount found to have accrued as aforesaid on the government stock created and issued as aforesaid in satisfaction of compensation payable in respect of the securities, the amount so found to have accrued shall be treated as discharged to the extent of the amount so paid and the balance shall at the expense of the Corporation be distributed by them amongst the persons to whom payments were made under the foregoing provisions of this paragraph so that each of them receives in the aggregate the amount which he would have received had the amount paid as aforesaid been equal to the amount so found to have accrued.

(4) Any amount payable under sub-paragraph (1) of this paragraph which has not been paid by reason that it has not been possible to discover the person entitled thereto or that the title thereto has not been established or that a cheque or warrant issued for the purpose of making payment thereof has not been encashed shall, for the purposes of sub-paragraphs (2) and (3) of this paragraph (but not for any other purposes) be treated as paid.

6. Where there are conferred on the holder of any securities the rights mentioned in paragraph 2 hereof, he shall hold those rights in the same right and on the same trusts and subject to the same powers, privileges, charges, restraints and liabilities as those in, on

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or subject to which he held those securities, and where the person entitled to those rights becomes under this Part of this Schedule instead the holder of government stock, he shall hold that stock in the same right and on the same trusts and subject to the same powers, privileges, charges, restraints and liabilities as those in, on or subject to which he held those rights; and any provision of any deed, will, disposition or other instrument and any statutory provision as to what is to be done by the holder of the securities or the redemption moneys thereof shall, with any necessary modifications, have effect in relation to the said rights and the said stock as it would have had effect in relation to the securities but for the provisions of the Iron and Steel Act 1967 and this Act.

7. Nothing in this Part of this Schedule affects the making of any payment or distribution in accordance with the provisions of Part II of this Act relating to the final payment of dividends and interest to the holders of securities to which this Part applies.

1948 c. 49.

8. The power conferred on the Treasury by section seventy-four of the Finance Act 1948 to direct, in connection with any statutory scheme for the carrying on of an industry under national ownership under which provision is made for the transfer of the undertaking of a body corporate, that as from the date of the transfer of the undertaking, transfers of the securities of the body corporate shall be exempt from all stamp duties, shall extend to a direction, as respects the rights referred to in paragraph 2 of this Part of this Schedule, that, as from the date of transfer, transfers of those rights shall be so exempt.

9. The Corporation shall have, in relation to any such rights, the like power as the company which issued the securities by virtue of which those rights are conferred has, in relation to those securities, under the Forged Transfers Acts 1891 and 1892.

FIFTH SCHEDULE

PROVISIONS AS TO OFFICE OF STOCKHOLDERS' REPRESENTATIVE, MEETINGS OF HOLDERS OF SECURITIES AND INCIDENTAL MATTERS

1. A stockholders' representative shall be appointed for each company by the holders of securities at a meeting of those holders called by the company, and shall be appointed not later than two months before the date of transfer:

Provided that, if the holders of securities fail to appoint a stockholders' representative within the required time, the Minister shall appoint such a representative.

2. Where the office of a stockholders' representative is about to become vacant or has become vacant, otherwise than in consequence of the completion of his duties under the Iron and Steel Act 1967 and this Act, a stockholders' representative to fill the vacancy shall be appointed at a meeting of the holders of securities called—

(a) if the office is not yet vacant, by the stockholders' representative;

- (b) if the office is vacant and the meeting is called before the date of transfer, by the company ; or
- (c) in any other case, by the Minister :

Provided that if the appointment has not been made within two months after the vacancy occurred, the appointment may be made by the Minister.

3. Every stockholders' representative shall, as soon as practicable after his appointment, give notice in writing thereof to the Minister (unless he was appointed by the Minister) and to the registrar of companies and shall, except in the case of a private company, insert an advertisement of his appointment in such one or more newspapers as in his opinion is or are best calculated to bring the appointment to the notice of the holders of securities ; and the advertisement shall state the name of the company, the full name and description of the stockholders' representative, the address to which communications for him are to be sent and any other matters which the stockholders' representative thinks fit to include.

4.—(1) Subject to the following provisions of this paragraph,—

- (a) a stockholders' representative may resign his office by giving not less than one month's notice in writing to the Minister and, if he was appointed by the holders of securities, to every such holder, and his office shall become vacant on the date specified in the notice ;
- (b) a stockholders' representative may be removed from his office by a resolution passed at a meeting of the holders of securities, and his office shall become vacant on the passing of the resolution ; and
- (c) in the case of a stockholders' representative appointed by the Minister, who becomes, in the Minister's opinion, unfit to continue in his office or incapable of performing his duties, the Minister may, by notice in writing to the holders of securities and to the stockholders' representative, declare his office to be vacant and his office shall become vacant on the date specified in the notice.

(2) A resolution for the removal of a stockholders' representative shall not be moved unless fourteen days' notice of the intention to do so has been given to every holder of securities, and any such notice may be included in the notice calling the meeting and, if not so included, may be given in like manner as the notice calling the meeting.

(3) Where a stockholders' representative resigns his office,—

- (a) he shall, before his resignation takes effect, call a meeting of the holders of securities for the appointment of his successor ;
- (b) if a new stockholders' representative is appointed before the day preceding the taking effect of his resignation, he shall, before it takes effect, deliver all books kept by him in the

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performance of his duties to his successor, and in any other case he shall deliver them to the Minister on the day before his resignation takes effect ; and

- (c) he shall furnish such information with respect to any matters which have arisen in connection with the performance of his duties as his successor may reasonably require.

(4) When a stockholders' representative is removed from his office, he shall deliver to the Minister, or as the Minister may direct, all books kept by him in the performance of his duties and shall furnish to the Minister such information relating to any matters which have arisen in connection with the performance of those duties as the Minister may reasonably require.

5.—(1) Where a stockholders' representative dies not less than fourteen days before the date of transfer, the company shall forthwith give notice thereof to the Minister and to every holder of securities, and the aforesaid books shall as soon as practicable be delivered by his legal personal representative, or, so far as any of them are in the possession or control of any other person, by that other person, to the Minister or as the Minister may direct.

(2) Where a stockholders' representative dies less than fourteen days before, or on or after the date of transfer, the appropriate person specified in the preceding sub-paragraph shall forthwith give notice thereof to the Minister, and shall as soon as practicable deliver any such books as aforesaid to the Minister or as the Minister may direct.

6.—(1) A stockholders' representative may at any time call a meeting of holders of securities, and shall call such a meeting within twenty-one days of the service on him of such a requisition as is mentioned hereafter in this paragraph.

(2) A stockholders' representative may at any time call a meeting of such class or classes of holders of securities as are exclusively affected by any matter dealt with by him in the performance of his duties, so, however, that the business of any such meeting shall be confined to matters affecting exclusively the class or classes summoned to that meeting.

(3) A requisition to a stockholders' representative to call a meeting of holders of securities may be made by holders of securities representing not less than—

- (a) one tenth of the aggregate nominal value of the securities of the company in respect of which compensation is payable under the Iron and Steel Act 1967 ; or
- (b) one-fifth of the aggregate nominal value of any class of such securities;

and every requisition shall state the purpose of the meeting and shall be signed by the requisitionists and deposited with the stockholders' representative, and may consist of several documents in like form each signed by one or more of the requisitionists.

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(4) If the stockholders' representative does not within twenty-one days after the deposit of the requisition proceed duly to call the meeting, the requisitionists, or any of them representing not less than one twentieth of the aggregate nominal value of the said securities or, as the case may be, one tenth of the aggregate nominal value of the said class of securities, may themselves call the meeting.

(5) Any expenses reasonably incurred by the requisitionists in calling a meeting under the last preceding sub-paragraph shall be repaid to them by the stockholders' representative and shall, except to the extent of any excess over the expenses which would have been incurred by the stockholders' representative if the meeting had been called by him, be deemed to be expenses incurred by him in the exercise of his functions.

7.—(1) A meeting of holders of securities shall be called by notice in writing served on every such holder not less than fourteen but not more than forty days before the date of the meeting.

(2) The said notice shall state that the meeting is to be held under this Schedule, shall state the purpose of the meeting and the place, date and time at which it is to be held, and shall draw attention to the provisions of this Schedule relating to proxies and specify the address at which proxies for the meeting are to be deposited, and, if the notice is served, a form of instrument for appointing a proxy, being the form set out in the Appendix to this Schedule, shall be served therewith.

(3) If a meeting is adjourned for more than two weeks this paragraph shall apply to the adjourned meeting as it applies to the original meeting, but save as aforesaid it shall not be necessary to give notice of an adjourned meeting.

(4) The accidental omission to give notice to, or the non-receipt of such notice by, any holder of securities shall not invalidate the proceedings at the meeting.

8.—(1) An instrument appointing a proxy shall be in the form set out in the Appendix to this Schedule or in a form as near thereto as circumstances admit, and shall be in writing under the hand of the appointer or of an attorney duly authorised by him in writing, or, if the appointer is a corporation, shall be either under seal or under the hand of an officer or attorney duly authorised by the corporation in writing.

(2) A proxy need not be a holder of securities.

(3) The appointment of a proxy shall not be valid unless the instrument of appointment, and the power of attorney or other authority (if any) under which it is signed or a notarially certified copy of that power or authority, is deposited at the address specified for the purpose in the notice convening the meeting not less than forty-eight hours before the time for holding the meeting.

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(4) An appointment of a proxy may be made for one or more meetings, and any appointment for a meeting shall be deemed to apply to any adjournment thereof.

9.—(1) The holders of securities present in person at any meeting shall choose one of their number to be chairman, and for that purpose the persons present in person at any meeting shall be a quorum.

(2) Subject as aforesaid, holders of securities present in person or by proxy representing not less than one twentieth of the aggregate nominal value of the securities of the company in respect of which compensation is payable under the Iron and Steel Act 1967 shall be a quorum.

(3) If within half an hour of the time appointed for any meeting a quorum is not present, the chairman shall adjourn the meeting to a place, date and time determined by him (which shall if practicable be the same place and the same day and time in the following week), and if at that adjourned meeting a quorum is not present at the appointed time or within thirty minutes thereafter, the holders of securities present in person or by proxy shall be a quorum.

(4) At any meeting voting shall be by holders of securities present in person or by proxy, and a resolution put to the vote of the meeting shall be decided on a show of hands unless a poll is (before or on the declaration of the result of the show of hands) demanded by persons present in person or by proxy representing not less than one twentieth of the aggregate nominal value aforesaid.

(5) A poll, if so demanded, shall be taken in such manner as the chairman may direct, and on any such poll every holder voting shall be entitled to one vote for each pound by nominal value of the securities held by him.

(6) In the case of an equality of votes, whether on a show of hands or on a poll, the chairman of the meeting shall be entitled to a second or casting vote.

(7) An entry in any minutes or record kept with respect to any meeting by the stockholders' representative, or, before the appointment of stockholders' representative or during a vacancy in that office, by a person authorised in that behalf by the chairman of the meeting, shall, if signed by the chairman of the meeting or by the chairman of a meeting at which the minutes or record were or was read, be evidence of the matter so recorded.

(8) The proceedings at any meeting of holders of securities shall not be invalidated by any defect discovered after the meeting in the qualifications to vote of any person who voted at the meeting.

10.—(1) In the case of a joint holding of securities, the vote of the senior joint holder who tenders a vote, whether in person or by proxy, shall be accepted to the exclusion of the votes of the other joint holders, and for this purpose seniority shall be determined by the order in which the names stand or stood in the relevant register or, if there is no register, in the relevant document of title.

(2) Any person who has been duly authorised to act on behalf of a holder of securities who is of unsound mind may vote on his behalf.

11. Where any class of securities is secured by a trust deed and any trustee thereof is not a holder of securities, notice of any meeting of holders of securities held under this Schedule shall be served on him, and any such trustee may attend and speak at any such meeting, but shall not be entitled to vote.

12. The provisions of paragraphs 7 to 11 inclusive of this Schedule shall with the requisite modifications apply in relation to a meeting of a class or classes of holders of securities as they apply in relation to a meeting of holders of securities of all classes.

13.—(1) In addition to the methods of serving documents under section 56 of this Act, any notice or statement required under this Schedule to be served on, or given or sent to, any holder of securities who is entered in a register kept by the company or any record kept by the Corporation under Part II of Schedule 4 to this Act or under regulations made under or by virtue of section twenty-six of the Iron and Steel Act 1967, may be so served, given or sent by sending it in a prepaid letter addressed to that holder at the address entered in the register or record and, in the case of a joint holding of securities, may be sent to the senior holder as determined for the purpose of paragraph 10 of this Schedule.

(2) In the case of holders of bearer securities, any notice required under this Schedule to be given or served may be given by advertisement in such one or more newspapers as in the opinion of the person required to give or serve the notice is or are best calculated to bring the matter in question to the notice of those holders.

14. Any corporation who are holders of securities may by resolution of their directors or other governing body authorise such person as they think fit to act as their representative at any meeting of holders of securities; and the person so authorised shall be entitled to exercise the same powers on behalf of the corporation which he represents as that corporation could exercise if they were an individual holder of securities.

15.—(1) Every stockholders' representative shall keep proper books in which shall appear—

- (a) a record of every matter dealt with by him in the performance of his duties under the Iron and Steel Act 1967 and this Act; and
- (b) minutes of the proceedings of every meeting of holders of securities, which shall include a record of every resolution passed.

(2) All such books shall be open at any reasonable hour to inspection by any holder of securities, or by any person authorised in writing in that behalf by any such holder.

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16.—(1) As soon as practicable after he has completed his duties under this Schedule, each stockholders' representative shall—

- (a) prepare a statement showing how he has carried out those duties ;
- (b) send to the Minister and to the Corporation and to every holder of securities copies of that statement ; and
- (c) call a meeting of the holders of securities.

(2) The stockholders' representative shall present the said statement at the said meeting and shall give any explanation thereof that may reasonably be required by any holder of securities present thereat.

17.—(1) In this Schedule the expression " holder of securities ", in relation to a stockholders' representative or the appointment of a stockholders' representative, means any holder of securities of the company for which he is or is to be appointed, or any holder of rights in respect of those securities under Part II of the Fourth Schedule to this Act, or any persons to whom those securities or rights are transferred.

(2) Expressions to which meanings are assigned by any provision of the Iron and Steel Act 1967 or this Act shall bear the same meanings in any notice, minute or other document given, served or made under this Schedule,

APPENDIX

Iron and Steel Act 1967

Appointment of proxy for voting

[The]..... [Company] Limited.
 I/We,
 of in the County of
 as a holder of (a) in the above named
 company **HEREBY APPOINT**
 of [or, failing him,
 of]
 as my/our proxy to vote for me/us on my/our behalf at the
 meeting of holders of securities to be held under the Fifth Schedule
 to the Iron and Steel Act 1949 on the day of
 19..., and at any adjournment thereof, in favour of (b) the resolution
against
 to be submitted.

1949 c. 72.

Dated this day of 19.....
.....(c)

(a) Name the class of the company's securities which are held or in respect of which rights under Part II of the Fourth Schedule to the Iron and Steel Act 1949 are held.

(b) Delete whichever is not desired; if neither is deleted, the proxy will vote as he thinks fit.

(c) Signature of appointer or attorney, or, in the case of a company, seal of the company or signature of authorised officer or attorney.

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SIXTH SCHEDULE

ACQUISITION OF CERTAIN ASSETS

1. Where a notice of acquisition is served under section twenty-three of this Act and is not withdrawn or revoked, there shall vest, by virtue of this Act, in such body as may be specified in the notice (being either the Corporation or a publicly-owned company), on such date not earlier than the general date of transfer as may be agreed by the Corporation and the person on whom the notice is served (in this Schedule referred to as "the transferor") or, in default of agreement, as may be determined by arbitration under this Act—

- (a) the rights to which the notice relates ;
- (b) in a case where the vesting of those rights involves the transfer of the operation of any works from the transferor to the body so specified, all such property and rights of the transferor as may be agreed or determined as aforesaid to be property and rights held by the transferor wholly or mainly for the purposes of the business carried on by him at the works ; and
- (c) such other property and rights, being property or rights held by the transferor for the purposes of the business carried on by him, as may be so agreed or determined to be property or rights which cannot reasonably be severed from property or rights referred to in sub-paragraph (a) or sub-paragraph (b) hereof and ought to be held in the same ownership.

2. All such agreements, whether in writing or not and whether or not of such a nature that the rights or liabilities thereunder could be assigned by the transferor, being agreements to which the transferor was a party and which are agreed by the Corporation and the transferor or, in default of agreement, determined by arbitration under this Act,—

- (a) to have been entered into for the purposes of, or in connection with, the use or exercise of any property or rights which vest in pursuance of the notice of acquisition ; and
- (b) to be agreements which ought to be transferred with that property or those rights;

shall have effect as from the date aforesaid as if the body specified in the notice had been a party to the agreement, and for any reference (however worded and whether express or implied) to the transferor there were substituted, as respects anything falling to be done on or after the said date, a reference to that body, and with such other modifications as may be necessary to transfer rights, liabilities and obligations under the agreement, so far as unperformed, from the transferor to that body:

Provided that, if the arbitration tribunal are satisfied, on the application of the Corporation, that any such agreement could, if

SCH. 4 the transferor had been a company whose securities vested in the Corporation by virtue of the Iron and Steel Act 1967 or this Act, have been disclaimed under Part II of this Act, they shall exclude that agreement from transfer under this paragraph.

3. There shall be paid to the transferor, by way of compensation for the property and rights vested or transferred in pursuance of the notice of acquisition, such amount as they might have been expected to realise if—

(a) they had been sold on the said date in the open market by a willing seller to a willing buyer ;

(b) in so far as they comprised a business capable of being sold as a going concern, they had been so sold ; and

(c) the Iron and Steel Act 1967 had not been passed ;

and any question as to the amount of compensation to be paid under this paragraph shall, in default of agreement between the Corporation and the transferor, be determined by arbitration under this Act.

4.—(1) All property and rights which vest under this Schedule shall vest free of any mortgage or other like encumbrance, but, where any such property or right was, immediately before the said date, subject to a mortgage or other like encumbrance (other than a floating charge which will attach to the compensation), so much of any compensation as is properly referable to that property or right shall be paid to the encumbrancer, and if the property or right was subject to two or more mortgages or other like encumbrances, the payment shall be made to the encumbrancer whose mortgage or other encumbrance has priority.

(2) Where a payment is made to an encumbrancer under this paragraph, the encumbrancer shall be liable to account therefor as if it had accrued to him as proceeds of sale of the property or right in question arising under a power of sale exercised by him immediately before the said date.

5. The compensation payable under the preceding provisions of this Schedule shall be satisfied by the issue to the transferor of such amount of government stock (that is to say, stock the principal whereof and the interest whereon shall be charged on the Consolidated Fund) as, in the opinion of the Treasury, is of a value equal on the date of the issue to the amount of the compensation, regard being had (in estimating the value of the stock so issued) to the market values of other government securities at or about that date ; and the Treasury shall be liable to pay interest on that amount, at such rates as they may determine, in respect of the period from the said date (that is, the date referred to in paragraph 1 of this Schedule) until the date of payment.

6. References in this Schedule to the vesting of rights shall, in the case of rights which have been granted out of or derived from greater rights held by the publicly-owned company specified in the

notice of acquisition so that the surrender thereof results in their merger in those greater rights, be construed as references to the surrender of the rights so granted or derived.

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NINTH SCHEDULE

MODIFICATIONS AS TO CONSTITUTION AND PROCEEDINGS
OF PUBLICLY-OWNED COMPANIES*Private companies*

1. A publicly-owned company shall, notwithstanding that it satisfies the conditions specified in section twenty-eight of the Companies Act 1948 not be deemed to be a private company for the purposes of that Act:

Provided that where a company, on coming into public ownership, would be required in consequence of this paragraph to have an additional director, that requirement shall not take effect until three months after the company comes into public ownership.

Meetings

2. Notwithstanding anything in section one hundred and thirty-four of the Companies Act 1948 or the company's articles of association, the Corporation may call a meeting of a publicly-owned company, and there shall be deemed to be a quorum present at any meeting of such a company at which the Corporation is represented.

3. In the case of any publicly-owned company all of whose securities are held by the Corporation, the obligation of a company under the Companies Act 1948 or under the company's articles of association or otherwise to hold an annual meeting may be discharged by the holding of a meeting of the Corporation summoned and held in such manner, and after such notice, as may be determined by the Corporation in regulating their procedure, and any power of a company which is by the Companies Act 1948 or by the company's articles of association or otherwise required to be exercised by the company in general meeting (including a power required to be so exercised by special resolution, extraordinary resolution or a resolution requiring special notice), may be exercised by the Corporation at a meeting summoned and held as aforesaid:

Provided that—

- (a) where any power is exercised by a publicly-owned company in a case where, apart from this paragraph, special notice would be required and a copy of the notice would have to be sent to any person, the publicly-owned company shall give notice in writing to that person not less than twenty-eight days before exercising that power;
- (b) section one hundred and forty-three of the Companies Act 1948 (which provides for the registration of certain resolutions and agreements) shall apply to any resolution of a publicly-owned company which, but for this paragraph, would be a resolution to which that section applied;

SCH. 4

(c) subsection (4) of section one hundred and sixty-two of the said Act (which entitles auditors of a company to attend and be heard at general meetings of the company and to receive notice thereof) shall apply to meetings of the Corporation held for the purpose of exercising their powers under this paragraph with respect to the affairs of a publicly-owned company.

Directors

4. Any provision in the memorandum or articles of association of a publicly-owned company requiring a director to hold a specified share qualification shall not have effect in the case of a publicly-owned company.

1948 c. 38.

5. The power conferred on a company by section one hundred and eighty-four of the Companies Act 1948 to remove a director before the expiration of his period of office notwithstanding anything in its articles of association or in any agreement between it and him, shall, in the case of a publicly-owned company, be extended so as to be exercisable notwithstanding anything in any agreement between the company and any person other than the director, and the proviso to subsection (1) of that section (which contains a saving for directors of private companies holding office for life on the eighteenth day of July, nineteen hundred and forty-five) shall not apply to directors of publicly-owned companies.

Alteration of memorandum

6. A publicly-owned company shall not, without the consent in writing of the Minister, so alter the provisions of its memorandum of association or, as the case may be, charter of incorporation or other charter as to increase the activities which it is authorised to carry on.

7. The power conferred by subsection (1) of section twenty-three of the Companies Act 1948 (which provides that a company may alter by special resolution any conditions contained in its memorandum which could lawfully have been contained in articles of association instead of in the memorandum) shall, in the case of a publicly-owned company, not be subject to the provisions of subsection (2) of the said section twenty-three (which provides that that section shall not apply where the memorandum itself provides for or prohibits the alteration of all or any of the said conditions and shall not authorise any variation or abrogation of the special rights of any class of members).

Reduction of capital

8. The power conferred by section sixty-six of the Companies Act 1948 on a company to reduce its share capital may, in the case of a publicly-owned company, be exercised by ordinary resolution, and any reduction so made shall not be subject to confirmation by the court, and in any such case—

(a) section sixty-nine of the Companies Act 1948 shall apply with the modification that for any reference to an order of the

SCH. 4

- court confirming the reduction of the share capital of a company there shall be substituted a reference to a copy of the resolution of the company for reducing its share capital and for the reference to a minute approved by the court showing the particulars mentioned in that section there shall be substituted a reference to a minute showing those particulars to the satisfaction of the registrar of companies ;
- (b) subsections (3) and (4) of the said section sixty-nine shall not apply, but notice of the registration of the resolution by the registrar of companies shall be published in the London and Edinburgh Gazettes and the registrar shall certify under his hand the registration of the resolution, and his certificate shall be conclusive evidence that the share capital of the company is such as is stated in the resolution ; and
 - (c) sections sixty-seven, sixty-eight, seventy and seventy-one of the Companies Act 1948 shall not apply.

1948 c. 38.

Number of members

9. No petition shall be presented for the winding up of a publicly-owned company on the ground that the number of its members is less than the number required by law, nor shall any person be liable on that ground as a member of the company for the payment of any of its debts.

10. In this Schedule the expressions "special resolution", "extraordinary resolution" and "special notice" have the same meanings as in the Companies Act 1948.

SCHEDULE 5

Section 51.

PROVISIONS OF 1953 ACT REPEALED

Provision	Extent of Repeal	Date of Repeal
Section 1	The whole section	The date of the passing of this Act.
Section 2	The whole section	The date of the Iron and Steel Board's ceasing to exist.
Sections 3 to 12 ...	The whole of the sections	The vesting date.
Sections 14, 15 and 17.	The whole of the sections	The vesting date.
Section 18... ..	In subsection (1), the words from "and it shall be the duty" onwards.	The date of the passing of this Act.
Section 19(1), (3), (4), (6) and (7).	All the subsections ...	The date of the passing of this Act.

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Provision	Extent of Repeal	Date of Repeal
Section 19(2), (5) and (8)	All the subsections ...	The vesting date.
Section 29... ..	In subsection (1), the words "or any breach of the duty imposed by section eight of this Act", paragraph (b) and the word "or" immediately preceding that paragraph and the words "or duty". Subsections (2) to (4). In subsection (5), the words "by the Board" where first occurring, and the words "or the enforcement by the Board or the Minister of any determination under section eight of this Act".	The vesting date.
Section 30(1) ...	The whole subsection ...	The date of the passing of this Act.
Section 30(2) to (4)	All the subsections ...	In relation to the purposes of section 29 of the 1953 Act, the date of the passing of this Act; and in relation to other purposes, the vesting date.
Section 32... ..	The proviso	The date of the passing of this Act.
Section 35... ..	The whole section	The date of the passing of this Act.
Schedule 1 ...	The whole Schedule, except paragraphs 14 and 15.	The date of the passing of this Act.
Schedule 2 ...	The whole Schedule ...	In relation to the Iron and Steel Board, the date of the Board's ceasing to exist; and in relation to the Iron and Steel Holding and Realisation Agency, the date of the Agency's dissolution.



Local Government (Termination of Reviews) Act 1967

1967 CHAPTER 18

An Act to dissolve the Local Government Commission for England and the Local Government Commission for Wales, to provide (with retrospective effect) for the discontinuance of reviews under Part II of the Local Government Act 1958 and to repeal section 30(6) and certain related provisions of the London Government Act 1963. [10th May 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 duty imposed on the Local Government Commission for England by section 17(1) of the Local Government Act 1958 (review of local government organisation) shall be deemed to have ceased on 10th February 1966, and the said Commission and the Local Government Commission for Wales are hereby dissolved. Dissolution of Local Government Commissions and discontinuance of reviews under Part II of Act of 1958.

(2) The duty imposed on county councils in England and Wales by section 28(1) of the said Act of 1958 (county reviews) shall be deemed to have ceased on 31st August 1966. 1958 c. 55.

(3) The enactments specified in the Schedule to this Act are hereby repealed to the extent specified in column 3 of that Schedule, but this subsection shall not affect the operation of the enactments specified in Part II of that Schedule in relation to—

- (a) any report, proposals or notification submitted by the Local Government Commission for England before the date specified in subsection (1) of this section or by the Local Government Commission for Wales before the beginning of 1963; or

(b) any report or proposals submitted by a county council in England not later than the date mentioned in subsection (2) of this section.

1963 c. 33. (4) The repeal by the last foregoing subsection of the provisions of the London Government Act 1963 specified in the Schedule to this Act shall not affect the meaning of the expression "county review area" in that Act as respects any period before the passing of this Act; and, as respects any period thereafter, the reference in the definition of that expression in section 89(1) of that Act to the area with respect to which a county review may be made shall be construed as a reference to the area with respect to which such a review could have been made if this Act had not been passed.

Repeal of duty to undertake review of administration of education in Inner London Education Area. 2. No review of the administration of education in the Inner London Education Area shall be carried out under section 30(6) of the London Government Act 1963; and accordingly the following provisions of that Act are hereby repealed, namely—

(a) in section 30(1)(b), the words "subject to subsections (6) and (7) of this section";

(b) section 30(6) and (7);

(c) section 34(4).

Short title and extent. 3.—(1) This Act may be cited as the Local Government (Termination of Reviews) Act 1967.

1957 c. 20. (2) Except so far as it relates to the House of Commons Disqualification Act 1957 this Act shall not extend to Northern Ireland.

SCHEDULE

Section 1.

REPEALS

PART I

ENACTMENTS REPEALED GENERALLY

Chapter	Short Title	Extent of Repeal
5 & 6 Eliz. 2. c. 20.	The House of Commons Disqualification Act 1957.	In Schedule 1, in Part II, the words "The Local Government Commission for England" and "The Local Government Commission for Wales".
6 & 7 Eliz. 2. c. 55.	The Local Government Act 1958.	Section 17(1) to (3). Section 21. Section 22(1) to (4). Section 28(1) and (2). Section 29(1), (3) and (5). Sections 30 and 31. In section 32 the words "thirty or thirty-one". Section 33. In section 34 the words "the Commission and". Sections 36 and 37. In section 40, subsection (1)(c) and (d), subsection (2), in subsection (3)(b) the words "thirty or thirty-one" and subsection (3)(d). In Schedule 3, in paragraph 1, the words "South East Lancashire, Merseyside"; and paragraphs 4 and 5. Schedule 4.
1963 c. 33.	The London Government Act 1963.	In section 3(2), in paragraph (a), the words "17(1) and"; and paragraph (c). In section 89(1), in the definition of "county review area", the words "by virtue of section 3(2) of this Act".

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PART II

ENACTMENTS REPEALED EXCEPT AS PROVIDED IN SECTION 1(3)

Chapter	Short Title	Extent of Repeal
6 & 7 Eliz. 2. c. 55.	The Local Government Act 1958.	<p>Section 17(5) and (6). Section 18. Section 20. Section 22(5). Sections 23 to 25. Section 26(1) to (3). Section 28(4). Section 29(2), (4) and (6). Section 34. Section 38(3) to (5). Section 39(2). In section 40(3)(c) the words "subsection (1) of section twenty-five". In section 42 the words "and the Sixth Schedule to this Act". Section 43. In section 44, in subsection (1), the words "under this Part of this Act or"; in subsection (2), the words "this Part of this Act or"; and subsection (3). In section 66(1) the definitions of "the Commission" and "the Commissions" and the defini- tions of "county functions" and "district functions". Schedule 3 so far as not repealed by Part I of this Schedule. Schedule 6.</p>



Private Places of Entertainment (Licensing) Act 1967

1967 CHAPTER 19

An Act to provide for the licensing of certain private places of entertainment. [10th May 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) This Act shall, if adopted by the appropriate local authority, apply to any area in which any of the following enactments is in force, that is to say—

- (a) section 51 of the Public Health Acts Amendment Act 1890 (which provides for the licensing of premises used for public music or dancing in certain provincial areas); 1890 c. 59.
- (b) the Home Counties (Music and Dancing) Licensing Act 1926 (which makes similar provision for certain areas around London); 1926 c. 31.
- (c) paragraph 1 of Schedule 12 to the London Government Act 1963 (which makes similar provision for the London boroughs and the City of London); or 1963 c. 33.
- (d) any enactment in a local Act regulating by means of licences the provision of music and dancing in places of public resort.

(2) In this section “the appropriate local authority” means, as respects any area specified in the first column of Part I of the Schedule to this Act, the authority specified in relation to that area in the second column of that Part; and Part II of that Schedule shall have effect in relation to the adoption of this Act by any such authority.

Certain private places of entertainment to require licences.

2.—(1) Subject to the provisions of this section, no premises in an area to which this Act applies shall be used for any of the following purposes, that is to say, dancing, music or any other entertainment of the like kind which—

(a) is not public within the meaning of the enactment mentioned in section 1(1) of this Act in force in that area; but

(b) is promoted for private gain,

except under and in accordance with the terms of a licence granted under this Act by the licensing authority.

(2) Subsection (1) of this section shall not apply to the use for any of the purposes mentioned in that subsection of, or of any part of—

(a) any premises licensed under any enactment mentioned in section 1(1) of this Act during the hours for which those premises are permitted to be open in accordance with that enactment; or

(b) licensed premises or a licensed canteen within the meaning of the Licensing Act 1964 or premises in respect of which a club or other body is registered under Part II of that Act.

1964 c. 26.

1952 c. 68.

(3) Section 7 of the Cinematograph Act 1952 (which provides that a licence shall not be required under any enactment for the regulation of public dancing, music or other public entertainment of the like kind by reason only of the showing of a film which includes representations of persons dancing or singing or which includes or is accompanied by music) shall apply to this Act as it applies to any such enactment; and a licence shall not be required under this Act by reason only of the performance at any premises of a stage play within the meaning of the Theatres Act 1843 or of the use of any premises for an entertainment which is provided there for the purpose of being broadcast for general reception.

1843 c. 68.

(4) For the purposes of this section, where the proceeds of an entertainment promoted by a society to which this subsection extends are applied for any purpose calculated to benefit the society as a whole, the entertainment shall not be held to be promoted for private gain by reason only that the application of the proceeds for that purpose results in benefit to any person as an individual.

(5) The last foregoing subsection extends to any society which is established and conducted either—

(a) wholly for purposes other than purposes of any commercial undertaking; or

(b) wholly or mainly for the purpose of participation in or support of athletic sports or athletic games.

(6) In the two last foregoing subsections "society" includes any club, institution, organisation or association of persons, by whatever name called, and any separate branch or section of such a club, institution, organisation or association.

3.—(1) The licensing authority may grant to any applicant and from time to time renew a licence for the use of any premises specified therein for all or any of the purposes mentioned in section 2 of this Act on such terms and conditions (including conditions for securing entry to and inspection of the premises) and subject to such restrictions as may be specified therein. Grant,
duration and
transfer of
licences.

(2) Subject to section 5(5) of this Act, a licence granted under this Act shall, unless previously revoked, remain in force for one year or for such shorter period specified in the licence as the licensing authority think fit.

(3) Where a licence has been granted under this Act to any person, the licensing authority may, if they think fit, transfer the licence to any other person on the application of that other person or the holder of the licence.

(4) The person making an application for the grant, renewal or transfer of a licence under this Act shall on making the application pay to the licensing authority a fee of five pounds.

4.—(1) If at any premises any entertainment in respect of which a licence is required under this Act is provided without such a licence being held in respect thereof, then— Enforcement.

(a) any person concerned in the organisation or management of that entertainment; and

(b) any other person who, knowing or having reasonable cause to suspect that such an entertainment would be so provided at those premises—

(i) allowed the premises to be used for the provision of that entertainment; or

(ii) let the premises, or otherwise made the premises available, to any person by whom an offence in connection with the entertainment has been committed,

shall be guilty of an offence.

(2) If the terms, conditions or restrictions on or subject to which a licence in respect of any premises has been granted under this Act are contravened or not complied with, then—

(a) the holder of the licence; and

(b) any other person who, knowing or having reasonable cause to suspect that the premises would be used otherwise than in accordance with those terms, conditions or restrictions—

(i) allowed the premises to be so used; or

(ii) let the premises, or otherwise made the premises available, to any person by whom an offence in connection with that use of the premises has been committed,

shall be guilty of an offence.

(3) Any person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding two hundred pounds, or to imprisonment for a term not exceeding three months, or to both.

(4) If the holder of a licence under this Act is convicted by virtue of subsection (2) of this section then, subject to section 5 of this Act, the licensing authority may revoke the licence.

(5) Where an offence under this section 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 shall be liable to be proceeded against and punished accordingly.

Appeals.

5.—(1) Any of the following persons, that is to say—

- (a) an applicant for the grant, renewal or transfer of a licence under this Act in respect of any premises whose application is refused;
- (b) the holder of any such licence as aforesaid whose licence is revoked or who is aggrieved by any terms, conditions or restrictions on or subject to which such a licence is granted,

may appeal to the appropriate court at any time before the expiration of the period of twenty-one days beginning with the date when he is notified of the refusal of his application, the revocation of his licence or the terms, conditions or restrictions in question, as the case may be.

(2) Where the decision against which an appeal is brought under subsection (1) of this section is that of a local authority, the appropriate court for the purposes of that subsection shall be a magistrates' court acting for the petty sessions area in which the premises in question are situated; and the court may make such order as it thinks fit and, subject to the next following subsection, that order shall be binding on the local authority.

(3) Any person aggrieved by the order of a magistrates' court on such an appeal as aforesaid may appeal therefrom to a court of quarter sessions.

(4) Where the decision against which an appeal is brought under subsection (1) of this section is that of any justices, the appropriate court for the purposes of that subsection shall be a court of quarter sessions; and section 31 of the Summary Jurisdiction Act 1879 (appeals to quarter sessions from courts of summary jurisdiction) shall, with the necessary modifications, apply in relation to any appeal by virtue of this subsection as if the decision against which the appeal is brought were an order of a court of summary jurisdiction. 1879 c. 49.

(5) Where a licence under this Act is revoked or an application for the renewal of such a licence is refused, the licence shall be deemed to remain in force—

- (a) during any period within which an appeal under this section may be brought and, if such an appeal is brought within the relevant period, until the determination or abandonment of the appeal; and
- (b) where such an appeal relating to such a refusal as aforesaid is successful and no further such appeal is available, until the licence is renewed by the licensing authority.

6.—(1) Section 41 of the Justices of the Peace Act 1949 (authentication of licences under section 51 of the Public Health Acts Amendment Act 1890 or any similar local enactment) shall apply also to a licence granted under this Act by justices at any such meeting or sessions as are mentioned in the said section 41. Application of enactments relating to public places of entertainment. 1949 c. 101. 1890 c. 59.

(2) Section 4(2) of the Home Counties (Music and Dancing) Licensing Act 1926 (delegation to councils of urban districts of powers of council of a county) shall apply also to the powers of the council of a county as licensing authority under this Act for an area in which that Act is in force. 1926 c. 31.

(3) Any enactment applied by this section shall, as so applied, have effect subject to any necessary modifications.

7.—(1) This Act may be cited as the Private Places of Entertainment (Licensing) Act 1967. Short title, interpretation and extent.

(2) In this Act—

“licensing authority” means, as respects premises in any area specified in the first column of Part I of the Schedule to this Act, the authority specified in relation to that area in the third column of that Part;

“local Act” includes a local Act passed after this Act;

“premises” includes any place.

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Act 1967

(3) In this Act references to any enactment shall be construed as references to that enactment as amended or extended by or under any other enactment, including an enactment passed after this Act; and references to any enactment which may be adopted or applied shall be construed as references to that enactment as adopted or applied whether before or after the passing of this Act.

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

SCHEDULE

**Sections 1
and 7.**

PART I

ADOPTING AND LICENSING AUTHORITIES

Area	Authority which may adopt this Act	Licensing authority
A borough or county district, or part thereof, in which section 51 of the Public Health Acts Amendment Act 1890 is in force.	The council of the borough or county district.	The licensing justices (as defined in the said section 51) of the licensing area (as so defined) in which the premises are situated. 1890 c. 59.
A county, or part thereof, in which the Home Counties (Music and Dancing) Licensing Act 1926 is in force.	The council of the county.	The council of the county. 1926 c. 31.
A London borough ...	The Greater London Council acting with the consent of the council of the borough.	The Greater London Council.
The City of London ...	The Greater London Council acting with the consent of the Common Council.	The Greater London Council.
A borough or county district, or part thereof, in which any such enactment as is mentioned in section 1(1)(d) of this Act is in force.	If the enactment specifies the council of a county as the body responsible for granting licences under the enactment, that council, and, in any other case, the council of the borough or county district.	The body specified by the enactment as the body responsible for granting licences under the enactment.

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PART II**PROCEDURE FOR ADOPTING ACT**

1. Adoption of this Act shall be effected by a resolution of the local authority expressed to come into force on a date not earlier than one month after the date on which the resolution is passed.
2. The consent of the council of a London borough or the Common Council to the passing of any such resolution by the Greater London Council shall be recited in the resolution.
3. The local authority shall by an advertisement in one or more newspapers circulating in the area to which the resolution relates—
 - (a) give notice of the proposed resolution not less than one month before the date on which it is to be passed; and
 - (b) after passing the resolution and before it comes into force, give notice of the fact that it has been passed and of its terms.
4. A copy of such a newspaper as aforesaid containing such a notice as is mentioned in paragraph 3(b) above shall be admissible as evidence of the passing of the resolution specified in the notice, of its terms and of the fact that any consent recited therein pursuant to paragraph 2 above has been given.



Housing (Financial Provisions, &c.) (Scotland) Act 1967

1967 CHAPTER 20

An Act to make further provision for the giving of financial assistance towards the provision of houses in Scotland; to increase the amount of contributions payable in respect of hostels under section 89 of the Housing (Scotland) Act 1950; to replace certain provisions as to the withholding, reduction, suspension, postponement, discontinuing or transfer of certain contributions; to make further provision for the Scottish Special Housing Association; to make provision in certain cases for the discharge or modification by the sheriff of heritable securities, charges and agreements on or relating to an unfit house; to revive section 12(6) of the Rent Act 1957 in its application to Scotland; and for matters connected with the aforesaid purposes. [10th May 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

FINANCIAL ASSISTANCE FOR HOUSES PROVIDED BY LOCAL AUTHORITIES AND OTHER BODIES

Subsidies for new houses

1.—(1) The provisions of Part I of this Act shall have effect with respect to assistance to local authorities and other bodies mentioned in this section (in this Act referred to as “recipient authorities”) towards the expenditure incurred by them in the provision of new houses approved for the purposes of this Act by the Secretary of State (in this Act referred to as “approved houses”).

Financial assistance towards provision of new houses.

PART I

(2) The houses that may be approved for the purposes of this Act are new houses which are—

- (a) provided by a local authority in the exercise of their powers to provide housing accommodation, or
- (b) provided by a development corporation otherwise than in pursuance of authorised arrangements made with a local authority, or
- (c) provided by a development corporation in pursuance of authorised arrangements made with a local authority, or
- (d) provided by a housing association in pursuance of authorised arrangements made with a local authority or special arrangements made with the Secretary of State, or
- (e) provided by the Scottish Special Housing Association in the circumstances specified in section 23(1) of the

1957 c. 38.

Housing and Town Development (Scotland) Act 1957 ; and in respect of which proposals for their provision were or are submitted to the Secretary of State for his approval—

- (i) in the case of proposals submitted by a local authority in respect of houses which would have been eligible for an exchequer subsidy calculated in accordance with section 2, or paragraph (a) or (b) of section 3(4), of the Housing (Scotland) Act 1962 had this Act not been passed, on or after 1st January 1965 ; and
- (ii) in any other case, on or after 25th November 1965.

1962 c. 28.

(3) Any subsidy under this Part of this Act payable in respect of any house or in respect of the cost of any house or the cost of the site of any house shall be paid to the recipient authority by whom the house was provided, except that where it was provided by a development corporation or housing association in pursuance of authorised arrangements made with a local authority the subsidy shall be paid to the local authority, who shall pay to the development corporation or housing association by way of annual grant an amount not less than the subsidy.

(4) No exchequer subsidy shall be payable under Part I of the Housing (Scotland) Act 1962 in respect of any house the proposals for the provision of which were or are submitted to the Secretary of State for his approval—

- (a) in the case of any such houses as are referred to in head (i) of subsection (2) of this section, on or after 1st January 1965 ; and
- (b) in any other case, on or after 25th November 1965.

Subsidies for aggregate cost of approved houses

PART I

2.—(1) In respect of the aggregate cost, ascertained in accordance with the provisions of this Act, of the approved houses provided by each recipient authority and completed in any financial year, so far as that cost is approved by the Secretary of State for the purposes of this section, the Secretary of State shall pay for each of the sixty years beginning with that financial year a subsidy of an amount calculated in accordance with the following provisions of this section. Aggregate cost subsidies.

(2) An amount equal to the aggregate cost so far as approved as aforesaid shall be assumed to have been raised by a loan repayable over a period of sixty years in equal half-yearly instalments of principal and interest combined, the first falling due six months after the loan was raised, and there shall be calculated the amount of such an instalment at a rate of interest specified in an order made by the Secretary of State in respect of the financial year in which the houses were completed ; and the amount of the subsidy shall be twice the amount by which the amount of such an instalment calculated at that rate would exceed the amount of such an instalment when calculated at the rate of four per cent. per annum.

(3) The rate so specified in respect of any financial year shall be such as appears to the Secretary of State, after consultation with recipient authorities or such associations thereof as appear to him to be concerned, to be representative of the rates of interest paid on loans raised by recipient authorities in the preceding financial year ; and different rates may be so specified in relation to the different kinds of recipient authority mentioned in section 1(2) of this Act and also in relation to different classes of local authority.

(4) Where the approved houses provided by a recipient authority and completed in a financial year include both—

- (a) houses provided in pursuance of authorised arrangements made with a local authority ; and either
- (b) houses provided in pursuance of authorised arrangements made with another local authority ; or
- (c) houses provided otherwise than in pursuance of such arrangements ;

a separate subsidy shall be paid in respect of the aggregate cost of the houses provided as mentioned in each of the paragraphs of this subsection.

(5) The power to make an order under this section shall be exercisable by statutory instrument, and such an order shall not be made unless a draft thereof has been laid before the Commons House of Parliament and has been approved by a resolution of that House.

PART I
Ascertainment
of aggregate
cost.

3.—(1) Subject to the provisions of this section, the aggregate cost of any houses shall be taken for the purposes of this Act to be the cost incurred by the recipient authority in providing the houses.

(2) So much of that cost as is attributable to the acquisition of any site shall be ascertained in accordance with Schedule 1 to this Act.

(3) The remainder of the said cost, so far as it was not known at the time the proposals referred to in section 1(2) of this Act were approved, shall be taken to be what it was then estimated to be.

(4) Any apportionment necessary to arrive at the said aggregate cost shall be made in such manner as the Secretary of State may determine.

*Additional subsidies for individual houses***Subsidies for**
flats in blocks
of six or
more storeys.

4. In respect of each approved house provided in a block of flats the major part of which, as determined by the Secretary of State, is of six or more storeys (inclusive of any storey constructed for use for purposes other than those of a dwelling) the Secretary of State shall pay for each of the sixty years beginning with the financial year in which the house was completed a subsidy of thirty pounds.

Subsidies
for houses
provided
by local
authorities
with special
difficulties.

5. In respect of each approved house provided by a local authority, the Secretary of State shall pay for each of the sixty years beginning with the financial year in which the house was completed any subsidy which may be determined in accordance with Schedule 2 to this Act to be payable to that authority.

Subsidies
for houses
where
rights of
support, etc.
enhance cost.

6. Where the Secretary of State is satisfied, on an application made to him by a recipient authority with respect to any house which the authority have provided or intend to provide, that the cost of providing the house has been or will be substantially enhanced by expenses attributable to the acquisition of rights of support, or otherwise attributable to measures taken by them for securing protection against the consequences of a subsidence of the site, then, if the house is or becomes an approved house the Secretary of State may pay in respect thereof for each of the sixty years beginning with the financial year in which it was completed a subsidy of such amount not exceeding two pounds as the Secretary of State may determine.

Subsidies for
houses where
measures to
preserve the
character
of the
surroundings
enhance cost.

7. Where the Secretary of State is satisfied, on an application made to him by a recipient authority with respect to any house which the authority have provided or intend to provide, that the cost of providing the house has been or will be substantially enhanced by expenses attributable to measures taken by them with his consent in the erection of the house (whether by the use of stone or other special material or in any other way) in

order to preserve the character of the surroundings, then, if the house is or becomes an approved house the Secretary of State may pay in respect thereof for each of the sixty years beginning with the financial year in which it was completed a subsidy of such amount not exceeding ten pounds as the Secretary of State may determine.

8. Where an approved house is provided—

- (a) by a local authority in pursuance of any overspill agreement within the meaning of Part II of the Housing and Town Development (Scotland) Act 1957, or
- (b) by a local authority, being an exporting authority within the meaning of the said Part II, in the district of another local authority, or
- (c) by a local authority, in circumstances other than those mentioned in paragraph (a) or (b), as part of a scheme amounting to a substantial transfer of industry or of persons engaged in an industry and the Secretary of State is of opinion that, unless he exercises his powers under this section, the house could not be provided without unreasonably increasing the rate burden or the rents for other houses provided by the authority,

Subsidies for houses provided by local authorities for special purposes. 1957 c. 38.

the Secretary of State may, in respect of the house, pay for each year, of such a period, not exceeding ten years, as he may determine, beginning with the financial year in which the house was completed, a subsidy of such amount not exceeding fourteen pounds as he may determine.

Additional subsidies for expensive sites

9.—(1) If any building consisting of or including an approved house is provided on a site which is approved for the purposes of this section by the Secretary of State and the net cost of which exceeds four thousand pounds per acre, then in respect of that site or the part of it on which the building is erected the Secretary of State shall pay for each of the sixty years beginning with the financial year in which the building was completed a subsidy at the rate of thirty-four pounds per acre for every one thousand pounds or part of a thousand pounds by which the net cost exceeds four thousand pounds per acre.

Expensive site subsidies.

(2) For the purposes of this section—

- (a) any amount by which the net cost of a site exceeds ten thousand pounds per acre shall be disregarded unless the building or one of the buildings provided or to be provided on the site is a block of flats of four or more storeys ;

PART I

(b) if any building or part of a building erected or to be erected on a site is designed for use otherwise than as housing accommodation, the net cost of the site shall be deemed to be reduced by so much thereof as, in the opinion of the Secretary of State, may fairly be apportioned to that building or part of a building.

(3) For the purposes of this section the net cost of a site shall be taken to be—

(a) where subsection (4) of this section does not apply, the cost of the site as ascertained in accordance with Schedule 1 to this Act; and

(b) where that subsection applies, the cost of the site as reduced under that subsection.

(4) Where any works of construction or any works carried out for the purpose of making a site suitable for the provision of houses would fall to be taken into account in ascertaining its cost in accordance with Schedule 1 to this Act the Secretary of State may determine that that cost shall be taken to be reduced by such amount as is in his opinion fairly attributable to those works.

Reduction, etc., of contributions

Power to
abolish or
reduce rate of
exchequer
contributions.

10.—(1) The Secretary of State may by order direct that, while the order remains in force, such exchequer contributions as may be specified in the order—

(a) shall cease to be payable, or

(b) shall be reduced to such rate or amount as may be specified in the order, or

(c) shall be payable for such reduced number of years as may be so specified,

either as respects all approved houses, or the cost or sites thereof, or as respects approved houses of such description or in such area only, or the cost or sites thereof, as may be specified in the order.

(2) An order made under this section shall be so expressed as to apply only to houses the proposals in respect of which were or are received by the Secretary of State after such date as may be specified in the order; and an order may specify for the purposes of this subsection a day earlier than the day of the making of the order:

Provided that in the case of an order made within a period of ten years commencing with the date of the passing of this Act, the order shall not for the purposes of this subsection

specify a day earlier than the day on which the draft of the order is laid before the Commons House of Parliament under the next following subsection.

(3) Any order under this section shall be made by statutory instrument and shall not be made unless a draft thereof has been laid before the Commons House of Parliament and has been approved by a resolution of that House; and before laying such a draft the Secretary of State shall consult with such associations of recipient authorities as appear to him to be concerned and with any recipient authority with whom consultation appears to him to be desirable.

(4) Any power conferred by this section 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.

11.—(1) The provisions of this section shall have effect with respect to annual contributions, and the enactments mentioned in Schedule 3 to this Act are hereby repealed to the extent specified in the third column of that Schedule; without prejudice, however, to any power exercisable under those enactments with respect to any event occurring before the commencement of this Act.

Power to discontinue, reduce or transfer contributions.

(2) In this section—

“annual contribution” means any payment falling to be made by the Secretary of State under any of the provisions specified in Schedule 4 to this Act;

“the subsidised unit” means the house, hostel or other land in relation to which an annual contribution is payable, whether it is payable in respect of it or its site or in respect of land comprising it or in respect of the cost of any houses, or of the acquisition of any land, comprising it.

(3) The Secretary of State may, in any of the circumstances mentioned in subsection (5) of this section, reduce the amount of an annual contribution or suspend or discontinue the payment of an annual contribution or part thereof, as he thinks just in those circumstances.

(4) Where an annual contribution is payable to a local authority in relation to a subsidised unit in relation to which an annual grant is payable by the local authority to a housing association or development corporation, then, if the amount of the annual contribution is reduced or payment of it or part of it is suspended or discontinued under this section, the local authority may reduce the annual grant to a corresponding or any less extent or suspend the payment thereof or of a corresponding part thereof for a corresponding period or discontinue the payment thereof, or of a corresponding part thereof, as the case may be.

PART I

(5) The circumstances referred to in subsection (3) of this section are—

1966 c. 49.

- (a) that the annual contribution is payable to a local authority and the Secretary of State is satisfied that the authority have failed to discharge any of their duties under the Housing (Scotland) Acts 1950 to 1965, the Housing (Scotland) Act 1966 or this Act or that they have failed to exercise any power mentioned therein in any case where any such power ought to have been exercised ;
- (b) that the subsidised unit was provided by a housing association or development corporation in pursuance of authorised arrangements made with a local authority or special arrangements made with the Secretary of State, and the Secretary of State is satisfied that the association or corporation have made default in giving effect to the terms of any such arrangements ;
- (c) that the annual contribution is payable subject to any conditions and the Secretary of State is satisfied that any of those conditions has not been complied with ;
- (d) that the subsidised unit has been converted, demolished or destroyed ;
- (e) that the subsidised unit is not fit to be used or has ceased to be used for the purpose for which it was intended ;
- (f) that the subsidised unit has been sold or has been leased for a stipulated duration exceeding twelve months ;
- (g) that the subsidised unit has been transferred, whether by sale or otherwise.

(6) Where the Secretary of State's power under subsection (3) of this section to discontinue the payment of the whole or part of an annual contribution payable to a recipient authority becomes exercisable in the circumstances mentioned in paragraph (f) or (g) of the preceding subsection and the subsidised unit has become vested in or has been leased to another recipient authority, then, if the Secretary of State exercises that power he may make to that other authority any such payment as he would otherwise have made to the first-mentioned authority if the conditions (if any) subject to which the annual contribution was payable had been complied with.

Increase of contributions for hostels

Increase of contributions for hostels.
1950 c. 34.

12. Section 89 of the Housing (Scotland) Act 1950 (contributions for hostels) shall have effect, in its application to any building provided or converted after the commencement of this Act, as if for the words "seven pounds" there were substituted the words "fifteen pounds".

Land acquired by way of feu or lease, and houses acquired after completion

PART I

13. Where any house or other land has been acquired by way of feu or by way of lease or the assignation of a lease, the expenses incurred in connection with the acquisition shall be taken for the purposes of this Part of this Act to include such sum as the Secretary of State may determine to be the capital equivalent of the feu duty or, as the case may be, of any rent or other prestations due under the lease.

Land acquired by way of feu or lease.

14. In relation to a house which is acquired by a recipient authority after its completion references in this Part of this Act to the provision or the completion of any house shall be construed as referring to its acquisition by the recipient authority.

Houses acquired after completion.

Special Provision for Financial Assistance to Scottish Special Housing Association

15.—(1) In proviso (i) to section 18(1) of the Housing (Scotland) Act 1962 (which as amended limits the aggregate amount of the advances which may be made to the Scottish Special Housing Association to one hundred and twenty million pounds), for the words "one hundred and twenty million pounds" there shall be substituted the words "one hundred and forty-five million pounds or such greater sum, not exceeding one hundred and seventy million pounds, as the Secretary of State may by order specify".

Advances to Scottish Special Housing Association for provision of housing accommodation. 1962 c. 28.

(2) Any such power shall be exercisable by statutory instrument, and no order shall be made in the exercise of that power unless a draft of the order has been laid before the Commons House of Parliament and has been approved by a resolution of that House.

Exchequer subsidies under the Housing (Scotland) Act 1962

16.—(1) For the purpose of ensuring that in respect of houses completed on or after 16th May 1966 the appropriate amount of annual exchequer subsidy is payable under the Housing (Scotland) Act 1962 Schedules 1 and 2 to the said Act shall have effect as amended by Part I of Schedule 5 to this Act.

Calculation of annual exchequer subsidies on revaluation.

(2) Nothing in the provisions of head (i) of subsection (2) of section 1 of this Act shall affect the application of the said Part I to the calculation of any subsidy referred to in that head.

Interpretation

17.—(1) In this Part of this Act and Schedule 2 thereto—
"approved house" has the meaning assigned to it by section 1 of this Act;

Interpretation of Part I.

"authorised arrangements made with a local authority" in relation to a housing association or a development corporation, means arrangements made between the

- PART I
- 1966 c. 49. association or corporation and a local authority, with the approval of the Secretary of State, under section 153 of the Housing (Scotland) Act 1966 ;
- “relevant financial year” in relation to any house means the financial year preceding that in which the house was completed ;
- 1962 c. 28. “house” shall be construed as in section 10(2) of the Housing (Scotland) Act 1962.

(2) References in this Act to special arrangements made by a housing association with the Secretary of State are references to arrangements which the Secretary of State may have made with a housing association for the provision of houses with a view to their approval under this Act or any Act passed before this Act.

PART II

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

Right of parties to certain agreements secured on, or related to, unfit houses to apply to sheriff for adjustment of the agreements.

18.—(1) This section shall apply where a house is purchased in pursuance of a compulsory purchase order in such circumstances that section 14(5), 19(3), 20(5) or 47(2) of the Housing (Scotland) Act 1966 (being provisions relating to the assessment of compensation for unfit and certain other houses) applies to the assessment of the value thereof, or has been vacated in pursuance of a demolition order, closing order or clearance order, and on the date of the making of the compulsory purchase or other order the house is occupied in whole or in part as a private dwelling by a person who throughout the relevant period—

- (a) holds an interest in the house, being an interest subject to a heritable security or charge, or
- (b) is a party to an agreement to purchase the house by instalments.

(2) Where the provisions of the foregoing subsection apply in the case of any house any party to the heritable security, charge or agreement in question may apply to the sheriff who, after giving to other parties an opportunity of being heard, may, if he thinks fit, make an order—

- (a) in the case of a house which has been purchased compulsorily, discharging or modifying any outstanding liabilities of the person having an interest in the house,

being liabilities arising by virtue of any bond or other obligation with respect to the debt secured by the heritable security or charge, or by virtue of the agreement, or

- (b) in the case of a house vacated in pursuance of a demolition order, closing order or clearance order, discharging or modifying the terms of the heritable security, charge or agreement,

and, in either case, either unconditionally or subject to such terms and conditions, including conditions with respect to the payment of money, as the sheriff may think just.

(3) In determining in any case what order, if any, to make under this section, the sheriff shall have regard to all the circumstances of the case, and in particular—

- (a) in the case of a heritable security or charge,

(i) to whether the heritable creditor or person entitled to the benefit of the charge acted reasonably in advancing the principal sum on the terms of the heritable security or charge; and in relation to this sub-paragraph he shall be deemed to have acted unreasonably if, at the time when the heritable security or charge was created, he knew or ought to have known that in all the circumstances of the case the terms of the heritable security or charge did not afford sufficient security for the principal sum advanced, and

(ii) where the heritable security or charge secures a sum which represents all or any part of the purchase price payable for the interest, to whether the purchase price was excessive, and

(iii) to the extent to which a house may have become unfit for human habitation owing to any default on the part of the heritable debtor or person entitled to the interest charged in carrying out any obligation under the terms of the heritable security or charge with respect to the repair of the house; or

- (b) in the case of an agreement to purchase by instalments, to how far the amount already paid by way of principal, or, where the house has been purchased compulsorily, the aggregate of that amount and so much, if any, of the compensation in respect of compulsory purchase as falls to be paid to the seller, represents a fair price for the purchase.

(4) This section shall apply in relation to cases where the purchase or vacation of the house in pursuance of the compulsory purchase or other order took place at any time before, as well as after, the commencement of this Act.

PART II

(5) In this section “the relevant period” means the period from the date of the making of the compulsory purchase or other order to—

- (a) in the case of a compulsory purchase order, the date of service of notice to treat (or deemed service of notice to treat) for purchase of the house or, if the purchase is effected without service of notice to treat, the date of completion of that purchase, and
- (b) in the case of any other order, the date of vacation of the house in pursuance of the order or of an order deemed to have been made and served in terms of the next following subsection,

or, if the person referred to in subsection (1) of this section dies before the date specified in paragraph (a) or (b) of this subsection, to the date of death.

(6) For the purposes of this section, a house which might have been the subject of a demolition order but which has, without the making of such an order, been vacated and demolished in pursuance of an undertaking for its demolition given to the local authority, shall be deemed to have been vacated in pursuance of a demolition order made and served at the date when the undertaking was given.

(7) In this section—

- (a) “closing order” includes an order made under section 18 of the Housing (Scotland) Act 1966, and
- (b) “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 debtor” and “heritable creditor” shall be construed accordingly, and subject as aforesaid expressions used in this section and in the Housing (Scotland) Act 1966 have the same meanings in this section as in that Act.

Provision of rent books in respect of letting of furnished houses.

1957 c. 25.
1946 c. 34.
1943 c. 44.

19.—(1) Section 12(6) of the Rent Act 1957 is hereby revived.

(2) In the said subsection, for the words “Furnished Houses (Rent Control) Act 1946” there shall be substituted the words “Rent of Furnished Houses Control (Scotland) Act 1943”.

Supplemental

Payment out of moneys provided by Parliament.

20. There shall be defrayed out of moneys provided by Parliament any payment made by the Secretary of State under this Act and any increase attributable to this Act in the sums payable out of such moneys under any other Act.

21.—(1) This Act, except sections 18 and 19 thereof, shall be construed as one with the Housing (Scotland) Act 1950, so however that the expression “housing association” shall not in this Act be construed as including a development corporation.

PART II
General interpretation.
1950 c. 34.

(2) Any reference in this Act to the Housing (Scotland) Act 1966, or to any provision thereof, shall include a reference to any enactment repealed by that Act or, as the case may be, to the corresponding provision of any such enactment.

1966 c. 49.

(3) References in this Act to any enactment shall be construed as references to that enactment as amended, extended or applied by any other enactment, including, except where the context otherwise requires, this Act.

22. The provisions of Part II of Schedule 5 to this Act shall have effect with respect to the application and amendment of the enactments mentioned therein.

Application and amendment of enactments.

23.—(1) This Act may be cited as the Housing (Financial Provisions, &c.) (Scotland) Act 1967.

Citation and extent.

(2) This Act shall extend to Scotland only.

SCHEDULES

Sections 3, 9.

SCHEDULE 1

DETERMINATION OF COST OF SITE

1. For the purposes of this Act the cost of a site shall be taken to be—
 - (a) if the site was acquired by a local authority under any enactment relating to housing, the expenses incurred by the local authority in connection with the acquisition ;
 - (b) if the site was acquired by a local authority otherwise than under any such enactment, such amount as the Secretary of State may determine, having regard to the purposes for which the site was acquired, the expenses incurred in connection with the acquisition, the time elapsed since the acquisition and the use made of the site before its appropriation for housing purposes ;
 - (c) if the site was acquired by a recipient authority other than a local authority, either of the following, as the Secretary of State may determine, having regard to the matters mentioned in sub-paragraph (b) of this paragraph, that is to say—
 - (i) the expenses incurred by the recipient authority in connection with the acquisition ; or
 - (ii) the value of the site as certified by the Secretary of State.

2. For the purposes of this Act, any question as to—
 - (a) what constitutes a separate site ; or
 - (b) on what part of such a site any building has been erected ; or
 - (c) how much of any expenses incurred by a local authority in connection with the acquisition of any land is to be attributed to any site forming part only of the land,
 shall be determined by the Secretary of State.

3. For the purposes of any determination under sub-paragraph (a) or sub-paragraph (b) of the preceding paragraph—
 - (a) where two buildings are contiguous to each other, or are separated from each other by a street only, the two buildings shall, if the Secretary of State thinks proper, be deemed to be on the same site ; and
 - (b) where any land has been acquired in connection with the provision of a building and has been or is to be used for the purpose of a new street to which the building is or will be contiguous, that land shall be deemed to form part of the site of the building.

4. In this Schedule—

“building” includes any land appertaining to a building and any land appropriated for the purposes of a building which has not been erected ; and

“street” includes a public highway and any court, alley, passage or square, whether a thoroughfare or not.

SCHEDULE 2

Section 5.

ASCERTAINMENT OF ADDITIONAL SUBSIDIES FOR HOUSES PROVIDED BY LOCAL AUTHORITIES WITH SPECIAL DIFFICULTIES

PART I

Calculation of subsidy

1.—(1) A comparison shall be made between—

- (a) the total of the amounts carried to the credit of the local authority's housing revenue account, as adjusted in accordance with this paragraph, for the relevant financial year (in this paragraph referred to as the "credits"), and
- (b) the total of the amounts carried to the debit of that account (adjusted as aforesaid) for that year (in this paragraph referred to as the "debits").

(2) For the purposes of the comparison required by subparagraph (1) of this paragraph—

- (a) it shall be assumed that in the credits, for the income for the relevant financial year from rents in respect of the houses to which the said account relates and any amounts carried to the credit of the account for that year under paragraph (c) of section 138(1) of the Housing (Scotland) Act 1950 and under section 5(1) of the Housing and Town Development (Scotland) Act 1957, there has been substituted an amount equal to the local authority's total housing valuation for the relevant financial year multiplied by the fraction determined in respect of the relevant financial year by the Secretary of State in accordance with Part III of this Schedule ; 1950 c. 34.
1957 c. 38.
- (b) there shall be excluded from the debits any expenditure by way of rebates from rents ;
- (c) there shall be excluded from the debits any surplus shown in the account at the end of the relevant financial year and from the credits any surplus brought forward from the account for the immediately preceding financial year.

(3) If it appears to the Secretary of State that any amount, or part of any amount, carried to the credit or to the debit of the local authority's housing revenue account for the relevant financial year ought to be left out of account for the purposes of the comparison required as aforesaid, he may, after consulting the authority, direct that for the purposes of that comparison the said amount or part of that amount shall be excluded from the credits or from the debits, as the case may be.

2. If on the comparison required as aforesaid being made there is a deficit, the amount of that deficit shall be reduced by the amount which bears to that deficit—

- (a) in the case of any house completed before the beginning of the financial year commencing in 1968 the same proportion as the amount of the exchequer equalisation grant payable

SCH. 2
1954 c. 13.

to the local authority for the relevant financial year under the Local Government (Financial Provisions) (Scotland) Act 1954 bears to the authority's relevant local expenditure as certified by the Secretary of State to have been estimated under the said Act of 1954 according to the latest estimate made before the end of the relevant financial year, and

1966 c. 51.

- (b) in the case of any house completed on or after the first day of the financial year commencing in 1968, the same proportion as the amount of the resources element of the rate support grant payable to the local authority for the relevant financial year under the Local Government (Scotland) Act 1966 bears to the authority's relevant local expenditure as certified by the Secretary of State to have been estimated according to the latest estimate made before the end of the relevant financial year, as calculated for the purposes of Part II of Schedule 1 to that Act in accordance with the provisions of paragraphs 4 and 5 of the said Part II, and, where the amount of the deficit as so reduced exceeds the product of a rate of two shillings and sixpence, the Secretary of State shall pay to the authority an additional subsidy, the amount of which shall be determined according to the following Table—

TABLE

Where the amount of the local authority's reduced deficit—	Amount of additional subsidy—
exceeds the product of a rate of two shillings and sixpence but not of a rate of three shillings and sixpence	fifteen pounds
exceeds the product of a rate of three shillings and sixpence but not of a rate of four shillings and sixpence	thirty pounds
exceeds the product of a rate of four shillings and sixpence but not of a rate of five shillings and sixpence	forty-five pounds
exceeds the product of a rate of five shillings and sixpence but not of a rate of six shillings and sixpence	sixty pounds
exceeds the product of a rate of six shillings and sixpence	seventy-five pounds

3.—(1) This paragraph applies to any house completed on or after the first day of the financial year commencing in 1967.

(2) The last foregoing paragraph shall apply to any house to which this paragraph applies, but as if for the references to the sum of two shillings and sixpence and to each of the sums listed in column 1 of the Table there were substituted respectively references to each of those sums adjusted by—

- (a) dividing by the estimated aggregate product of a penny rate for the areas of all local authorities for the relevant financial

year or, where that year was not a year of revaluation, for the last preceding year of revaluation, and

SCH. 2

(b) multiplying by the said estimated aggregate for the financial year commencing in 1965, and rounded off to the nearest penny.

(3) In the last foregoing sub-paragraph, "year of revaluation" has the same meaning as in section 9 of the Valuation and Rating 1956 c. 60. (Scotland) Act 1956.

4. For the purposes of the calculations required by this Part of this Schedule to be made in relation to any local authority for any financial year there shall be used such accounts, whether provisional or final, of the local authority (being accounts for that financial year) as the Secretary of State may direct; and if provisional accounts are used nothing in this Part of this Schedule shall be taken to require the making of any recalculation on the final accounts becoming available.

PART II

Ascertainment of Total Housing Valuation for the Relevant Financial Year

5. For the purposes of this Schedule a local authority's total housing valuation for any relevant financial year shall be ascertained in accordance with this Part of this Schedule.

6. There shall be ascertained—

- (a) the aggregate of the gross annual values of all the houses to which the local authority's housing revenue account related at the end of the relevant financial year, and
- (b) the aggregate of the gross annual values of all the houses to which the local authority's housing revenue account related at the end of the financial year immediately preceding the relevant financial year:

Provided that in ascertaining the said aggregates there shall be excluded such part of the gross annual value of any house as may be certified by the assessor to be attributable to any garage provided otherwise than by the local authority.

7. The amounts ascertained under the last foregoing paragraph shall be added together and their sum shall be divided by two; and the result shall be the local authority's total housing valuation for the relevant financial year.

8. Where, by reason of a change in the areas of local authorities, houses are transferred from one local authority to another local authority, the Secretary of State may, having regard to the gross annual values of the houses and the date and circumstances of their transfer, direct that such other method of calculation as he may consider appropriate shall be used for the purposes of this Part of this Schedule in lieu of the method of calculation specified in the two last foregoing paragraphs.

9. Any reference in this Part of this Schedule to the gross annual value of a house to which a local authority's housing revenue account related at the end of any financial year shall be construed as a

SCH. 2
1956 c. 60.

reference to the gross annual value of that house, determined under section 6 of the Valuation and Rating (Scotland) Act 1956, as shown in the valuation roll in operation on the first day of the financial year immediately following the financial year in question ; so however that if no gross annual value determined as aforesaid is shown for that house in that valuation roll the reference shall be construed as a reference to such value as may be estimated by the assessor to be the gross annual value, determined as aforesaid, of the house.

10. References in this Part of this Schedule to the assessor, in relation to any house, are references to the assessor appointed under section 1 of the Valuation and Rating (Scotland) Act 1956, for the area in which the house is situated.

PART III

Determination of Fraction referred to in Paragraph 1(2)(a) of this Schedule

11.—(1) The Secretary of State shall estimate—

- (a) the aggregate of the total amounts carried to the credit of the housing revenue accounts of all local authorities for the relevant financial year,
- (b) the aggregate of the total amounts carried to the debit of those accounts for that year, and
- (c) the aggregate of the total housing valuations of all local authorities for that year.

(2) For the purposes of sub-paragraph (1) of this paragraph—

- (a) it shall be assumed that in the credits, for the income for the relevant financial year from rents in respect of the houses to which the said accounts relate and any amounts carried to the credit of the accounts for that year under paragraph (c) of section 138(1) of the Housing (Scotland) Act 1950 and under section 5(1) of the Housing and Town Development (Scotland) Act 1957, there has been substituted an amount equal to one-third of the aggregate of the Exchequer contributions payable to the said authorities for that year ;
- (b) sub-paragraphs (2)(b) and (c) and (3) of paragraph 1 of this Schedule shall apply in like manner as they apply for the purposes of the comparison required by sub-paragraph (1) of the said paragraph.

1950 c. 34.
1957 c. 38.

12. The amount by which the estimated aggregate of the debits referred to in head (b) of sub-paragraph (1) of the last foregoing paragraph exceeds the estimated aggregate of the credits referred to in head (a) of that sub-paragraph shall be expressed as a fraction of the estimated aggregate of the total housing valuations referred to in head (c) of that sub-paragraph.

PART IV

Interpretation

13. In this Schedule references in relation to a local authority to the product of a rate of a specified sum are references to the product of a rate of that sum in the pound for the district of the local

authority for the relevant financial year, and section 9(1) of the Local Government (Financial Provisions) (Scotland) Act 1963 shall apply for the purpose of calculating that product. SCH. 2 1963 c. 12.

SCHEDULE 3

Section 11(1).

ENACTMENTS REPEALED (BEING ENACTMENTS REPLACED BY SECTION 11)

Chapter	Short Title	Extent of Repeal
14 Geo. 6. c. 34.	Housing (Scotland) Act 1950.	Section 74. In section 87, in subsection (1), the proviso, and subsections (2), (4) and (5). In section 89, in subsection (2), the proviso, and subsections (3) and (4). Section 104(5). In section 121(3), the proviso. Section 129. Section 130(1), so far as relating to a periodical payment by the Secretary of State.
15 & 16 Geo. 6 and 1 Eliz. 2. c. 63.	Housing (Scotland) Act 1952.	Section 4(3), so far as referring to section 104(5) of the Housing (Scotland) Act 1950.
5 & 6 Eliz. 2. c. 38.	Housing and Town Development (Scotland) Act 1957.	In section 2(3), the words from "and section 129" to "enactments", and the words from "and the Secretary of State" to the end of the subsection. In Schedule 1, in paragraph 5, the words from "and section 129" to "enactments".
7 & 8 Eliz. 2. c. 33.	House Purchase and Housing Act 1959.	In Schedule 1, in paragraph 10, the words from "and section 129" to "enactments".
7 & 8 Eliz. 2. c. 62.	New Towns Act 1959.	Section 12(2).
10 & 11 Eliz. 2. c. 28.	Housing (Scotland) Act 1962.	Section 9. In section 12, in subsection (2), the proviso, and subsection (3). In section 14, in subsection (2), the proviso. In Schedule 4, in paragraph 4, the words from "and section 129" to "default", and paragraph 5.

SCHEDULE 4

Section 11(2).

PROVISIONS AUTHORISING PAYMENT OF ANNUAL CONTRIBUTIONS

Housing, Town Planning &c. (Scotland) Act, 1919
(9 & 10 Geo. 5 c. 60)
Sections 5 and 16.

CH. 20 *Housing (Financial Provisions, &c.) (Scotland)
Act 1967*

- SCH. 4** **Housing &c. Act, 1923**
(13 & 14 Geo. 5 c. 24)
Sections 1 and 3, as originally enacted and as extended, with
amendments, by the Housing (Financial Provisions) Act 1924.
- Housing (Rural Workers) Act 1926**
(16 & 17 Geo. 5 c. 56)
Section 4.
- Housing (Scotland) Act, 1930**
(20 & 21 Geo. 5 c. 40)
Section 23.
- Housing (Rural Authorities) Act, 1931**
(21 & 22 Geo. 5 c. 39)
Section 1.
- Housing (Scotland) Act, 1935**
(25 & 26 Geo. 5 c. 41)
Sections 26, 30 and 35.
- Housing (Agricultural Population) (Scotland) Act, 1938**
(1 & 2 Geo. 6 c. 38)
Section 1.
- Housing (Financial Provisions) (Scotland) Act, 1938**
(2 & 3 Geo. 6 c. 3)
Sections 1 and 2.
- Housing (Scotland) Act, 1950**
(14 Geo. 6 c. 34)
Sections 84, 85, 86, 87, 88, 89, 91, 92, 93, 104, 105, 110, 116
and 121.
- Housing (Scotland) Act, 1952**
(15 & 16 Geo. 6 & 1 Eliz. 2 c. 63)
Section 4.
- Housing (Repairs and Rents) (Scotland) Act 1954**
(2 & 3 Eliz. 2 c. 50)
Section 4.
- Housing & Town Development (Scotland) Act, 1957**
(5 & 6 Eliz. 2 c. 38)
Sections 2, 3, 4 and 23.
- Housing (Scotland) Act, 1962**
(10 & 11 Eliz. 2 c. 28)
Sections 1, 2, 3, 4, 5, 6, 7, 9, 12, 13 and 14.
- Housing Act, 1964**
(1964 c. 56)
Sections 92 and 98.
- This Act**
Sections 2, 4, 5, 6, 7, 8, 9 and 11(6).

SCHEDULE 5

Sections 16, 22.

APPLICATION AND AMENDMENT OF ENACTMENTS

PART I

*Amendment of Housing (Scotland) Act 1962
Schedules 1 and 2 for purposes of revaluation*

1962 c. 28.

1. In Schedule 1, in Part I, after paragraph 4, there shall be inserted the following paragraph—

“4A. Where gross annual value is to be ascertained under the last foregoing paragraph at a time after 15th May 1966, that gross annual value shall continue to be ascertained by reference to the valuation roll in force immediately before that date, and for lands and heritages not included in that roll when it ceases to be in force the assessor shall for the purposes of this paragraph estimate the gross annual value under the said section 6.”

2. In Schedule 2, after paragraph 2, there shall be inserted the following paragraph—

“2A.—(1) This paragraph applies to any house completed on or after the first day of the financial year commencing in 1967.

(2) The last foregoing paragraph shall apply to any house to which this paragraph applies but as if for the references to the sums of one shilling and threepence, two shillings and sixpence and three shillings and ninepence there were substituted respectively references to those sums adjusted by—

(a) dividing by the estimated aggregate product of a penny rate for the areas of all local authorities for the financial year commencing in 1966, and

(b) multiplying by the said estimated aggregate for the financial year commencing in 1965,

and rounded off to the nearest penny.

(3) For the purposes of sub-paragraph (2) of this paragraph the provisions of section 9(1) of the Local Government (Financial Provisions) (Scotland) Act 1963 shall apply for the purpose of calculating the product of a penny rate.”

PART II

Application and Amendment of other Enactments

3. Advances to the Scottish Special Housing Association under section 94(1) of the Housing (Scotland) Act 1950 (which empowers the Secretary of State to make such advances) shall cease to be made.

4. In the said Act of 1950, in section 127, in subsection (5), for the words from “within the period” to the end of the subsection there shall be substituted the words “passes a resolution approving the draft”.

- SCH. 5** 5. Section 128(2) of the said Act of 1950 (which relates to the time and manner of paying contributions under certain enactments and to conditions) shall apply to subsidies payable under Part I of this Act as they apply to the contributions therein referred to ; and accordingly Part II of Schedule 6 to that Act shall have effect with the addition, at the end thereof, of the words:—
- “ 16. Part I of the Housing (Financial Provisions, &c.) (Scotland) Act 1967.”.
6. Section 184(1) of the said Act of 1950 shall have effect subject to the following modifications—
- (a) in the definition of “ development corporation ” for the words from “ by an order ” to the end of the definition there shall be substituted the words “ under the New Towns Act 1946 ”, and
- (b) after the definition of Exchequer contribution there shall be inserted the following definition—
- “ financial year ” has the same meaning as in section 174 of the Local Government (Scotland) Act 1947.
- 7.—(1) In Part I of Schedule 6 to the said Act of 1950 there shall be added the following paragraph—
- “ 16. Part I of the Housing (Financial Provisions, &c.) (Scotland) Act 1967.”.
- (2) The amendment made to Part I of the said Schedule 6 by virtue of paragraph 11 of Schedule 1 to the House Purchase and Housing Act 1959 shall cease to have effect, and accordingly the said paragraph 11, and paragraph 14 of the said Part I, are hereby repealed.
8. Section 2(3) of the Housing and Town Development (Scotland) Act 1957 (which relates to conditions to which certain contributions are to be subject) shall apply to subsidies under section 8 of this Act as it applies to the contributions therein specified.
9. For the purposes of section 4 (additional Exchequer contributions in respect of approved houses in remote areas) of the Housing and Town Development (Scotland) Act 1957 an approved house within the meaning of this Act or of the Housing (Scotland) Act 1962 shall be treated as an approved house within the meaning of Part I of the said Act of 1957.
10. In Schedule 1 to the said Act of 1957, paragraph 4 shall cease to have effect.
11. In section 54(1) of the Town and Country Planning (Scotland) Act 1959 (which excludes any Exchequer subsidy under any of the enactments specified in Part I of Schedule 6 to the Housing (Scotland) Act 1950), in the definition of “ grant aided function ” the reference to any Exchequer subsidies shall include a reference to any subsidy payable under Part I of this Act.
12. In the Housing (Scotland) Act 1962, in section 8, in subsections (2) to (4), for references to “ Parliament ” there shall be substituted references to the Commons House thereof ; and in the

said subsection (4), references to "local authorities" and "local authority" shall include references to housing associations and development corporations and, as the case may be, a housing association and a development corporation.

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13. In the said Act of 1962, in section 19(1)(a) the word "or" shall be omitted, and at the end of the paragraph there shall be inserted the words "or Part I of the Housing (Financial Provisions, &c.) (Scotland) Act 1967".

14. In the said Act of 1962, in Schedule 1, after paragraph 3 there shall be inserted the following paragraph :—

"3A. Where, by reason of a change in the areas of local authorities, houses are transferred from one local authority to another local authority, the Secretary of State may, having regard to the gross annual values of the houses and the date and circumstances of their transfer, direct that such other method of calculation as he may consider appropriate shall be used for the purposes of this Part of this Schedule in lieu of the method of calculation specified in the two last foregoing paragraphs."

15. In the said Act of 1962, in Schedule 2, in paragraph 2, after sub-paragraph (2) there shall be inserted the following sub-paragraph :—

"(3) In the case of any house completed on or after the first day of the financial year commencing in 1968, the last foregoing sub-paragraph shall have effect as if for head (a) there were substituted the following head—

'(a) "the local authority's reduced deficit" means the deficit referred to, in relation to the local authority, in section 3(4)(a) of this Act less the amount which bears to that deficit the same proportion as the amount of the resources element of the rate support grant payable to the local authority for the relevant financial year under the Local Government (Scotland) Act 1966 bears to the authority's relevant local expenditure as certified by the Secretary of State to have been estimated according to the latest estimate made before the end of the relevant financial year, as calculated for the purposes of Part II of Schedule 1 to that Act in accordance with the provisions of paragraphs 4 and 5 of the said Part II.'"



Road Traffic Act 1967

1967 CHAPTER 21

An Act to remove the time-limit of five years imposed by section 13(1) of the Road Traffic and Roads Improvement Act 1960. [10th May 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:—

Extension of powers of local authorities in connection with provision of off-street parking places.
1960 c. 63.

1.—(1) In section 13(1) of the Road Traffic and Roads Improvement Act 1960 (which confers on local authorities certain powers in relation to the provision of off-street parking places, subject to the limitation that those powers are to be exercisable only in accordance with proposals made to the appropriate Minister within a period of five years which ended with 19th March 1966) the words “ within the period of five years beginning with the coming into force of this section ” are hereby repealed.

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

Short title and extent

2.—(1) This Act may be cited as the Road Traffic Act 1967.

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



Agriculture Act 1967

1967 CHAPTER 22

An Act to establish a Meat and Livestock Commission and make other provision for the livestock and livestock products industries, to amend the Agriculture (Calf Subsidies) Act 1952 and make new provision with respect to the supervision and enforcement of schemes under that Act, to authorise the payment of subsidies in respect of cows maintained for the purpose of breeding calves for beef, to authorise grants for improvements of agricultural land and in respect of expenditure on equipment, plant and machinery for use in agriculture, and on certain vehicles, and supplementary grants in respect of certain expenditure, and to make provision with respect to the shape and size of farms and related matters, agriculture and forestry on hill land, co-operative activities in agriculture, diseases of animals and other matters connected with agriculture.

[10th May 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

LIVESTOCK AND MEAT MARKETING

The Meat and Livestock Commission

1.—(1) There shall be established a body to be called the ~~The Meat and Livestock Commission~~ ^{The Meat and Livestock Commission} (in this Part of this Act and Livestock Commission referred to as “the Commission”) having the general duty of promoting greater efficiency in the livestock industry and the livestock products industry, and the particular functions specified in Part I of Schedule 1 to this Act, as well as the other functions conferred by this Part of this Act.

(2) In carrying out their functions the Commission shall have regard to the interests of consumers as well as to the

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PART I

interests of the various sections of the livestock industry and the livestock products industry.

(3) The Commission shall consist of not more than ten members appointed by the Ministers, and the Ministers shall appoint persons who in the Ministers' opinion are qualified to serve on the Commission by reason of their financial, commercial, technical, scientific, administrative or other relevant experience, and have no such financial or commercial interest as would be likely to prejudice the proper discharge of their functions as members.

(4) The Commission shall have a chairman and deputy chairman appointed by the Ministers from among the members of the Commission.

(5) The Minister of Agriculture, Fisheries and Food shall—

(a) pay to the members of the Commission out of money provided by Parliament such remuneration and such travelling or other allowances as the Ministers, with the approval of the Treasury, may determine, and

(b) in the case of any member of the Commission to whom the Ministers, with the approval of the Treasury, determine that this paragraph applies, pay out of money provided by Parliament such pension, or make such payments out of money provided by Parliament toward the provision of a pension, to or in respect of him as the Ministers and the Treasury may determine in his case,

and if a person ceases to be a member of the Commission and it appears to the Ministers that there are special circumstances which make it right that that person should receive compensation, the Minister of Agriculture, Fisheries and Food may, with the approval of the Treasury, pay to that person out of money provided by Parliament a sum of such amount as the Ministers may with the approval of the Treasury determine.

(6) Nothing in this Part of this Act shall be construed as authorising the Commission to engage in the business of buying and selling livestock or livestock products, except so far as is reasonably necessary for, and incidental to, the discharge of other functions of the Commission.

(7) Part II of Schedule 1 to this Act shall have effect with respect to the Commission.

The
Commission's
committees.

2.—(1) The Ministers shall appoint three committees to be called—

- (a) the Production Committee,
- (b) the Distribution Committee, and
- (c) the Consumers Committee.

(2) If it appears to the Commission that any matter arising or likely to arise out of the exercise of the Commission's functions has or is likely to have a substantial effect on the interests of persons engaged in the production of livestock, the Commission shall, subject to the following provisions of this section, consult the Production Committee.

(3) If it appears to the Commission that any such matter has or is likely to have a substantial effect on the interests of persons engaged in the marketing or distribution of livestock or livestock products, the Commission shall, subject to the following provisions of this section, consult the Distribution Committee.

(4) If it appears to the Commission that any such matter has or is likely to have a substantial effect on the interests of consumers, the Commission shall consult the Consumers Committee.

(5) Any of the three Committees mentioned in subsection (1) above may at any time submit proposals for the consideration of the Commission as to the manner in which any of the Commission's functions which are of concern to the Committee should be exercised, or make representations to the Commission on any matter which in their opinion has or is likely to have a substantial effect on the interests with which the Committee are concerned.

(6) The Commission shall have power to employ in an executive as well as in an advisory capacity any of the said three committees.

(7) The foregoing provisions of this section shall not be taken as preventing the Commission from setting up any other committees, including, subject to Part III of Schedule 1 to this Act, committees (in this Part of this Act referred to as "joint committees") whose members include one or more members both of the Production Committee and of the Distribution Committee; and the Commission may employ any of their committees in an executive as well as in an advisory capacity.

(8) If the matter on which consultation is required under subsection (2) or subsection (3) of this section is one with which a joint committee is concerned, the Commission may consult that joint committee instead of the Production Committee or, as the case may be, the Distribution Committee.

(9) When giving advice to the Commission, any of the said three committees or any other of the Commission's committees shall, where any of their members desires to give advice differing to any considerable extent from the advice of the majority, inform the Commission of that fact, giving particulars of that differing advice.

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(10) Part III of Schedule 1 to this Act shall have effect as respects the Commission's committees.

Commission's duties in connection with fatstock guaranteed prices and calf subsidies, 1957 c. 57, 1952 c. 62.

3.—(1) It shall be the duty of the Commission to carry out such functions as the Ministers may confer on the Commission in connection with—

- (a) any arrangements in force by virtue of an order under section 1 or section 5 of the Agriculture Act 1957 for providing guaranteed prices for fatstock, or
- (b) any scheme or order under the Agriculture (Calf Subsidies) Act 1952 as extended by this Act,

but not including any functions conferred on the Ministers or either of them by or under an Act of Parliament other than functions which the Ministers may delegate under section 9(4) of the Agriculture Act 1957 or any other enactment.

(2) So far as relates to livestock or livestock products, in section 5(1)(d) of the Agriculture Act 1957 (power of entry in connection with guaranteed prices), and in any order made under that paragraph before the coming into force of this section, references to authorised officers of the Minister shall include references to authorised officers of the Commission where accompanying an authorised officer of the Minister.

(3) Any relevant information obtained by either of the Ministers in the discharge of their functions in connection with—

- (a) any arrangements in force by virtue of an order under section 1 or section 5 of the Agriculture Act 1957 for providing guaranteed prices for fatstock, or
- (b) any scheme or order under the Agriculture (Calf Subsidies) Act 1952 as extended by this Act,

may, for the purpose of assisting the Commission in the performance of their functions under this section, be disclosed to the Commission ; and any such disclosure shall not be treated as a breach of contract, trust or confidence.

Commission's functions in connection with Markets and Fairs (Weighing of Cattle) Acts, 1887 c. 27, 1926 c. 21, 1891 c. 70.

4.—(1) The Ministers, or either of them, may from time to time delegate to the Commission any powers exercisable by the delegating Ministers or Minister to make orders under—

- (a) section 9 of the Markets and Fairs (Weighing of Cattle) Act 1887 as amended by section 2 of the Markets and Fairs (Weighing of Cattle) Act 1926 (order exempting from obligation to provide facilities for weighing cattle),
- (b) section 2 of the Markets and Fairs (Weighing of Cattle) Act 1891 (order exempting a market authority from obligation to provide and maintain accommodation for weighing cattle),

- (c) section 4 of the Markets and Fairs (Weighing of Cattle) Act 1891 (order exempting auctioneers from requirements relating to facilities for weighing cattle), PART I
1891 c. 70.
- (d) section 1(4) of the Markets and Fairs (Weighing of Cattle) Act 1926 (order exempting auctioneers from certain requirements relating to weighing of cattle), 1926 c. 21.
- (e) section 56(2) of the Food and Drugs Act 1955 (order exempting market authorities from requirements relating to weighing machines for cattle). 1955 c. 16.

(2) An order under the said section 56(2) of the Food and Drugs Act 1955 shall not be made by statutory instrument.

(3) Where any power delegated to the Commission under this section includes power to vary or revoke orders previously made under that power, the Commission may vary or revoke any such order notwithstanding that it was made by the delegating Ministers or Minister.

5.—(1) For the purpose of providing a standard method of describing as fully as practicable those characteristics of a carcase which are the principal features of interest to persons trading in livestock and carcases, the Commission shall, as soon as practicable, compile systems for the descriptive classification of the carcases of all types of livestock slaughtered in Great Britain and for marking carcases according to that classification. Systems for
classification
of carcases.

(2) For the said purpose the Commission may at any time compile systems for the descriptive classification and marking of imported carcases, or modify any system, so far as inappropriate for imported carcases, so as to make it applicable to all or any imported carcases.

(3) The systems shall be operated by the Commission, and they shall take such steps as appear to them appropriate—

- (a) for bringing to the notice of those particularly concerned particulars of any system compiled by them, and
- (b) with a view to developing the system, for inviting any person to enter into arrangements with the Commission for the Commission to operate the system on his behalf.

(4) If at any time the Commission are satisfied—

- (a) that a system compiled under this section is practicable, and
- (b) that they have obtained sufficient experience of the operation of the system, and
- (c) that they have the resources and facilities required to operate the system,

PART I they shall submit particulars of the system to the Ministers with the view to the making of an order under the next following section.

Compulsory
use of systems
of classification
of carcases.

6.—(1) The Ministers may, on the recommendation of the Commission, by order make provision for requiring that carcases of such description as may be specified in the order shall be marked by the Commission in such circumstances and in such manner as may be prescribed by the order and in accordance with the system to which the recommendation relates.

(2) The order may specify the carcases to which it is to apply by reference to the type of livestock, and the type of carcases, may distinguish between imported carcases and carcases of livestock slaughtered in Great Britain, and may make other distinctions for different cases, and shall be subject to such exceptions or exemptions as may be made by or under the order.

(3) An order under this section—

- (a) may impose duties and restrictions on any persons, and in particular on persons having the control and management of slaughterhouses, for the purposes of enabling the Commission to operate the system,
- (b) without prejudice to paragraph (a) above, may restrict the cutting and other operations which may be carried out on carcases before they are marked, and prohibit their removal from the place of slaughter or importation before being marked,
- (c) may require persons responsible for premises where a system is operated in accordance with this section, and persons subsequently dealing with carcases required to be marked in accordance with this section, to keep records relating to their dealings in such carcases,
- (d) may authorise the Ministers to give directions to the Commission as to the manner in which the system is to be operated,
- (e) may make provision for any incidental or supplemental matters for which provision appears to the Ministers to be necessary or expedient.

(4) If any person contravenes or fails to comply with any provision of an order under this section he shall be liable on summary conviction to a fine not exceeding one hundred pounds or imprisonment for a term not exceeding three months or both:

Provided that if in proceedings against any person for an offence under this subsection it is proved—

- (a) that the commission of the offence was due to an act or default of some other person, and

- (b) that the person charged took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by him or any person under his control,

then, subject to the next following subsection, the person charged shall be acquitted of the offence.

(5) A person charged with an offence under the last foregoing subsection shall not be entitled to be acquitted by virtue of the proviso thereto unless, not less than fourteen clear days before the hearing, he has given notice in writing to the prosecutor of his intention to rely on that proviso, specifying the name and address of the person to whose act or default he alleges the commission of the offence was due, and has sent a like notice to that person; and that person shall be entitled to appear at the hearing and to give evidence.

This subsection shall not apply to Scotland.

(6) Where the commission by any person of an offence under subsection (4) above is due to an act or default of some other person, that other person shall be guilty of the offence; and a person may be charged with and convicted of the offence by virtue of this subsection whether or not proceedings are taken against the first-mentioned person.

(7) If any person wilfully obstructs an authorised officer of the Commission or other person in the performance of his duty in connection with the operation of a system in pursuance of an order under this section he shall be liable on summary conviction to a fine not exceeding twenty pounds.

(8) If any person—

- (a) with intent to deceive, removes, alters, conceals or defaces any mark applied in the course of the operation by the Commission of a system compiled under the last foregoing section (whether or not operated in pursuance of an order under this section), or
- (b) applies to any carcase, without due authority and with intent to deceive, any mark prescribed by a system so compiled and operated, or applies to any carcase a mark so closely resembling a prescribed mark as to be calculated to deceive, or
- (c) wilfully makes a false entry in any record which is required to be kept in pursuance of an order under this section or, with intent to deceive, makes use of any such entry which he knows to be false,

he shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or both, or on conviction on indictment to a

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PART I fine or to imprisonment for a term not exceeding two years or both.

(9) For the purpose of ascertaining whether an offence has been committed under this section an authorised officer of the Commission may, on producing if so required a duly authenticated document showing his authority, require a person carrying on or managing a slaughterhouse or other undertaking for the slaughter of livestock, or an undertaking for the storage, processing, grading, classification, packing or cutting of carcasses, or for the sale of carcasses by wholesale, to produce any books, accounts or records relating to the conduct of the undertaking which the officer may require to inspect, and may take a copy or extract from any such book, account or record produced to him.

If a person fails to comply with a requirement under this subsection he shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or both.

(10) An order under this section shall be made by statutory instrument and may be varied or revoked by a subsequent order under this section.

(11) No order shall be made under this section unless a draft of the order has been laid before and approved by a resolution of each House of Parliament; and an order terminating provision made under this section for the operation of a system shall not require the recommendation of the Commission under subsection (1) above.

Systems of classifying meat, and codes of practice for butchers.

7.—(1) With a view to assisting persons buying meat by retail the Commission may compile—

- (a) systems of classifying meat and of marking and labelling it in accordance with the classification, and
- (b) standard codes of practice for the way in which meat is cut for sale by retail and for the way in which the cuts of meat are described,

and may take such steps as appear to them appropriate to encourage the use of the systems of classification and standard codes in all retail meat undertakings.

(2) The Commission may operate any system compiled by them under this section.

(3) References in this section to labelling meat include references to labelling it by means of any mark, label, tag or ticket made on, attached to or displayed with the meat, and, without prejudice to the construction of the expression “label” in section 6 of the Food and Drugs Act 1955 or in section 6 of the Food and Drugs (Scotland) Act 1956 or elsewhere, that expression in section 6 of the said Acts shall include any such mark, label, tag or ticket.

1955 c. 16.

1956 c. 30.

8.—(1) The Commission may submit to the Ministers schemes for requiring information to be given in retail meat undertakings as to the prices asked for meat and for regulating the way in which that information is given. PART I
Information
as to retail
meat prices.

(2) A scheme under this section may in particular—

- (a) require information to be given by the display of price lists and, in the case of meat exposed for sale, by the use of prices attached to or displayed with the meat.
- (b) require the information to be given, in the case of meat exposed for sale, both by showing the prices of particular pieces of meat and also by showing the weight of particular pieces of meat and the price per pound weight,
- (c) regulate the way in which meat is described in price lists and the language used for description,
- (d) contain provisions to ensure that information about prices is not given in a misleading way, is conveniently presented and is accessible.

(3) A scheme made under this section may be varied or revoked by a subsequent scheme so made, and may contain such supplemental and incidental provisions as appear to the Commission to be expedient, including in particular provisions—

- (a) conferring such exemptions from the requirements of the scheme as may be specified by or under the scheme,
- (b) conferring powers of entry on officers of local weights and measures authorities appointed, or deemed to have been appointed, under section 41 of the Weights and Measures Act 1963, 1963 c. 31.
- (c) in the case of a scheme varying or revoking a previous scheme, for any transitional matters.

(4) A scheme under this section may include provisions making persons guilty of an offence against the scheme and, in particular, may make a person guilty of an offence against a scheme if he demands or accepts for any meat a price in excess of one displayed in connection with it.

(5) A person guilty of an offence against a scheme under this section shall be liable on summary conviction to a fine not exceeding twenty-five pounds.

(6) If the Ministers are satisfied that the bringing into force of a scheme submitted to them under this section is desirable they may confirm the scheme by order made by statutory instrument, subject to annulment in pursuance of a resolution of either House of Parliament.

PART I

(7) The Ministers may by order revoke a scheme under this section if it appears to them, after consultation with the Commission, that the scheme is not serving the purposes for which it was made, or that the continued operation of the scheme would be contrary to the public interest.

An order under this subsection—

- (a) may contain such supplemental and incidental provisions, including transitional provisions, as appear to the Ministers to be expedient, and
- (b) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Powers to meet future developments in livestock and livestock products industries.

9.—(1) With a view to enabling the livestock industry and the livestock products industry to carry out such changes as the Commission may consider to be necessary or expedient, the Commission may submit to the Ministers a scheme (in this section referred to as a “development scheme”) for the purpose of conducting to the better organisation, development or regulation of any section of the livestock industry or the livestock products industry.

(2) A development scheme may make provision for the rationalisation or concentration of a section of either industry, including in particular—

- (a) provisions compelling or encouraging the elimination of excess capacity,
- (b) provisions compelling or encouraging a reduction in the number of undertakings engaged, and
- (c) provisions requiring permission to be given for the setting up of a new undertaking or the relocation of an existing undertaking.

(3) A development scheme shall provide—

- (a) that the compensation payable under the development scheme in respect of loss or damage sustained in consequence of the provisions of the scheme shall be payable either out of funds provided by the industry, or a section of the industry, or by the Commission, or partly by one of those means and partly by another, and
- (b) for questions of disputed compensation so payable to be determined otherwise than by the Commission.

(4) A development scheme may be made for the purpose of providing facilities or services for a section of either industry, whether free of charge or not, and may provide for the expenses

of providing the facilities or services to be met either out of funds provided by the industry, or a section of the industry, or by the Commission, or partly by one of those means and partly by another.

(5) A development scheme—

- (a) may be made for Great Britain or for England and Wales or for Scotland, or for one or more areas within England and Wales, or Scotland,
- (b) may be by way of an experimental or pilot scheme restricted to a specified area or specified undertakings or specified persons.

(6) The methods employed by a development scheme may include the licensing of undertakings or producers, the imposition of quotas on undertakings or producers or markets, and the registration of any category of undertakings or persons.

(7) A development scheme shall have effect notwithstanding any provision inconsistent with the scheme which is contained in any Charter or letters patent, or is contained in or made under any Act of Parliament (including a local Act) passed before this Act or any local Act passed with or after this Act.

(8) A development scheme may be varied or revoked by a subsequent development scheme and may contain such supplemental and incidental provisions as appear to the Commission to be expedient, including in particular provisions—

- (a) conferring functions on the Commission,
- (b) with respect to the funds to be paid by either industry, or a section of either industry, for the purposes of the scheme, including provisions authorising the Commission to obtain the funds by means of a levy scheme or provisions applying, with any necessary modifications, so much of this Part of this Act as relates to levy schemes,
- (c) requiring the keeping of books, accounts and records,
- (d) conferring powers of requiring the production of books, accounts or records and powers of entry on officers of the Commission and other persons authorised by the Commission to exercise those powers,
- (e) conferring such exemptions from the requirements of the scheme as may be specified by or under the scheme,
- (f) authorising the Commission to delegate any functions conferred on them by the scheme,
- (g) in the case of a scheme varying or revoking a previous scheme, for any transitional matters.

(9) The generality of the provisions of subsection (1) of this section is not to be read as qualified by or restricted to the particular matters mentioned above in this section.

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(10) A development scheme may include provisions making persons guilty of an offence where there is a contravention of the scheme, and for the imposition of penalties on summary conviction of any such offence, so however that a maximum fine specified in the scheme shall be a sum not exceeding one hundred pounds and a maximum term of imprisonment specified in the scheme shall be a term not exceeding three months.

1956 c. 68.

(11) The Ministers may, after consultation with the President of the Board of Trade, direct that any agreement or class of agreements specified in the direction, being agreements into which the Commission enter in connection with a development scheme, shall be ones to which Part I of the Restrictive Trade Practices Act 1956 does not apply.

This subsection extends to Northern Ireland.

(12) Schedule 2 to this Act shall have effect as respects the procedure for making a development scheme, and other matters concerning development schemes.

Calf subsidies

Calf
subsidy
schemes.
1952 c. 62.

10.—(1) A scheme under the Agriculture (Calf Subsidies) Act 1952 (subsidies in respect of calves born in the United Kingdom) may provide for the time when subsidy becomes payable in respect of a calf, the times by reference to which eligibility for a subsidy, or the rate of subsidy, is to be determined, or any other time relevant for the purposes of the scheme, to be times when the animal has ceased to be a calf, or when the animal whether still a calf or not is dead; and accordingly—

- (a) references in that Act to calves shall where the context admits include references to cattle or carcasses, and
- (b) section 1(1)(c) of that Act (under which the scheme must prescribe the limits of age for a calf eligible for subsidy) shall cease to have effect but without prejudice to the power to prescribe such a limit.

(2) The period to be specified in a scheme under the said Act (which, under section 1(3) of that Act, must not exceed three years) shall either—

- (a) be one within which the date of birth must fall, or
- (b) in such cases as the appropriate Minister may determine and in particular in cases where, at the time when eligibility for a subsidy is to be determined, the animal's date of birth cannot be satisfactorily ascertained from an inspection of the animal or carcase, be one within which must fall the date of certification, or the date when subsidy becomes payable, or any other date relevant for the purposes of the scheme;

and accordingly in section 1(1)(a) of the said Act the words "within the period specified in the scheme" shall cease to have effect.

(3) If under the last foregoing subsection periods are specified in different ways, the periods need not be concurrent.

(4) Section 1(5)(b) of the said Act (under which a scheme must not be varied so as to exclude or reduce subsidy in respect of a calf born before the coming into operation of the varying scheme) shall only apply so far as any variation is of the provisions under which subsidy is restricted to animals certified when still calves.

(5) Without prejudice to the generality of the foregoing provisions of this section, the provisions of a scheme under the said Act may be such as to make it possible for the administration of the scheme to be combined with the administration of arrangements for payments to be made in respect of fatstock under Part I of the Agriculture Act 1957 (guaranteed prices); 1957 c. 57. and such a scheme may frame the description of animals or carcasses in respect of which subsidy is payable by reference to the descriptions of animals or carcasses (whether prescribed by or under an order made under the said Part I) which for the time being govern eligibility for payments under the said Part I.

(6) In cases where subsidy is not restricted to animals certified when still calves, the appropriate Minister may, if he thinks fit, provide in the scheme that the rate of subsidy shall, instead of being specified in the scheme, be such amount as the appropriate Minister may with the approval of the Treasury determine as being approximately equivalent on the average to the rate of subsidy which would be payable if the case were one where subsidy is restricted to animals certified when still calves.

(7) A scheme under the said Act may provide for the delegation by the appropriate Minister of any functions conferred on him by the scheme.

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

11.—(1) For the purpose of securing that payments under the Agriculture (Calf Subsidies) Act 1952 are made in proper cases only, the appropriate Minister may by order make provision—

Supervision and enforcement of calf subsidy schemes.

(a) for requiring that cattle or carcasses shall be marked in such circumstances, in such manner, and by or under the supervision of such persons, as may be prescribed by or under the order,

(b) for prohibiting the removal from slaughterhouses or other premises where cattle or carcasses are required to be marked in pursuance of the order of any cattle

PART I

or carcases to which the order applies which have not been so marked,

- (c) for enabling authorised officers of the appropriate Minister or of the Ministry of Agriculture for Northern Ireland, and authorised officers of the Commission where accompanying an authorised officer of the appropriate Minister, to enter on land used for the production, keeping, slaughter, grading or sale of cattle, or for the storage, grading, packing or sale of carcases, and to inspect any cattle or carcases found upon land so used,
- (d) for requiring the production by producers, dealers, persons owning or controlling slaughterhouses, auctioneers and other persons of books, accounts or records relating to the purchase, sale or use of cattle or carcases,
- (e) for any other matters for which provision appears to the appropriate Minister to be necessary or expedient for the purposes described in this subsection.

1957 c. 57.

(2) In section 6(1) of the Agriculture Act 1957 (under which imported livestock may be marked, and the importation of livestock controlled, for purposes which include that of securing that payments under Part I of that Act are made in proper cases only) the reference to the purposes there mentioned shall include a reference to the purpose of securing that payments under the Agriculture (Calf Subsidies) Act 1952 are made in proper cases only.

1952 c. 62.

(3) Section 7 of the Agriculture Act 1957 (which imposes penalties in relation to the provisions of section 5 of that Act, being provisions which correspond to subsection (1) of this section) shall apply in relation to an order under subsection (1) of this section as it applies in relation to an order under the said section 5.

(4) An order made under subsection (1) of this section—

- (a) may provide for the delegation by the appropriate Minister of any functions conferred or imposed on him by the order,
- (b) may be varied or revoked by a subsequent order so made, and
- (c) shall be made by statutory instrument.

(5) A statutory instrument containing an order under subsection (1) of this section shall be laid before Parliament after being made, and shall cease to have effect (without prejudice to anything previously done thereunder or to the making of a new order) on the expiration of a period of forty days, calculated in accordance with section 7(1) of the Statutory Instruments

1946 c. 36.

Act 1946, beginning with the day on which it is made unless within that period it has been approved by resolution of each House of Parliament.

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(6) As from such date as may be specified in an order in a statutory instrument made by the appropriate Minister, so much of section 1(4)(c) of the Agriculture (Calf Subsidies) Act 1952 as relates to the marking of calves, and sections 2 and 3 of that Act (which are superseded by the provisions of subsections (1) and (2) of this section) shall cease to have effect, and orders under subsection (1) of this section, and under section 6 of the Agriculture Act 1957 as extended by subsection (2) of this section, may contain such supplemental and incidental provisions as appear to the appropriate Minister expedient for effecting the transition from the provisions so repealed.

1952 c. 62.

1957 c. 57.

(7) An order under this section may be made for England and Wales, for Scotland, for Northern Ireland, or for any two or all of those parts of the United Kingdom jointly.

(8) In this and the last foregoing section "carcasses" means carcasses of cattle.

Beef Cow subsidies

12.—(1) The appropriate Minister may, in accordance with a scheme made by him with the approval of the Treasury, make out of money provided by Parliament payments in respect of cows, or cows of prescribed descriptions, which on any prescribed date are comprised in a herd with respect to which any prescribed conditions are fulfilled, being a herd appearing to the appropriate Minister to be maintained primarily for the purpose of breeding calves for beef.

New provision for payment of beef cow subsidies.

In this section "cow" means a female bovine animal which has borne a calf, or has, in the opinion of the appropriate Minister, been brought into a herd to replace one which has borne a calf, and "prescribed" means prescribed by a scheme under this section; and the payments for which provision is made by any such scheme are in this section referred to as "subsidy payments".

(2) A scheme under this section may be made for England and Wales, for Scotland, for Northern Ireland, or for any two or all of those parts of the United Kingdom jointly.

(3) The duration of a scheme under this section shall be a period not exceeding five years.

(4) The amount which may be paid by way of subsidy payment in respect of a cow shall be such as may be specified by an order made for the purposes of the scheme in question by the appropriate Minister with the approval of the Treasury, and any such order may specify different amounts in relation to different descriptions of cows.

PART I
1946 c. 73.

(5) A scheme under this section shall contain provision designed to secure that subsidy payments and payments under hill cattle schemes within the meaning of the Hill Farming Act 1946 are not made in respect of the same animals for the same, or substantially similar, periods.

(6) A scheme under this section—

- (a) may make provision as to the persons to whom subsidy payments may be made, and for securing that no such payment shall be made unless it is applied for at such time and in such manner as the appropriate Minister may direct ;
- (b) may determine the minimum number of cows in respect of which subsidy payments may be made to any person ;
- (c) may specify the manner in which the number of cows in respect of which subsidy payments may be so made is to be computed ;
- (d) may provide for the number of cows in respect of which subsidy payments would otherwise fall to be so made to be reduced, in any prescribed circumstances, to an extent specified in or determined under the scheme ;
- (e) may provide for subsidy payments to be withheld in any prescribed circumstances, or for the amount of any such payment to be reduced in any such circumstances to an extent specified in or determined under the scheme ;
- (f) may authorise the making of subsidy payments subject to such conditions as the appropriate Minister may think fit to impose ; and
- (g) may contain provisions generally for securing that subsidy payments are properly made, and such incidental and supplementary provisions as appear to the appropriate Minister to be requisite or expedient for the purposes of the scheme.

(7) A scheme or order under this section—

- (a) may be varied (but not, in the case of a scheme, so as to extend its duration) or revoked by a subsequent scheme or order thereunder ; and
- (b) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(8) This section extends to Northern Ireland.

Financial

PART I

13.—(1) The Commission may submit to the Ministers a scheme (in this Part of this Act referred to as a “levy scheme”) for the imposition of charges for enabling the Commission to meet their expenses (including any sums to be paid into their reserve fund) so far as not met in any other way, and for the recovery of such charges by the Commission in such manner and from such persons as may be specified in the scheme.

Levy on industries to meet Commission's expenses.

(2) A levy scheme shall specify the classes or descriptions of persons on whom or from whom charges may be imposed or recovered, but a class or description so specified shall include only persons who are within the following provisions of this subsection, that is—

- (a) persons engaged in the production, marketing or distribution of livestock, or
- (b) persons engaged in the production, processing, manufacture, marketing or distribution of livestock products, or
- (c) persons (including local authorities) having the control and management of slaughterhouses in which livestock are slaughtered,

including auctioneers, market authorities and other persons concerned with the marketing of livestock and livestock products otherwise than as buyers and sellers, and a levy scheme may contain provisions as to the evidence by which a person's liability to the levy may be established.

(3) A levy scheme shall specify maximum charges leviable under the scheme, and the circumstances under which they are leviable, and shall authorise the Commission, subject to those maximum charges, to levy such amounts as they think fit, or to suspend the levy authorised by the scheme for any period.

(4) The maximum charges so specified—

- (a) may be prescribed by reference to the number, quantity or type of the livestock or livestock products dealt with by the persons chargeable and, in the case of livestock, in particular by reference to the number of livestock slaughtered or exported by those persons, and
- (b) may differ according to the weight, quality or value of the livestock or livestock products.

(5) A levy scheme which provides for the imposition of charges in respect of the slaughter of livestock shall secure that no charges are made in respect of livestock slaughtered under the Diseases of Animals Act 1950 or any order or arrangements made thereunder. 1950 c. 36.

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(6) A levy scheme may authorise persons of a class or description specified in the scheme, and in particular persons owning or controlling slaughterhouses, auctioneers, market authorities and other persons acting as intermediaries in the buying and selling of livestock and livestock products, to recover all or a specified part of sums paid by them under the levy scheme from persons of such other classes or descriptions as may be specified in the scheme, and may, in default of payment by any person of one of the first mentioned class or description, authorise the Commission to recover directly what might have been payable indirectly if the default had not occurred.

(7) A levy scheme may confer on any person on whom such a right of recovery is conferred a further right to make from his payments to the Commission deductions of amounts determined in accordance with the levy scheme in respect of his expenses incurred in exercising his right of recovery, and a right to relief (whether by way of deduction from payments to the Commission or of refund by the Commission) in respect of any sum which, in the opinion of the Commission, ought reasonably to be treated as irrecoverable by him.

(8) The power conferred by this section to make a levy scheme shall be construed as including power to make a levy scheme varying or revoking a previous levy scheme.

(9) If the Ministers are satisfied that the bringing into force of a levy scheme submitted to them is desirable they may confirm the scheme with or without modifications by order made by statutory instrument, but they shall not make such an order unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.

(10) A levy scheme shall come into force on such date as may be specified in the order confirming the scheme, being a date after the latest date on which either House of Parliament resolves that the draft order be approved.

(11) The Ministers may by order in a statutory instrument, of which a draft has been laid before and approved by resolution of each House of Parliament, revoke a levy scheme.

An order under this section may contain such supplemental and incidental provisions, including transitional provisions, as appear to the Ministers to be expedient.

Levy:
registration,
returns and
records.

14.—(1) A levy scheme may, so far as is necessary for determining the liability of persons to charges thereunder, confer on the Commission power to require persons on whom charges may be imposed by a levy scheme—

(a) to be registered in a register kept for the purpose by the Commission,

- (b) to furnish returns and other information, and to produce for examination on behalf of the Commission, books and other documents in their custody or under their control, and
- (c) to keep records and to produce them for examination as aforesaid.

(2) Any person who fails to comply with a requirement made under a levy scheme by virtue of subsection (1) above shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or both.

(3) Any person who—

- (a) in furnishing any information for the purposes of a levy scheme, knowingly or recklessly makes a statement which is false in a material particular, or
- (b) wilfully makes a false entry in any document which is required to be produced in pursuance of a levy scheme,

shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or both, or on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or both.

15.—(1) The Ministers—

- (a) shall out of money provided by Parliament pay to the Commission such sums as the Ministers may with the approval of the Treasury determine towards meeting any expenditure (including an appropriate proportion of overheads and other fixed and general expenses) incurred or to be incurred by the Commission in performing any functions under section 3 or section 4 of this Act, and any other functions carried out at the request of the Ministers or either of them, and
- (b) may out of money provided by Parliament make such payments to the Commission towards meeting their initial expenditure (including an appropriate proportion of overheads and other fixed and general expenses) incurred or to be incurred by the Commission in performing any other functions as the Ministers may, with the approval of the Treasury, and after consultation with the Commission, determine.

Ministers' contributions to Commission's expenses.

In paragraph (b) above "initial expenditure", in relation to any activities carried on by the Commission in performing any of the functions within that paragraph, means expenditure incurred or to be incurred in respect of the carrying on of those activities in the first three years in which they are carried on.

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(2) Any payments under subsection (1) above may be made subject to any conditions regulating or restricting the Commission's functions, imposing requirements as to the giving of information and the keeping and inspection of accounts and records, or relating to other matters, which the Ministers may specify; and the Ministers may recover the whole or any part of a contribution which is made subject to a condition, if that condition is not complied with.

(3) The giving of a direction under section 20 of this Act as respects any of the Commission's functions shall not make those functions ones performed at the request of the Ministers for the purposes of subsection (1) above.

Payments for
scientific
research.

16.—(1) For the purpose of providing funds to be applied for the purpose of scientific research which is connected with the livestock industry and the livestock products industry and which is to be carried out by the Agricultural Research Council, the Ministers may by order—

(a) impose charges of amounts specified in the order on any class or description of persons on whom charges could be imposed by a levy scheme, or

(b) require the making of payments by the Commission,
or provide sums partly in the one way and partly in the other.

(2) An order under this section may provide for the imposition and recovery of charges in any way which might be authorised by a levy scheme and—

(a) may set out a scheme containing any provisions which could be included in a levy scheme, or

(b) may extend a levy scheme, with or without an increase in any of the amounts leviable, and with any exceptions and modifications specified in the order, and direct that a part of the proceeds of the levy under the scheme as so extended shall be applied under this section.

(3) An order made under this section—

(a) may provide for the collecting of charges under subsection (1)(a) above by the Commission or by any person or class of persons specified in the order, and may authorise the expenses incurred in collecting the charges, or a proportion of those expenses, to be paid out of the proceeds,

(b) shall specify the account into which the sums to be applied under this section are to be paid and the manner in which sums to be so applied are to be dealt with.

(c) shall be contained in a statutory instrument, and may be varied or revoked by a subsequent order so made, and the Ministers shall not make an order under this section unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.

17.—(1) It shall be the duty of the Commission to carry out such functions as the Ministers may direct them to perform in connection with the collection of any levy relating in any way to the livestock industry or the livestock products industry and payable by virtue of an Act of Parliament or of any instrument having effect under an Act of Parliament, but the Ministers shall not give a direction as respects any levy payable to a person other than the Ministers without the consent of that other person.

Collection of
statutory
levies by
Commission.

(2) A direction under this section may specify the terms on which the Commission is to collect a levy, and may allow the Commission to deduct expenses out of the sums collected by them, and a direction given by virtue of this subsection shall have effect notwithstanding anything in any other Act, or in any instrument having effect under any Act.

18.—(1) The Commission may establish and thereafter maintain a reserve fund for the purposes of their functions under this Act.

Commission's
reserve fund.

(2) Any moneys for the time being comprised in a reserve fund maintained under this section, and any other moneys of the Commission which are not for the time being required for any other purpose, may be invested in accordance with the next following subsection.

(3) Sections 1, 2, 5, 6, 12 and 13 of the Trustee Investments Act 1961 (which relate to the investment powers of trustees) shall have effect in relation to any such moneys, and in relation to any investments or other property for the time being representing any such moneys, as if they constituted a trust fund and the Commission were the trustees of that trust fund.

19.—(1) The Commission shall prepare and transmit to the Ministers annually a report setting out what has been done in the discharge of their functions under this Act during their financial year last completed, and the Ministers shall lay a copy of the report before each House of Parliament.

Commission's
annual report
and accounts.

(2) The Commission shall keep proper accounts and shall prepare in respect of each financial year of the Commission statements of account in such form as the Ministers, with the approval of the Treasury, may direct; and the accounts of the Commission for each financial year shall be audited by auditors to be appointed by the Commission.

(3) No person shall be qualified to be appointed auditor under the last foregoing subsection unless he is a member (or

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in the case of a firm unless all the partners therein are members) of one or more of the following bodies:—

The Institute of Chartered Accountants in England and Wales;

The Institute of Chartered Accountants of Scotland;

The Association of Certified and Corporate Accountants;

The Institute of Chartered Accountants in Ireland;

Any other body of accountants established in the United Kingdom for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 by the Board of Trade.

1948 c. 38.

(4) As soon as may be after the accounts of the Commission have been audited, the auditors shall transmit to the Ministers copies of the statements of account together with their report thereon, and the Ministers shall lay a copy of the statement and report before each House of Parliament.

Supplemental

Directions to
Commission
by Ministers.

20.—(1) The Ministers, after consultation with the Commission, may give to the Commission such directions of a general character with respect to the performance of any functions of the Commission as appear to the Ministers to be requisite in the public interest.

(2) The Commission's report for any year under section 19(1) above shall set out any direction given by the Ministers under subsection (1) of this section to the Commission during that year, unless the Ministers have notified the Commission their opinion that it is against the interests of national security to do so.

(3) It shall be the duty of the Commission to comply with any directions given by the Ministers under this section.

Inquiries by
Commission.

21.—(1) The Commission may hold such inquiries as they consider necessary or desirable for the discharge of any of their functions.

(2) For the purpose of any inquiry under this section the Commission may by summons require any person to attend to give evidence on any of the matters specified in the summons, or to produce all documents in his possession or control which relate to any such matters.

(3) The summons shall specify the hour and day, being a day not earlier than twenty-one days after the service of the

summons, and the place, at which that person is to attend, and shall refer to the right of appeal conferred by subsection (4) below.

(4) Within fourteen days of service of a summons under this section, the person served may appeal to the High Court on the ground that any of the evidence, or any document, which he may be required to give or produce in pursuance of the summons is not reasonably required by the Commission for the execution of their functions under this Act, and—

- (a) the operation of the summons shall be suspended until the final determination of the appeal, and
- (b) the court may make such order either confirming or quashing or varying the summons as the court thinks fit and, except where the order is quashed, providing if need be for the time and place of attendance under the summons.

(5) The jurisdiction conferred by this section on the High Court may be exercised by a Master, but subject to rules of court and to the rights of appeal from the decisions of a Master thereby conferred, and this subsection shall have effect notwithstanding section 63(1) of the Supreme Court of Judicature 1925 c. 49. (Consolidation) Act 1925 (which requires an appeal from any person to the High Court to be heard and determined by a divisional court).

(6) No person shall be compelled for the purposes of an inquiry under this section to give any evidence or produce any document which he could not be compelled to give or produce in proceedings before the High Court.

(7) No person shall be required, in obedience to a summons under this section, to go more than ten miles from his place of residence unless the necessary expenses of his attendance are paid or tendered to him.

(8) For the purpose of any inquiry under this section the Commission may take evidence on oath and for that purpose administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined.

(9) If any person who is to give evidence at any inquiry under this section so requests at the hearing, or by a notice in writing served on the Commission before the day of the hearing, the Commission shall exclude the public from the hearing while that person gives his evidence.

(10) The procedure at any such inquiry shall, subject to the foregoing provisions of this section and any direction under section 20 above, be determined by the Commission, but so that any person appearing thereat shall be entitled to representation by counsel, solicitor or any other person.

PART I

(11) A person who—

(a) refuses or wilfully neglects to attend in obedience to a summons under this section, or to give evidence as required by such a summons, or

(b) wilfully alters, suppresses, conceals, destroys or refuses to produce any book or other document which he may be required to produce for the purposes of this section,

shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both.

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

(a) for any reference to the High Court there shall be substituted a reference to the sheriff,

(b) subsection (5) shall not apply, and

(c) for any reference to a summons there shall be substituted a reference to a notice in writing.

Dissolution of
Pig Industry
Development
Authority.
1957 c. 57

22.—(1) On the date of the coming into force of this section the assets, liabilities and obligations of the Pig Industry Development Authority established under Part III of the Agriculture Act 1957 shall by virtue of this subsection and without further assurance be transferred to the Commission.

(2) The Authority's financial year current on the said date shall be deemed to end on that date.

(3) As soon as the Ministers are satisfied that the requirements of section 28 of the Agriculture Act 1957 (annual report and accounts) have been complied with on the part of the Authority in respect of years down to and including that financial year, they shall by order in a statutory instrument dissolve the Authority, and thereupon any expenses incurred by the Authority in complying with the said section 28 after the said date shall become a liability of the Commission.

Power of
entry.

23.—(1) For the purpose of obtaining information with respect to any matter which is of concern to the Commission, an authorised officer of the Commission, on producing if so required a duly authenticated document showing his authority, shall have a right to enter, at any reasonable time, any premises (other than a building used only as a private dwellinghouse) which he has reasonable cause to believe to be premises used for the slaughter of livestock or for the storage, processing, grading, classification, packing, cutting or sale of meat.

(2) An authorised officer entering any premises by virtue of this section may take with him such other persons as may appear to him necessary.

(3) A person may on any premises which he enters by virtue of this section inspect any livestock or meat or, if a retail meat undertaking is carried on on the premises, any price lists or price marks, labels, tags or tickets or any other displays of prices of meat for sale.

(4) If any person wilfully obstructs an authorised officer or other person in the exercise of powers conferred on him by this section he shall be liable on summary conviction to a fine not exceeding twenty pounds.

(5) The foregoing provisions of this section shall apply in relation to a stall or vehicle as they apply in relation to premises, but nothing in this section shall authorise a person to stop any vehicle on a highway.

24.—(1) Returns or other information furnished or obtained by any person in pursuance of a requirement made under a levy scheme, and any other information with respect to any particular undertaking which has been obtained under or by virtue of this Part of this Act, shall not be disclosed except—

Disclosure of information.

- (a) with the consent of the person by whom the information was furnished, or
- (b) to a member, officer or servant of the Commission or to any person exercising functions on behalf of the Commission, or
- (c) to either of the Ministers or to an officer or servant appointed by, or by one of, the Ministers or to any person exercising functions on behalf of the Ministers, or either of them, or
- (d) in the form of a summary of similar returns or information furnished by or obtained from a number of persons, being a summary so framed as not to enable particulars relating to any one person or undertaking to be ascertained from it, or
- (e) for the purpose of any proceedings pursuant to this Part of this Act, or of any criminal proceedings which may be taken, whether pursuant to this Act or otherwise, or for the purpose of a report of any such proceedings.

(2) This section shall not be taken as applying to information obtained at an inquiry under section 21 of this Act, except information derived from evidence given at the inquiry at a time when the public are excluded.

(3) Any person who discloses any information in contravention of this section shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or both, or on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or both.

PART I

(4) This section, except subsections (1)(b) and (2), extends to Northern Ireland.

Interpretation
of Part I.

25.—(1) In this Part of this Act “the Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with agriculture in Scotland and, in the case of anything falling to be done by the Ministers, means those two Ministers acting jointly, except that payments to the Commission under section 15 of this Act shall be separate payments by the two Ministers in proportions agreed by them with the approval of the Treasury.

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

- “carcases” means whole carcases of livestock, and sides, quarters and other wholesale cuts of carcases;
- “the Commission” has the meaning given by section 1 of this Act;
- “fatstock” means fat cattle, fat sheep and fat pigs and the carcases of those animals;
- “imported” means imported, removed or brought into Great Britain from elsewhere, and cognate expressions shall be construed accordingly;
- “joint committee” has the meaning given by section 2(7) of this Act;
- “levy scheme” has the meaning given by section 13 of this Act;
- “livestock” means cattle, sheep and pigs;
- “livestock industry” means all the activities comprised in the production, marketing and distribution of livestock in Great Britain, including the carrying on of slaughterhouses and livestock auctions and markets;
- “livestock product” means any product for human consumption which is derived to any substantial extent, with or without any process of manufacture, from livestock, but excluding milk and milk products, so, however, that references to the production or processing or manufacture of livestock products include references to the production or processing or manufacture in slaughterhouses of any inedible products obtained from the slaughter of livestock in slaughterhouses;
- “livestock products industry” means the activities comprised in the production, processing, manufacture, marketing and distribution of livestock products in Great Britain, including the carrying on of livestock product auctions and markets;

“meat” means—

PART I

(a) carcase meat and offal obtained from livestock and intended for human consumption, and

(b) bacon and ham ;

“retail meat undertaking” means a business which consists of or includes the selling of meat by retail ;

“slaughterhouse” has, in England and Wales and Northern Ireland, the meaning given by section 135(1) of the Food and Drugs Act 1955 and, in Scotland, the meaning given by section 16 of the Slaughterhouses Act 1954. 1955 c. 16. 1954 c. 42.

(3) Any reference in this Part of this Act to a person having the control and management of a slaughterhouse includes a reference to a local authority providing slaughterhouse facilities under Part II of the Slaughterhouses Act 1954 or Part IV of the Food and Drugs Act 1955, or providing any similar facilities under any local enactment.

(4) Subsections (1), (2) and (3) of section 107 of the Agriculture Act 1947 or, as the case may be, subsections (1), (2) and (3) of section 83 of the Agriculture (Scotland) Act 1948 (manner of service of notice) shall apply to documents required or authorised to be served under this Part of this Act. 1947 c. 48. 1948 c. 45.

PART II

FARM STRUCTURE AND FARM IMPROVEMENTS, AND PROMOTION OF AGRICULTURAL INVESTMENT

Farm Structure

26.—(1) The appropriate Minister may in accordance with a scheme make grants out of money provided by Parliament towards expenditure incurred in connection with the carrying out— Grants for amalgamations and boundary adjustments.

(a) of transactions for securing that agricultural land which is an uncommercial unit, but which together with some other agricultural land could form an intermediate unit or commercial unit, shall be owned and occupied with that other land, and

(b) of transactions for securing that, where an intermediate unit or a commercial unit is not all in the same ownership, any part of it comes to be in the same ownership as the rest of that unit, or in the same ownership as some other part of that unit, but excluding transactions which bring into the same ownership and occupation two or more parts of the unit each of which could by itself form a commercial unit, and

PART II

- (c) of transfers or exchanges of agricultural land (or estates or interests in agricultural land) for the purpose of giving more satisfactory boundaries to one or more agricultural units ;

and for the purposes of paragraph (a) above, such assumptions as the appropriate Minister may consider reasonable may be made as to the improvements and works which will be carried out for the benefit of the unit to be formed.

Transactions within paragraphs (a) and (b) above are in this Part of this Act referred to as “amalgamations”, and transactions within paragraph (c) are in this Part of this Act referred to as “boundary adjustments”.

(2) A scheme under this section may restrict the amalgamations and boundary adjustments to which it applies in any way, and may in particular exclude amalgamations of land which has reverted from being in single ownership or occupation.

(3) The expenditure towards which a grant may be made under this section in connection with an amalgamation or boundary adjustment shall be—

(a) the costs of the amalgamation or boundary adjustment consisting of surveyor's fees and legal costs, stamp duty on any conveyance, lease, tenancy agreement or mortgage or heritable security, any compensation for disturbance, and the cost of obtaining any requisite consent of the Ministry of Finance for Northern Ireland ;

(b) in the case of an amalgamation—

(i) the cost of such work of prescribed kinds as in the opinion of the appropriate Minister becomes necessary or expedient as a direct consequence of throwing together the units of land which, prior to the amalgamation, were in separate ownership or occupation, and separating them from land which is not to form part of the resulting unit,

(ii) the cost of such improvements of prescribed kinds as in the opinion of the appropriate Minister are for the benefit of the resulting unit as a whole ;

(c) in the case of a boundary adjustment, the cost of such work of prescribed kinds as in the opinion of the appropriate Minister becomes necessary or expedient as a direct consequence of the alterations of boundaries.

In this subsection “compensation for disturbance” means compensation for disturbance under—

(a) section 34 of the Agricultural Holdings Act 1948,

- (b) section 35 of the Agricultural Holdings (Scotland) Act 1949, or PART II
1949 c. 75.
- (c) section 3 of the Landlord and Tenant (Ireland) Act 1870. 1870 c. 46.

(4) A scheme under this section may make different provision for amalgamations resulting in an intermediate unit and those resulting in a commercial unit; and in particular may restrict grant under subsection (3)(b)(ii) above where the amalgamation results in an intermediate unit to grant in respect of improvements which in the opinion of the appropriate Minister would continue to be of benefit to the land if the intermediate unit subsequently becomes a part of a commercial unit.

(5) The amount of any grant payable under this section towards expenditure shall be one-half of that expenditure so far as approved by the appropriate Minister.

(6) A scheme under this section shall provide for grant in respect of any expenditure being payable by reference to proposals which have been submitted to and approved by the appropriate Minister, and the approval—

- (a) may be given before or, in such classes of cases as the appropriate Minister may direct, after the carrying out of the proposals,
- (b) may be made subject to such conditions as the appropriate Minister may specify, and in particular subject to any condition as to the time within which the proposals are to be carried out,
- (c) may be varied or withdrawn by the appropriate Minister with the applicant's written consent.

(7) After the payment of any grant under this section or subsection (1)(a) of the next following section in connection with an amalgamation the relevant unit shall be subject to the provisions of Schedule 3 to this Act and—

- (a) the appropriate Minister shall not approve the proposals for the amalgamation unless satisfied that all persons having an estate or interest in the relevant unit have given their written consent to the application of that Schedule to the relevant unit,
- (b) the relevant unit shall be, or be the part of, the agricultural unit or units specified for the purposes of this subsection by the appropriate Minister in the document giving his approval to the proposals, and
- (c) in the said Schedule 3 as applied by this subsection "relevant Exchequer payments" shall mean—
 - (i) the grant in respect of such expenditure as is specified for the purposes of this subsection in that document as being expenditure related to the relevant unit, and

PART II

(ii) such sum as the appropriate Minister may certify as the sum representing his administrative expenses (including an appropriate proportion of overhead expenses and other fixed or general expenses) incurred in connection with making the grant,

and “the relevant date” shall, for any grant and the related administrative expenses, be the date when the grant was paid.

(8) In the case of the payment of any grant under this section in connection with a boundary adjustment the appropriate Minister may, if he thinks fit, designate in the document giving his approval to the proposals any land appearing to him to benefit from the boundary adjustment as land which, after the payment of that grant, is to be a relevant unit subject to the provisions of Schedule 3 to this Act, and paragraphs (a) and (c) of the last foregoing subsection shall apply in relation to the boundary adjustment as they apply in relation to an amalgamation.

(9) The duration of a scheme under this section shall be a period not exceeding seven years, but that period may from time to time be extended by further schemes under this section for periods not exceeding seven years.

1957 c. 57. (10) A grant shall not be made under section 16 of the Agriculture Act 1957 (which relates to grants towards costs of amalgamation and is superseded by this section) in respect of a transaction proposed in an application made under that section after the coming into force of the first scheme made under this section, and so much of subsection (2) of the said section 16 as limits the time within which applications may be made under that section shall cease to have effect.

(11) The following enactments—

1946 c. 73.

(a) section 6(c) of the Hill Farming Act 1946,

1959 c. 12.

(b) section 5(3) of the Agriculture (Small Farmers) Act 1959, or

1964 c. 28.

(c) section 2(3) of the Agriculture and Horticulture Act 1964,

(under which grant under those Acts may be recovered by the appropriate Minister if there is a failure to carry out proposals), and any provision to the like effect in regulations made under section 77(3) of the Agriculture (Scotland) Act 1948 or section 22(4) of the Crofters (Scotland) Act 1955, shall not apply where in the opinion of the appropriate Minister the carrying out of the proposals is, in consequence of the carrying out of proposals approved under this section, impracticable or to no purpose or unduly expensive.

1948 c. 45.

1955 c. 21.

PART II

Grants for individuals relinquishing occupation of uncommercial units.

27.—(1) The appropriate Minister may in accordance with a scheme make a grant by way of a lump sum payment or an annuity to or for the benefit of an individual who in prescribed circumstances relinquishes his occupation of an uncommercial unit of agricultural land—

- (a) where the relinquishment of all or any part of that uncommercial unit is effected as part of an amalgamation to which a scheme under section 26 of this Act for the time being applies, or
- (b) in accordance with arrangements which the appropriate Minister or, subject to the provisions of Part III of this Act, a Rural Development Board makes with him (whether or not his landlord or any other person is a third party) to enable the appropriate Minister or the Board to dispose of the unit so that it is owned or occupied with other land, or so as to improve the shape of any agricultural units, or
- (c) subject to the provisions of Part III of this Act, in accordance with arrangements approved by a Rural Development Board as being for the purpose of facilitating the afforestation of land in the area of the Board.

(2) A scheme under this section—

- (a) may, subject to any prescribed exceptions, require the individual to have been in occupation of the whole of the uncommercial unit for a prescribed period,
- (b) may exclude an individual who occupied the uncommercial unit under a short-term letting as defined in the scheme,
- (c) may apply to the individual a test by reference to the income (calculated in a prescribed way) derived from the land the occupation of which he relinquishes including, if the scheme so provides, income so derived by the individual's wife or husband or partner or by any other person jointly occupying the land.

(3) A scheme under this section may authorise the making of grant subject to such conditions as the appropriate Minister may specify.

(4) Grants shall not be payable under this section to any one individual in respect of more than one uncommercial unit, and a scheme under this section shall contain provisions for securing that the amount of the grant payable in respect of an uncommercial unit occupied by more than one individual is an amount which is not more than approximately equivalent to the amount which would be payable if it had been occupied by a single individual.

PART II

(5) A scheme under this section may provide that, after the death of a person in receipt of a grant by way of annuity, grant under this section of an amount specified in the scheme may be payable to a surviving widow or widower.

(6) The duration of a scheme under this section shall be a period not exceeding seven years, but that period may be extended from time to time by subsequent schemes under this section for periods not exceeding seven years.

(7) Any grant under this section shall be paid out of money provided by Parliament.

Loans to assist amalgamations and boundary adjustments.

28.—(1) The appropriate Minister may with the approval of the Treasury make or guarantee loans to meet expenditure incurred in connection with the carrying out, in accordance with proposals approved by the appropriate Minister, of any amalgamation or boundary adjustment to which a scheme under section 26 of this Act for the time being applies, being—

- (a) expenditure within subsection (3) of that section, or
- (b) any part of the purchase price of any land acquired as part of the amalgamation or as the case may be any part of the purchase price of land acquired, or of money given by way of equality of exchange, as part of the boundary adjustment,

or expenditure under both paragraphs (a) and (b) above.

(2) A loan made by the appropriate Minister—

- (a) may be effected through the agency of such body or bodies as the appropriate Minister may select,
- (b) must have been approved by the appropriate Minister on an application made in the manner directed by him and within the period of duration of schemes under section 26 of this Act, or within such longer period as the appropriate Minister may determine.

(3) A loan guaranteed by the appropriate Minister shall be a loan made by such body or bodies as the appropriate Minister may select.

(4) A loan made or guaranteed by the appropriate Minister must be one repayable as to both capital and interest within a period of sixty years from the making of the loan.

(5) The appropriate Minister may in making a loan or guarantee under this section impose such conditions as he thinks fit.

(6) After the giving of a loan or guarantee under this section in connection with an amalgamation the relevant unit shall be subject to the provisions of Schedule 3 to this Act and—

- (a) the appropriate Minister shall not approve the proposals for the amalgamation unless satisfied that all persons

having an estate or interest in the relevant unit have given their written consent to the application of that Schedule to the relevant unit,

(b) the relevant unit shall be, or be the part of, the agricultural unit or units specified for the purposes of this subsection by the appropriate Minister in the document giving his approval to the proposals, and

(c) in the said Schedule 3 as applied by this subsection “relevant Exchequer payments” shall mean—

(i) in the case of a loan, the amount of the loan and interest outstanding and, so far as the lender has been required to accept repayment at a time earlier than that agreed in making the loan, the cost, or so much thereof as the appropriate Minister may determine, of reinvestment and, if the rate of interest on the loan is higher than can reasonably be expected to be obtained on reinvestment (regard being had to the current rate of interest) compensation in respect of the loss thereby sustained or such part thereof as the appropriate Minister may determine,

(ii) in the case of a guarantee, any amount paid by the appropriate Minister in fulfilment of the guarantee,

(iii) in either case, such sum as the appropriate Minister may certify as the sum representing his administrative expenses (including an appropriate proportion of overhead expenses and other fixed or general expenses) incurred in connection with making the loan or guarantee and, in the case of a guarantee, in fulfilling the guarantee,

(d) in the said Schedule 3 as applied by this section “relevant date” shall mean—

(i) for any administrative expenses related to a loan within subsection (6)(c)(i) above, the date when the loan is made,

(ii) for sums within subsection (6)(c)(ii) above, and any related administrative expenses, the date when the guarantee is fulfilled.

(7) In the case of a loan or guarantee made under this section in connection with a boundary adjustment the appropriate Minister may, if he thinks fit, designate in the document giving his approval to the proposals any land appearing to him to benefit from the boundary adjustment as land which, after the making of the loan or guarantee, is to be a relevant unit subject to the provisions of Schedule 3 to this Act, and

PART II paragraphs (a), (c) and (d) of the last foregoing subsection shall apply in relation to the boundary adjustment as they apply in relation to an amalgamation.

(8) A mortgage, heritable security or charge securing a loan made or guaranteed by the appropriate Minister under this section may, notwithstanding any rule of law or equity to the contrary, contain a provision that the mortgage, heritable security or charge shall not be redeemable except in the manner specified in the mortgage, heritable security or charge.

(9) Any sums required by the appropriate Minister for making a loan under this section or fulfilling a guarantee made under this section shall be paid out of money provided by Parliament.

(10) References in this section to the guarantee of a loan include references to the guarantee of part of a loan, including a guarantee restricted to interest payable on a loan.

Promotion of
amalgamations
and boundary
adjustments
by Minister.
1947 c. 48.
1948 c. 45.

29.—(1) It is hereby declared that the appropriate Minister has power under sections 82 and 90 of the Agriculture Act 1947 and sections 55 and 61 of the Agriculture (Scotland) Act 1948 (powers of acquiring land by agreement and managing land) to acquire, hold and dispose of land for the purposes of effecting amalgamations of agricultural land and reshaping agricultural units.

(2) That power shall include in particular power for the said purposes to enter into transactions involving loss, including—

- (a) amalgamating holdings of land in a way which renders less valuable, or useless, any buildings or equipment on any of the land,
- (b) allowing the occupier of an uncommercial unit to retain occupation of a dwelling-house on the land when the remainder of the unit is acquired by the appropriate Minister for the purposes of amalgamation,
- (c) selling land resulting from an amalgamation effected by the appropriate Minister subject to depreciatory conditions imposed for the purpose of ensuring that the land continues to be held in single ownership and single occupation for agricultural purposes.

(3) A deed by which the appropriate Minister conveys land, or an estate or interest in land, may apply Schedule 3 to this Act to any of that land, and to any other land, but only if all the persons who will have an estate or interest in the land to which Schedule 3 is so applied are parties to the deed; and in that Schedule as so applied “relevant Exchequer payments” shall

mean such amounts as are specified in the deed for the purposes of this subsection under the heads of— PART II

- (a) the incidental costs incurred by the appropriate Minister in acquiring and disposing of the land, estate or interest conveyed by the deed, being costs consisting of surveyor's fees and legal costs, stamp duty on any conveyance, lease, tenancy agreement or mortgage or heritable security, and any compensation for disturbance under section 34 of the Agricultural Holdings 1948 c. 63. Act 1948 or section 35 of the Agricultural Holdings 1949 c. 75. (Scotland) Act 1949,
- (b) any such loss as is described in subsection (2) of this section incurred by the appropriate Minister in dealing with the land, estate or interest so conveyed, including any reduction in the purchase price obtained by him on the transaction effected by the deed in consequence of the depreciatory conditions contained in the deed,
- (c) such sum as the appropriate Minister may certify as the sum representing his administrative expenses (including an appropriate proportion of overhead expenses and other fixed or general expenses) incurred in connection with the transaction to which the deed gives effect,

and "relevant date" means the date on which the transaction to which the deed relates takes effect.

(4) Section 24(1) of the Agricultural Holdings Act 1948 and section 25(1) of the Agricultural Holdings (Scotland) Act 1949 (which restrict the operation of a notice to quit an agricultural holding) shall not apply to a notice to quit given by the appropriate Minister where—

- (a) the appropriate Minister certifies in writing that the notice to quit is given in order to enable him to use or dispose of the land for the purpose of effecting any amalgamation or the reshaping of any agricultural unit, and
- (b) the instrument under which the tenancy was granted contains an acknowledgment signed by the tenant that the tenancy is subject to the provisions of this section.

(5) Where an instrument bearing to grant a tenancy contains such an acknowledgment as is mentioned in paragraph (b) of the last foregoing subsection, the grant of the tenancy shall have effect notwithstanding section 16 of the Crofters (Scotland) Act 1955 c. 21. Act 1955 (vacant crofts), and during the subsistence of the tenancy the provisions of the Crofters (Scotland) Acts 1955 and 1961 and of the Small Landholders (Scotland) Acts 1886 to 1931 shall not apply to any land subject to the tenancy.

PART II

Farm improvements

Grants for long term improvements for the benefit of agricultural land.

30.—(1) With a view to assisting in the making of long term improvements for the benefit of agricultural land the appropriate Minister may make out of money provided by Parliament grants towards the cost of such improvements of a kind described in Schedule 4 to this Act as he may approve for that purpose.

(2) The applicant for the grant may be a person having an interest in the land (being in Scotland an interest as proprietor or as tenant) for the benefit of which the improvement is proposed, or a person intending to acquire such an interest if the improvement is approved, and the applicant may propose more than one improvement in his application.

(3) The appropriate Minister may, as he thinks fit, either refuse to approve a proposed improvement or approve it in whole or in part, and the approval—

- (a) may be given before or, in such classes of cases as the appropriate Minister may direct, after the carrying out of the proposals,
- (b) may be made subject to such conditions as the appropriate Minister may specify, and in particular subject to any condition as to the time within which the proposals are to be carried out,
- (c) may be varied or withdrawn by the appropriate Minister with the applicant's written consent.

(4) The appropriate Minister shall not approve any improvement unless he is satisfied—

- (a) that all the land for the benefit of which the improvement is proposed is agricultural land occupied together with buildings and is capable of yielding a sufficient livelihood to an occupier reasonably skilled in husbandry, or will be capable of doing so as a result of the improvement, and
- (b) that the cost of the improvement will not be unreasonably high in relation to the benefit in the farming of the agricultural land derived from the improvement, and
- (c) that the improvement is such as a prudent owner-occupier would be willing to make, having regard to its cost and to all other circumstances, but disregarding benefits derived from the improvement other than the benefit in the farming of the agricultural land.

(5) The amount of any grant payable under this section towards the cost of an improvement shall be one quarter of that cost so far as approved by the appropriate Minister as having been reasonably incurred.

(6) The appropriate Minister may reduce or withhold a grant under this section in any case where—

- (a) assistance in respect of the improvement is given under any other enactment in this or any other Act, or
- (b) the carrying out of the improvement appears to him to frustrate the purposes served by any expenditure incurred in respect of any other improvement, or incurred on any other occasion, being expenditure in respect of which a grant has been paid out of money provided by Parliament under this section or any other enactment in this or any other Act.

(7) A grant under this section shall be payable to the person or persons by whom or on whose behalf the work required for making the improvement is done, and may be paid on the completion of that work or by instalments on the completion of parts of that work.

(8) A grant shall not be made under section 12 of the Agriculture Act 1957 (which is superseded by the provisions of 1957 c. 57. this section)—

- (a) in respect of an improvement proposed in an application made under that section after 17th November 1965, or
- (b) where none of the work, or only a negligible part of the work, required for making the relevant improvement has been done before the passing of this Act, or before the end of the period of two years beginning with the date on which the proposal for the relevant improvement was approved, whichever is the later,

but, if the appropriate Minister so directs, paragraph (a) above shall not apply in relation to an application which in the opinion of the appropriate Minister is in substitution for an application made on or before the said 17th November 1965 and is in respect of an improvement which serves the same purposes as well as or better than, and not at substantially greater cost than, the improvement to which the earlier application related.

(9) The grants made under this section, with the grants made under the said section 12 and under section 16 of the Agriculture Act 1957 (grants for amalgamations) and any grants made in respect of improvements of a kind to which this section applies out of money provided by Parliament by any Act passed after 27th April 1966 and before the passing of this Act, shall not altogether exceed the sum of one hundred and seventy million pounds.

(10) The Minister of Agriculture, Fisheries and Food and the Secretary of State may from time to time, by order made by

PART II them jointly by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, vary Schedule 4 to this Act, but without prejudice to the payment of any grant towards the cost of an improvement approved before the coming into operation of the order.

Promotion of agricultural investment

Grants towards expenditure on fixed equipment, etc., and improvements, for purposes of agricultural businesses.

31.—(1) The appropriate Minister may, out of money provided by Parliament, make to any person a grant towards expenditure incurred by that person on or after 17th January 1966 in or towards—

- (a) providing or installing fixed equipment, fixed plant or fixed machinery for use wholly or partly for the purposes of an agricultural business, or
- (b) replacing, improving or adapting any fixed equipment, fixed plant or fixed machinery used or to be used wholly or partly for the purposes of such a business, or
- (c) doing any other thing which appears to the appropriate Minister to constitute a long term improvement to land comprised in such a business,

being expenditure approved by the appropriate Minister for the purposes of the grant.

(2) Subject to any order under section 34 of this Act, the amount of any grant under this section shall be ten per cent. of the expenditure in respect of which it is made.

(3) A grant may be made under this section subject to such conditions as the appropriate Minister may think fit to impose.

(4) In this section—

“fixed equipment” does not include a dwelling-house but, subject to that, has the same meaning as in the Agriculture Act 1947 or, in Scotland, the Agriculture (Scotland) Act 1948, and

“agricultural business” means a trade or business consisting in, or such part of any trade or business as consists in, the pursuit of agriculture ;

and, for the purposes of this section, contributions by a person towards the costs incurred by any authority in providing a cattle-grid under Part V of the Highways Act 1959, or the Highways (Provision of Cattle-Grids) Act 1950, shall be treated as expenditure by him in the provision of that cattle-grid.

(5) For the purposes of this section, expenditure shall be treated as incurred by a person on or after 17th January 1966 if or so far as it consists of a payment or payments made by

1947 c. 48.

1948 c. 45.

1959 c. 25.

1950 c. 24.

him on or after that date, notwithstanding that the obligation to make that payment or those payments was incurred, or fell to be discharged, before that date.

PART II

32.—(1) The appropriate Minister may, out of money provided by Parliament, make to any person a grant towards expenditure incurred by that person on or after 17th January 1966 in providing a new tractor or harvester in respect of which there is in force, at the time the grant is made, a licence under the Vehicles (Excise) Act 1962 upon which duty has been paid at the rate applicable under that Act to agricultural machines, being expenditure approved by the appropriate Minister for the purposes of the grant.

Grants towards expenditure on agricultural tractors and harvesters. 1962 c. 13.

(2) Subject to any order under section 34 of this Act, the amount of any grant under this section shall be ten per cent. of the expenditure in respect of which it is made.

(3) A grant under this section shall, as the appropriate Minister may determine, be payable either as a lump sum or in two or more instalments.

(4) A grant may be made under this section subject to such conditions as the appropriate Minister may think fit to impose.

(5) In this section “new” means unused and not second-hand.

(6) Subsection (5) of the last foregoing section shall apply for the purposes of this section as it applies for the purposes of that section.

(7) In the application of this section to Northern Ireland, for the words in subsection (1) from “a licence under” to “agricultural machines” there shall be substituted the words “a licence under the Vehicles (Excise) Act (Northern Ireland) 1954 upon which duty has been paid at the rate applicable to the machines mentioned in section 4(2)(a) of that Act”; and this section shall apply in relation to tractors and harvesters provided for use in the Isles of Scilly with the omission from the said subsection (1) of all reference to their being licensed as therein mentioned.

1954 c. 17 (N.I.).

33.—(1) Subject to subsections (2) and (3) below, the appropriate Minister may, out of money provided by Parliament, make in respect of any grant to which this section applies a supplementary grant, payable in such manner as the appropriate Minister may determine, of an amount equal (subject to any order under section 34 of this Act) to five per cent. of the cost or expenditure by reference to which the amount of the first-mentioned grant (hereafter referred to as “the basic grant”) was calculated.

Supplements to improvement and water supply grants.

X*

PART II

(2) No grant shall be made under this section unless application for payment of the basic grant, or of the first instalment of the basic grant, was first made on or after 17th January 1966; and no grant shall be so made in any case where the amount of the basic grant exceeds or exceeded forty-five per cent. of the cost or expenditure by reference to which it was calculated.

(3) Where any grant to which this section applies is payable by instalments on the completion of parts of the work in respect of which it is made, each instalment thereof shall be treated for the purposes of subsections (1) and (2) above as if it were a separate grant.

(4) Subject to any order under section 34 of this Act, the following are the grants to which this section applies—

- 1957 c. 57. (a) grants made under section 30 of this Act, or under section 12 of the Agriculture Act 1957 (which relates to long-term improvements of agricultural land, and is superseded by the said section 30);
- (b) grants made in respect of improvements of a kind to which the said section 30 applies out of money provided by Parliament by any Act passed after 27th April 1966 but before the passing of this Act;
- 1960 c. 22. (c) grants made under section 1(1) of the Horticulture Act 1960 (horticultural improvements); and
- (d) in England and Wales, grants made in respect of works for the supply of water under section 15 of the Agriculture (Miscellaneous War Provisions) Act 1940 or section 5 of the Agriculture (Miscellaneous Provisions) Act 1944.
- 1940 c. 14.
1944 c. 28.

(5) A grant may be made under this section subject to such conditions as the appropriate Minister may think fit to impose.

Power to vary rates, and extend scope, of grants for agricultural investment.

34.—(1) Orders may from time to time be made under this section—

- (a) varying, either generally or as respects expenditure or, as the case may be, basic grants of a description therein specified, the rate at which grant is payable under section 31, section 32 or section 33 of this Act;
- (b) providing for the making of grants under the said section 32, at such rate as may be so specified, in respect of expenditure incurred on or after a date not earlier than 17th January 1966 in the provision of any description of self-propelled machines other than tractors and harvesters;

(c) providing for the making of supplementary grants under the said section 33, at such rate as may be so specified, in respect of grants under any enactment other than one specified in subsection (4) of that section, being grants for the payment of which, or of the first instalment of which, application was first made on or after a date not earlier than 17th January 1966.

(2) An order under this section—

- (a) may be made for England and Wales, for Scotland, for Northern Ireland, or for any two or all of those parts of the United Kingdom jointly,
- (b) shall be made with the consent of the Treasury, and by the Minister of Agriculture, Fisheries and Food and the Secretary of State jointly if it is made for Great Britain or the United Kingdom, and the appropriate Minister in any other case,
- (c) may contain such incidental and supplemental provisions as appear appropriate to the Minister of Agriculture, Fisheries and Food and the Secretary of State or, as the case may be, to the appropriate Minister,
- (d) may be varied or revoked by a subsequent order,
- (e) shall be made by statutory instrument.

(3) A statutory instrument containing an order under subsection (1)(a) above, or an order under subsection (1)(b) or (1)(c) above providing for the payment of grants at a rate other than that specified in section 32(2) or, as the case may be, 33(1) of this Act, shall be laid before the House of Commons after being made, and the order shall cease to have effect at the end of twenty-eight days after that on which it is made (but without prejudice to anything previously done under the order or to the making of a new order) unless before the end of that period the order is approved by resolution of that House.

In reckoning any period of twenty-eight days for the purposes of this subsection, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which the House of Commons is adjourned for more than four days.

(4) A statutory instrument containing any other order under subsection (1) above shall be subject to annulment in pursuance of a resolution of the House of Commons.

Supplemental

35. A scheme under section 26 or section 27 of this Act—

- (a) shall be made by the appropriate Minister with the approval of the Treasury,

General provisions for schemes under Part II.

PART II

- (b) may authorise the making of different grant in different circumstances,
- (c) may authorise the reduction or withholding of grant where assistance in respect of expenditure for which the grant is made is or may be given otherwise than under the scheme, but so that where expenditure, or part of expenditure, is eligible for grant at different rates, grant at the higher rate shall be allowed,
- (d) may authorise the reduction or withholding of grant in respect of land for the benefit of which any other prescribed grant or contribution has been made out of money provided by Parliament or has been so made within a prescribed period,
- (e) may be made for England and Wales, for Scotland, for Northern Ireland, or for any two or all of those parts of the United Kingdom jointly,
- (f) may contain such incidental and supplemental provisions as appear to the appropriate Minister expedient for the purposes of the scheme,
- (g) may be varied or revoked by a subsequent scheme,
- (h) shall be made by statutory instrument of which a draft has been laid before and approved by resolution of each House of Parliament.

Supplemental provisions as to grants under Part II and application of capital on works thereunder.

36.—(1) Regulations under this section may confer on a person eligible for grant under section 26 or section 30 of this Act the amount of which depends on the cost of carrying out works of some kind, or on some other cost, the right to elect to take that cost for the purposes of the grant as being of such standard amount as may be determined by or under the regulations.

(2) Regulations under this section or a scheme under section 26 of this Act may prescribe tests by which expenditure or cost not otherwise qualifying for grant may be regarded, for the purposes of section 26 or section 30 of this Act, and of subsection (1) above, as being partly expenditure qualifying for grant, and partly not, and authorise the making of grant in accordance with the regulations or scheme in respect of the part to be so regarded as qualifying for grant.

(3) Regulations under this section may provide that where grant is payable under section 26 or section 30 of this Act in respect of a cattle-grid to be provided in pursuance of Part V of the Highways Act 1959 or the Highways (Provision of Cattle-Grids) Act 1950, grant shall be payable to a person making a contribution to the cost of providing the cattle-grid, instead of the authority providing the cattle-grid,

1959 c. 25.
1950 c. 24.

and the regulations may provide for adjustment of the amount so paid where any part of the contribution becomes repayable. PART II

(4) Regulations under this section may also provide for the adjustment, where any contribution in respect of the provision of a cattle-grid becomes repayable in whole or in part, of any amount paid in respect of the contribution by way of grant under section 31 of this Act.

(5) The provisions of the Settled Land Act 1925 relating to improvements authorised by that Act (including those provisions as extended to trusts for sale by section 28 of the Law of Property Act 1925) shall, if it is so provided by regulations under this section, have effect as if works of any description specified in the regulations, being works of a kind mentioned in Schedule 4 to this Act or prescribed by a scheme under section 26 above, were included in Schedule 3 to that Act (which sets out the improvements so authorised, distinguishing in Parts I, II and III between improvements the costs of which are not liable to be replaced, may be required to be replaced, and must be required to be replaced) and were contained in the Part thereof specified in the regulations. 1925 c. 18.
1925 c. 20.

(6) In the application of subsection (5) above to Northern Ireland—

- (a) for any reference to the Settled Land Act 1925 and to Schedule 3 to that Act there shall be substituted references to the Settled Land Act 1882 and to section 25 of that Act, respectively; 1882 c. 38.
- (b) the words from “(including those provisions” to “Law of Property Act 1925)” and from “distinguishing in” onwards shall be omitted.

(7) Regulations under this section—

- (a) shall be made by the appropriate Minister, and may be made for England and Wales, for Scotland, for Northern Ireland, or for any two or all of those parts of the United Kingdom jointly, and
- (b) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

37.—(1) If at any time after the approval of proposals under section 26, section 27 or section 30 of this Act, and whether before or after the proposals have been fully carried out, it appears to the appropriate Minister— Recovery of grant and revocation of approval.

- (a) that any condition imposed by the appropriate Minister in giving his approval has not been complied with, or

PART II

- (b) in the case of proposals for the carrying out of work, that the work has been badly done, or has been or is being unreasonably delayed, or is unlikely to be completed, or
- (c) that in connection with the submission of the proposals the person submitting them gave information on any matter which was false or misleading in a material respect,

the appropriate Minister may, on demand made after compliance with subsection (4) below, recover any grant or any part of a grant paid by him by reference to the proposals and revoke the approval in whole or in part.

(2) In the case of a grant under section 27 of this Act which is a lump sum payable by instalments or a grant by way of annuity the appropriate Minister may, in a case within paragraph (a) or paragraph (c) of subsection (1) above, after compliance with subsection (4) below direct that future instalments of the grant or annuity shall not be payable.

(3) If it appears to the appropriate Minister—

- (a) that any condition imposed by him on the making of a grant under section 31 or section 32 of this Act has not been complied with, or
- (b) that, in connection with his application for a grant under either of those sections, the person by whom the application was made gave information on any matter which was false or misleading in a material respect,

the appropriate Minister may, on demand made after compliance with subsection (4) below, recover the grant or any part thereof.

(4) Before making a demand, revoking an approval or giving a direction under the preceding provisions of this section the appropriate Minister—

- (a) shall give to any person to whom any payment by way of grant would be payable by reference to the proposals, or from whom any such payment would be recoverable, a written notification of the reasons for the action proposed to be taken by the appropriate Minister, and
- (b) shall accord to each such person an opportunity of appearing before and being heard by a person appointed for the purpose by the appropriate Minister, and
- (c) shall consider the report by a person so appointed and supply a copy of the report to each person who is entitled to appear before the person submitting it.

(5) If it appears to the appropriate Minister that the circumstances specified in paragraph (a) or (b) of subsection (3) above

obtain in the case of a grant under section 32 of this Act payable by instalments, he may direct that future instalments of the grant shall not be payable.

PART II

(6) Where a grant by reference to which a supplementary grant has been made under section 33 of this Act becomes recoverable in whole or in part, the supplementary grant shall also become recoverable on demand.

38.—(1) This section shall have effect where, after the carrying out of any proposals for amalgamation approved for the purposes of a scheme under section 26 of this Act, a dwelling-house which, at the time when the proposals were submitted, was occupied by a person responsible (whether as owner, tenant, or servant or agent of another) for the control of the farming of any of the land comprised in the amalgamation is let on a regulated tenancy otherwise than to—

Recovery of possession of farmhouses made redundant by amalgamation.

- (a) a person who ceased to be so responsible as part of the amalgamation, or
- (b) a person who is, or at any time was, employed by the landlord in agriculture, or
- (c) the widow of any such person as is mentioned in either of the preceding paragraphs.

(2) If—

- (a) not later than the commencement of the regulated tenancy, the tenant has been given notice in writing that possession may be recovered under this section, and
- (b) apart from the Rent Acts, the landlord would be entitled to recover possession of the dwelling-house, and
- (c) the court is satisfied that the dwelling-house is required for occupation by a person employed or to be employed by the landlord in agriculture,

the court shall, in proceedings commenced by the landlord during the period specified in subsection (3) below, make an order for the possession of the dwelling-house, whether or not it would have power to do so under section 3 of the Act of 1933, and section 5(2) of the Act of 1920 shall not apply in relation to the order.

(3) The period referred to in subsection (2) above is one of five years beginning with the date on which the proposals for the amalgamation were approved or, if occupation of the dwelling-house after the amalgamation continued in, or was first taken by, a person falling within subsection (1)(a) above or his widow, a period expiring three years after the date on which the dwelling-house next became unoccupied.

(4) In this section—

“the Rent Acts” means the Rent and Mortgage Interest Restrictions Acts 1920 to 1939, or any of those Acts,

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PART II

1920 c. 17.

1933 c. 32.

and “the Act of 1920” and “the Act of 1933” mean respectively the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 and the Rent and Mortgage Interest Restrictions (Amendment) Act 1933 ;

1948 c. 47.

1949 c. 30.

“employed” and “agriculture” have the same meanings as in the Agricultural Wages Act 1948 or, in Scotland, the Agricultural Wages (Scotland) Act 1949 ;

“landlord”, “tenant” and “tenancy” have the same meanings as in the Act of 1920 ;

1965 c. 75.

“regulated tenancy” means a tenancy to which the Rent Acts apply by virtue of section 1 of the Rent Act 1965 ; and

“order for possession”, in relation to Scotland, means decree of removing or warrant of ejection or other like order.

Provisions relating to Northern Ireland.

39.—(1) Subject to this section, this Part of this Act shall extend to Northern Ireland with the exception of section 28 and section 38 and, subject to the following provisions of this section, of section 29.

(2) The Ministry of Agriculture for Northern Ireland may acquire by agreement any estate or interest in—

(a) any land used for agriculture,

(b) any other agricultural land,

(c) where any such land as is mentioned in paragraph (a) or (b) above is offered to the said Ministry for acquisition by it on the condition that it also acquires other land not falling within either of those paragraphs, that other land,

for the purpose of effecting amalgamations of agricultural land and reshaping agricultural units.

(3) The said Ministry may manage, farm or dispose of land acquired by it under subsection (2) above—

(a) in such manner as appears to the said Ministry expedient for the purpose for which the land was acquired,

(b) if the said Ministry is satisfied that the land ought to be devoted to some other purpose, in such manner as appears to the said Ministry expedient therefor,

and in section 27(1)(b) of this Act as it applies in Northern Ireland the reference to the appropriate Minister shall include a reference to the said Ministry.

1954 c. 53
(N.I.).

Section 45(3) of the Interpretation Act (Northern Ireland) 1954 shall have effect for the purposes of this subsection as it has effect for the purposes of an enactment of the Parliament of Northern Ireland passed after the commencement of that Act.

(4) Sections 4 and 5 of the Land Law (Ireland) Act 1881 shall not have effect in relation to any tenancy granted by the said Ministry under subsection (3) above. PART II
1881 c. 49.

(5) Subsections (2) and (3) above shall in particular confer power to enter into transactions involving loss, including transactions corresponding to those into which the appropriate Minister may enter under section 29(2) of this Act.

(6) Section 29(3) of this Act, and Schedule 3 to this Act when read with the said section 29(3), shall apply in Northern Ireland as if—

- (a) the said Ministry were substituted for the appropriate Minister,
- (b) the reference to legal costs in the said section 29(3)(a) included a reference to the costs of obtaining any requisite consent of the Ministry of Finance for Northern Ireland,
- (c) the said section 29(3)(a) included a reference to compensation for disturbance under section 3 of the Land- lord and Tenant (Ireland) Act 1870. 1870 c. 46.

(7) The functions conferred by this section on the said Ministry shall be exercised in accordance with arrangements made between the Ministry and the Minister of Agriculture, Fisheries and Food with the approval of the Treasury, and the Minister of Agriculture, Fisheries and Food shall pay out of money provided by Parliament any expenses incurred by the said Ministry in exercising those functions, and any sums received by that Ministry in exercising those functions (including any sums so received or recovered under Schedule 3 to this Act) shall be paid over to the said Minister.

40.—(1) In this Part of this Act, except where the context otherwise requires— Interpretation
of Part II.

- “amalgamation” and “boundary adjustment” have the meanings given by section 26 of this Act ;
- “exchange” in relation to land in Scotland means excambion ;
- “prescribed”, in relation to the contents of a scheme, means prescribed by the scheme.

(2) In this Part of this Act—

- (a) “commercial unit” means an agricultural unit which in the opinion of the appropriate Minister is capable, when farmed under reasonably skilled management, of providing full-time employment for an individual occupying it and for at least one other man (or full-time employment for an individual occupying it and

PART II

employment for members of his family or other persons equivalent to full-time employment for one man);

- (b) “intermediate unit” means an agricultural unit which, in the opinion of the appropriate Minister, is capable, when farmed under reasonably skilled management, of providing full-time employment for an individual occupying it.

In this subsection “full-time employment” shall be construed in accordance with any provisions defining that expression in any scheme made under section 26 of this Act.

(3) In this Part of this Act “uncommercial unit” shall be construed by reference to the definition of commercial unit, except that, where the appropriate Minister so directs, it may be treated as referring to the relevant agricultural unit exclusive of any one dwelling house of the unit and, if the Minister so directs, exclusive of any small portion of land to be occupied with that dwelling house.

(4) Where any agricultural land in Scotland consists of or includes a croft or holding, for the purposes—

- (a) of determining under the preceding provisions of this section whether an agricultural unit formed by that land is commercial, intermediate or uncommercial, and
- (b) of calculating under section 27(2)(c) of this Act the income derived from the land,

the land shall be taken to include any right in pasture or grazing land held by the tenant or landholder whether alone or in common with others and deemed to form part of the croft or holding.

In this subsection “croft” and “holding” have the meanings ascribed to them by the Crofters (Scotland) Act 1955 and the Small Landholders (Scotland) Acts 1886 to 1931 respectively.

1955 c. 21.

PART III

HILL LAND

General

Grants for improvements benefiting hill land.

41.—(1) The appropriate Minister may in accordance with a scheme make grants towards the cost of improvements for the benefit of hill land (defining “hill land” in the scheme).

(2) The descriptions of improvements in respect of which grant may be paid shall be such as the appropriate Minister may prescribe in the scheme as being in his opinion improvements which will improve the productivity of hill land used for agriculture.

(3) A grant under this section may be by way of supplement to any grant or contribution payable in respect of the improvement in question under any enactment other than this section, and a scheme under this section may provide for the grant by way of supplement being subject to all or any of the restrictions, conditions and other incidental and supplemental provisions (including penalties) applying to the other grant or contribution.

(4) The duration of a scheme under this section shall be a period not exceeding five years, but that period may from time to time be extended by subsequent schemes for periods not exceeding five years.

(5) A scheme under this section shall provide for grant in respect of any expenditure being payable by reference to proposals which have been submitted to and approved by the appropriate Minister, and the approval—

- (a) may be given before or, in such classes of cases as the appropriate Minister may direct, after the carrying out of the proposals,
- (b) may be made subject to such conditions as the appropriate Minister may specify, and in particular subject to any condition as to the time within which the proposals are to be carried out,
- (c) may be varied or withdrawn by the appropriate Minister with the applicant's written consent.

(6) Grants under this section shall be paid out of money provided by Parliament.

(7) Sections 35, 36 and 37 of this Act shall apply in relation to this section as they apply in relation to section 26 of this Act.

(8) This section extends to Northern Ireland.

42.—(1) The improvements referred to in section 12 of the Hill Farming Act 1946 (which authorises the Minister to carry out improvements for the benefit of hill farming land subject to rights of common) shall include (in addition to improvements within the meaning of that Act) any improvements specified in a scheme under the foregoing provisions of this Part of this Act. Improvement of hill farming land subject to rights of common. 1946 c. 73.

(2) Section 12(13) of the Hill Farming Act 1946 (under which the net cost of work done under that section is to be brought into account for the purposes of the limit on grants in that Act) shall not apply in relation to any improvement carried out after the coming into force of this section but any sum which, but for this subsection, would have been so brought into account shall be brought into account as if it were a grant made under the last foregoing section.

PART III
Subsidies for
hill sheep
and cattle.
 1946 c. 73.
 1951 c. 18.
 1956 c. 72.
 1963 c. 11.

43.—(1) Section 13 of the Hill Farming Act 1946 (which authorises payments year by year for hill sheep and cattle but which, as amended by the Livestock Rearing Act 1951, the Hill Farming Act 1956 and section 2 of the Agriculture (Miscellaneous Provisions) Act 1963, is restricted to a period of years ending in 1967) shall apply without any such restriction and accordingly—

(a) “relevant days” in the said section 13(1)(a) and in related contexts in the same Act shall mean such day of December in any year as may be specified in the relevant scheme under that section, and

(b) in the said section 13(1)(b) for the words from “the year 1947” to the words “succeeding years” there shall be substituted the words “any year”.

(2) Schemes made under the said section 13 after the coming into force of this section shall restrict payments under subsection (1)(a) and payments under subsection (1)(b) of that section to periods not exceeding five years, but any such period may from time to time be extended by further schemes for periods not exceeding five years.

(3) This section extends to Northern Ireland.

Winter
keep grants.

44.—(1) Section 10(1) of the Agriculture (Miscellaneous Provisions) Act 1963 (which authorises payment of winter keep grants in respect of certain livestock rearing land) shall be amended by substituting 5 years for 3 years as the maximum period which may be specified in a scheme made under that subsection.

(2) This section extends to Northern Ireland.

Special measures for certain areas

Rural
Development
Boards.

45.—(1) With a view to applying the provisions of this Part of this Act for meeting the special problems of the development as rural areas of hills and uplands, and the special needs of such areas, the appropriate Minister may, in accordance with this Part of this Act, establish a Board, to be known as a Rural Development Board, for any area appearing to be one where those problems or needs exist.

(2) Those special problems and needs include the special difficulties in the formation of commercial units of agricultural land in such areas, the need for an overall programme for guidance in making decisions as to the use of land in such areas for agriculture and forestry, so that those two uses are complementary, the need for improved public services in such areas in step with their development for agricultural and forestry purposes, and the need for preserving and taking full advantage of the amenities and scenery in those areas in the course of their development for those purposes.

(3) The overall programme referred to in the preceding subsection is one having regard, among other things, to the special economic considerations and the long-term nature of forestry.

(4) The amenities to which consideration is to be given under subsection (2) above shall include any feature of scientific or historic interest in those areas, and in particular, but without prejudice to the generality of the foregoing, their flora and fauna and physiographical features, and any buildings of special interest.

(5) Schedule 5 to this Act shall have effect as respects the procedure for establishing a Rural Development Board, and its constitution.

(6) On the establishment of a Rural Development Board a notice referring to the provisions of this Part of this Act controlling sales of land and controlling afforestation shall be registered in the register of local land charges by the proper officer of every local authority (not being a county council) in the area of which any part of the Board's area lies, and shall be so registered in the prescribed manner.

(7) In relation to any land in the area of the Board the provisions of section 15(1) of the Land Charges Act 1925 (which make an unregistered charge void in certain circumstances) shall apply as if the said provisions of this Part of this Act were a charge required to be registered under that subsection, and the other provisions of that Act, including in particular section 17(3) (which relates to the conclusive effect of a certificate of search) shall have effect accordingly. 1925 c. 22

(8) It shall be the duty of the appropriate Minister to give to the local authority's officer the information necessary to enable him to comply with subsection (6) of this section.

(9) The provisions of subsections (6), (7) and (8) of this section shall not apply to Scotland, and on the establishment of a Rural Development Board in Scotland, the Secretary of State shall cause a notice referring to the provisions of this Part of this Act controlling sales of land and controlling afforestation to be lodged at the principal office of the county council of every county in the area of which any part of the Board's area lies, and the notice shall be available for inspection free of charge at all reasonable hours.

(10) In the foregoing provisions of this section and the said Schedule 5 "the appropriate Minister" means, in relation to Wales, the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales acting jointly.

(11) The appropriate Minister shall to such extent as may be approved by the Treasury pay out of money provided by Parliament any expenditure incurred, or to be incurred, by a Board in the performance of their functions.

PART III
Functions
of Rural
Development
Boards.

46.—(1) It shall be the function of a Rural Development Board—

- (a) to keep under review all means of meeting the problems and needs described in the last foregoing section in their area,
- (b) in consultation with such local authorities and other bodies as appear to the Board to have an interest, to draw up a programme for action to meet those problems and needs and, so far as the programme will entail expenditure by the Board, to submit to the appropriate Minister for his approval proposals for that expenditure,
- (c) to concert, promote, assist or undertake measures to implement the programme subject, so far as those measures involve expenditure by the Board, to approval by the appropriate Minister.

(2) The appropriate Minister may approve in whole or in part any proposals submitted to him under subsection (1)(b) above, or may refuse to approve them.

(3) It shall be the duty of a Rural Development Board and of the Forestry Commission to co-ordinate the preparation and implementation of their proposals and programmes for the Board's area, and for that purpose to consult together at all stages and, where necessary, to act in concert.

Any dispute between them shall be referred to and determined by the appropriate Minister, and, in relation to Wales, "the appropriate Minister" in this subsection has the meaning given by subsection (10) of the last foregoing section.

(4) In the discharge of their functions a Rural Development Board may—

- (a) acquire by agreement any land in their area,
- (b) manage, improve, farm, sell, let or otherwise deal with any of their land, and may in particular sell or let any land subject to any depreciatory conditions imposed in the interests of the community or for any purpose connected with the discharge of their functions,
- (c) acquire by agreement any farming business or any dead or live farm stock,
- (d) build on and otherwise develop any of their land, and in particular provide dwellings for their tenants and employees,
- (e) provide equipment and services for persons who are their tenants and who are engaged or employed in agriculture or forestry,

- (f) carry out or commission the carrying out of inquiries, investigations or researches in connection with the discharge of their functions. PART III

47.—(1) In the discharge of their functions a Rural Development Board may, in accordance with arrangements approved by the appropriate Minister and the Treasury, give financial assistance, whether by way of grant or loan or partly grant and partly loan, towards the undertaking of measures to implement any programme drawn up under section 46 of this Act, and in particular (subject to its being so approved)—

Boards' powers of giving financial assistance.

- (a) financial assistance for providing or improving communications and public services in the Board's area,
- (b) financial assistance towards expenditure incurred in installing or connecting a supply of electricity, gas or water to a dwelling-house or other premises used in connection with agriculture or forestry or for the improvement of accommodation on such premises for tourists, being expenditure incurred by an owner or occupier of the premises,
- (c) financial assistance towards expenditure incurred in providing or improving a site on an agricultural or forestry unit for tourists' caravans or as a tourists' camping site, being expenditure incurred by the occupier of the agricultural or forestry unit.

(2) On making a grant or loan under the foregoing subsection the Board may impose such conditions as they think fit, including, in the case of a grant, conditions for repayment in specified circumstances.

48.—(1) Without prejudice to the generality of section 46 of this Act, a Rural Development Board shall have power to acquire by agreement, hold and dispose of land in their area for the purpose of effecting amalgamations of agricultural land and reshaping agricultural units, and power for the said purposes to enter into transactions involving loss, including—

Promotion of amalgamations and boundary adjustments by Rural Development Boards.

- (a) amalgamating holdings of land in a way which renders less valuable, or useless, any buildings or equipment on any of the land,
- (b) allowing the occupier of an uncommercial unit to retain occupation of a dwelling-house on the land when the remainder of the unit is acquired by the Board for the purposes of amalgamation,
- (c) selling land resulting from an amalgamation effected by the Board subject to depreciatory conditions imposed for the purpose of ensuring that the land continues to

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be held in single ownership and single occupation for agricultural purposes.

(2) A deed by which a Rural Development Board conveys land, or an estate or interest in land, may apply Schedule 3 to this Act to any of that land, and to any other land, but only if all the persons who will have an estate or interest in the land to which Schedule 3 is so applied are parties to the deed; and in that Schedule as so applied "relevant Exchequer payments" shall mean such amounts as are specified in the deed for the purposes of this subsection under the heads of:—

- (a) the incidental costs incurred by the Board in acquiring and disposing of the land, estate or interest conveyed by the deed, being costs consisting of surveyor's fees and legal costs, stamp duty on any conveyance, lease, tenancy agreement or mortgage or heritable security and any compensation for disturbance under section 34 of the Agricultural Holdings Act 1948 or section 35 of the Agricultural Holdings (Scotland) Act 1949,
- (b) any such loss as is described in subsection (1) of this section incurred by the Board in dealing with the land, estate or interest so conveyed, including any reduction in the purchase price obtained by them on the transaction effected by the deed in consequence of the depreciatory conditions contained in the deed,
- (c) such sum as the appropriate Minister may certify as the sum representing his administrative expenses (including an appropriate proportion of overhead expenses and other fixed or general expenses) incurred in connection with the transaction to which the deed gives effect,

1948 c. 63.
1949 c. 75.

and "relevant date" means the date on which the transaction to which the deed relates takes effect.

(3) Where under section 27(1)(b) or (c) of this Act a scheme under that section authorises the making of grant by reference to arrangements made or approved by a Rural Development Board, the Rural Development Board shall repay to the appropriate Minister the amount of any grant paid by the appropriate Minister under the scheme by reference to any such arrangements.

(4) Section 29(4) and (5) of this Act shall apply in relation to a Rural Development Board as they apply in relation to the appropriate Minister.

(5) In relation to any tenancy certified by a Rural Development Board in the instrument by which the tenancy is granted as being a tenancy granted in connection with transactions

entered into by the Board for the purpose of effecting amalgamations of agricultural land and reshaping agricultural units, section 33 of the Housing Repairs and Rents Act 1954 and section 25 of the Housing (Repairs and Rents) (Scotland) Act 1954 (exclusion of local authority houses from Rent Acts) shall apply to the Rural Development Board as they apply to the council of a county or other local authority. PART III
1954 c. 53.
1954 c. 50.

49.—(1) Subject to this and the next following section, any transfer of land in the area of a Rural Development Board shall require the Board's written consent. Control of sale
of certain land.

(2) An application for consent under this section shall be in such form as the Board direct, and on the application the Board may refuse or grant the consent applied for.

(3) The Board shall not refuse consent unless they are satisfied that the land to which the application relates, if acquired by them in accordance with this section—

- (a) can suitably be used or disposed of by them for the purpose of effecting amalgamations of agricultural land or reshaping agricultural units, or
- (b) can suitably be used or disposed of by them in a way which will promote the co-ordination of the use of land for forestry and agriculture, or
- (c) is land which, in the opinion of the Board and the Forestry Commission, ought to be planted by the Forestry Commission, or
- (d) can suitably be used or disposed of by them for some purpose ancillary to the use of other land for agriculture or forestry,

or unless the Board are satisfied that refusal of their consent will prevent the creation of an uncommercial unit of agricultural land.

(4) The Board shall, within two months of receipt of an application duly made for consent under this section, serve on the applicant notice of the manner in which the application has been dealt with; and, except where their decision is to grant their consent, the notice shall give the reasons for their decision.

(5) Within two months of receipt of a notice under the last foregoing subsection stating that the Board withhold consent the applicant may appeal to the appropriate Minister on the ground that the application for consent ought to be granted, and before determining the appeal the appropriate Minister shall, if either the appellant or the Board so desire, afford to each of them an opportunity of appearing before, and being heard by, a person

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appointed by the appropriate Minister for the purpose ; and in relation to appeals under this section—

1962 c. 38.

- (a) where the appeal is to the Minister of Agriculture, Fisheries and Food, section 180 of the Town and Country Planning Act 1962 (appeals to High Court from decision of Minister) shall apply in relation to an appeal under this subsection as it applies in relation to an appeal under Part IV of that Act against an enforcement notice, and
- (b) where the appeal is to the Secretary of State, the Secretary of State 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 Secretary of State.

(6) Within three months from the date of receipt of a notice under subsection (4) of this section stating that the Board withhold consent or, if an appeal is brought under subsection (5) of this section which does not result in the granting of consent, from the final determination of the appeal, the applicant may serve on the Board a notice requiring the Board to purchase the estate or interest proposed to be transferred by him in the transaction to which the application relates, and the following provisions of this section (under which the Board can be compelled to purchase it) shall have effect.

(7) Subject to the following provisions of this section, on service of a notice under the last foregoing subsection—

- (a) the Board shall be deemed to be authorised to acquire compulsorily the estate or interest to which the notice relates by a compulsory purchase order,
- (b) the Board shall be deemed to have served a notice to treat in respect of that interest at that time,

and in relation to this subsection—

1965 c. 56.

1947 c. 42.

1961 c. 33.

1963 c. 51.

- (i) “ compulsory purchase order ” means an order to which Part I of the Compulsory Purchase Act 1965 applies, or, as the case may be, an order which has become operative under the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 ;
- (ii) the power of withdrawal of a notice to treat conferred by section 31 of the Land Compensation Act 1961 or section 39 of the Land Compensation (Scotland) Act 1963, and the power of entry conferred by section 11(1) of the said Act of 1965 or by paragraph 3 of Part I of Schedule 2 to the said Act of 1947, shall not be exercisable in relation to a notice to treat deemed to be served by virtue of paragraph (b) of this subsection.

(8) The applicant may withdraw the purchase notice—

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(a) where there has been a final determination by the Lands Tribunal on the question of compensation payable pursuant to the purchase notice, within six weeks from the date of the final determination, and

(b) in any other case, at any time before the acceptance in writing by the applicant of an unconditional offer in writing by the Board of a sum as such compensation,

but the applicant shall be liable to pay compensation to the Board for any loss or expense occasioned to the Board by the giving and withdrawal of the purchase notice.

For the purposes of this subsection a claim shall not be deemed to be finally determined so long as the time for requiring the Lands Tribunal to state a case with respect thereto, or for appealing from any decision on the points raised by a case so stated, has not expired.

(9) If the applicant's estate or interest in the land to which the application relates is greater than what is proposed to be transferred by the transaction to which the application relates, the Board may by notice given to the applicant within two months of receipt of the purchase notice require that the purchase notice shall apply to all the estate or interest of the applicant in the land.

(10) An application for consent under this section must be sent to the Board by registered post or recorded delivery service, or delivered to the secretary or chief officer of the Board, and if within the period specified in the next following subsection the Board do not notify the applicant of their decision on the application, this section shall have effect as if at the expiration of that period the Board had granted the consent; and it shall be the duty of the Board to give a written consent to the applicant accordingly.

(11) Any applicant who has not received a notice as required by subsection (4) of this section may by notice (to be served on the Board in the way required for service of his application) require the Board to make good their default and the period at the end of which subsection (10) above shall operate shall be the period of fourteen days from the service of that notice.

(12) In relation to Scotland, any reference in this section to the Lands Tribunal shall be construed as a reference to the Lands Tribunal for Scotland, but until sections 1 to 3 of the Lands Tribunal Act 1949 come into force as regards Scotland, such reference in subsection (8)(a) of this section shall be construed as referring to an official arbiter appointed under Part I of the Land Compensation (Scotland) Act 1963.

1949 c. 42.

1963 c. 51.

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(13) References in this and the next following section to the transfer of land include references to the granting of a lease of land for a term exceeding 10 years, and to assigning a lease of land with an unexpired term exceeding 10 years, but in relation to the grant of a lease references in this section to the estate and interest of the person transferring or proposing to transfer the land shall be taken as references to his estate and interest both in the reversion and the lease.

(14) In the application of this section to Scotland, for the last foregoing subsection there shall be substituted the following subsection—

“(13) For the purposes of this and the next following section, any grant of a lease for a period exceeding 10 years and any assignation of a lease with an unexpired period exceeding 10 years shall be a transfer of land, and in relation to the grant of a lease any references in this section to the estate and interest of the person transferring or proposing to transfer the land shall be taken as references to his estate and interest in the lease and in the land subject thereto”.

Control of sale of certain land: exceptions and supplemental provisions.

50.—(1) The last foregoing section shall only apply to land which at the time when it is or is to be transferred is agricultural land or woodland or unenclosed mountain, hill or heath land, or common land or waste land.

(2) Where one of the grounds on which an appeal is brought under subsection (5) of the last foregoing section is that the proposed transfer is part of a proposed transaction involving land in the Board's area which is not within subsection (1) of this section, or involving land which is not within the Board's area, the appropriate Minister may, if he decides not to allow the appeal but is of opinion that the appellant would be substantially prejudiced if he is unable to dispose in one transaction of all the land comprised in the proposed transaction, with the consent of the appellant direct that any purchase notice served under the last foregoing section by the appellant shall relate both to the land to which the application relates and also to the other land, or such part of it as the appropriate Minister may direct.

(3) The last foregoing section shall not apply to a transfer to or from—

- (a) a local authority,
- (b) statutory undertakers as defined in section 221(1) of the Town and Country Planning Act 1962 or section 113(1) of the Town and Country Planning (Scotland) Act 1947,
- (c) any body corporate which is established by or under any enactment for the purpose of carrying on under

1962 c. 38.
1947 c. 53.

national ownership any industry or part of an industry or undertaking and whose affairs are managed by the members thereof,

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- (d) the National Trust,
- (e) a National Parks planning authority,
- (f) the Natural Environment Research Council.

In this subsection the "National Trust" means in relation to Scotland 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; 1935 c. ii. and "National Parks planning authority" means a local planning authority whose area consists of or includes the whole or part of a National Park.

(4) The last foregoing section shall not apply to a transfer by an individual to a member of his family or to the trustees of a settlement exclusively for the benefit of members of his family, and in this subsection "family" means the individual's husband or wife, any lineal descendant or ancestor of his, and his brother and sister and any child of a brother or sister, and in deducing any such relationship an adopted child shall be treated as a child and any relationship of the half blood shall be treated as a relationship of the whole blood.

(5) The last foregoing section shall not apply to a transfer of land effected in pursuance of a contract of sale concluded before the land came to be in the area of the Board or, if the order establishing the Board so provides, before the expiry of such period not exceeding three months from the date on which it is established as may be specified in the order.

(6) The last foregoing section shall not apply—

- (a) to a transfer to give effect to the devolution of land on death or bankruptcy or sequestration or under the terms of a settlement, or
- (b) to a transfer in exercise of the rights conferred on a mortgagee heritable creditor or chargee by a mortgage heritable security or charge created before the relevant land came to be in the area of the Board.

(7) If land is transferred in contravention of subsection (1) of the last foregoing section the Board shall be deemed to be authorised to acquire all the estate and interest of the transferor in the land transferred (whether in his hands, or in the hands of persons deriving title under him) by a compulsory purchase order, but any notice to treat given in pursuance of this subsection shall be served within six years from the date of transfer.

"Compulsory purchase order" has the same meaning as in section 49(7) of this Act, and Part IV of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 and 1946 c. 49.

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1947 c. 42.

Part IV of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (validity of compulsory purchase orders) shall apply in relation to any notice to treat served in pursuance of this subsection as they apply in relation to a compulsory purchase order.

1961 c. 33.
1963 c. 51.

(8) In assessing compensation in accordance with section 5 of the Land Compensation Act 1961 or section 12 of the Land Compensation (Scotland) Act 1963 (which relate to compulsory purchases of land) no account shall be taken of any depreciation of the value of the relevant interest which is attributable to the provisions of the last foregoing section and this section.

(9) Failure to obtain consent under subsection (1) of the last foregoing section to any transaction shall not invalidate that transaction.

Schemes for
co-ordinated
amalgamations
and reshaping
of agricultural
units.

51.—(1) If it appears to a Rural Development Board that in any part of their area there is a need, for the benefit of the community and for the mutual advantage of those owning and occupying the agricultural land, of a co-ordinated scheme of amalgamations of agricultural land, reshaping of agricultural units and afforestation to be effected by transfers and exchanges of land and grants, surrenders, renunciations and variations of tenancies, the Rural Development Board may proceed to make a scheme under this section.

(2) The scheme—

(a) shall be based on a comprehensive plan for the uses of the land, including afforestation, and

(b) shall be published and made available for inspection in such manner, and with such maps, plans and notes, as the Board consider appropriate,

and the Board shall, in publishing notice of the scheme and in such other ways as appear to them appropriate, invite submissions to the Board on any aspect of the scheme.

(3) The Board shall report to the appropriate Minister on the substance of the submissions made to them on the scheme and the appropriate Minister, after taking that report into consideration, may if he thinks fit direct a public inquiry to be held as regards the scheme.

(4) After taking the Board's report into consideration, together with the report of the person holding the public inquiry, if any, the appropriate Minister shall either reject the scheme or approve it with or without modifications.

(5) If the appropriate Minister approves the scheme, with or without modifications, he shall publish notice of his approval in such manner as appears to him appropriate, and shall direct the Board to seek to negotiate with those concerned for the carrying into effect of the transactions required to implement the scheme.

(6) The Board shall endeavour to arrive at proposals for a scheme which all concerned will be willing to implement, and for that purpose the Board may carry out all or any of the necessary negotiations for particular transactions, prepare or commission draft agreements, conveyances and other instruments and, by settling terms for inclusion in agreements for sale and other instruments or by drawing up a programme for the carrying out of the transactions, make arrangements for ensuring that the scheme, or any interdependent transactions, cannot be partly fulfilled and partly unfulfilled; and may carry out that and any other preliminary work notwithstanding that, if the scheme is unfulfilled, their expenses may be irrecoverable.

(7) If the appropriate Minister is satisfied—

- (a) that, except for transactions which in all involve the transfer of, or of estates or interests in, land (in this subsection called “the outstanding land”) of an acreage small in comparison with the total acreage of the land affected by the scheme, agreements, enforceable in law, have been made to enter into all the transactions required to implement, or complete the implementation of, the scheme,
- (b) that the Board have entered into agreements, enforceable in law, such that, if they acquired the outstanding land, there would be agreements, enforceable in law, to carry out all the transactions required to implement, or complete the implementation of, the scheme,
- (c) that the terms of the scheme on which the transactions transferring the outstanding land were to be carried out were equitable,

the Board may be authorised by the appropriate Minister to acquire the outstanding land compulsorily, 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 as if the Board were a local authority within the meaning of the relevant Act and as if this section were comprised in an Act in force immediately before the commencement of the relevant Act.

(8) In this section “the appropriate Minister” means, in relation to Wales, the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales acting jointly.

52.—(1) Subject to this section, no person shall plant land in the area of a Rural Development Board with trees except under the authority of a licence granted by the Board. Control of afforestation.

(2) Subsection (1) above shall not apply—

- (a) to planting by the Forestry Commission,
- (b) so long as the covenant, agreement or scheme in question continues in force, but without prejudice to the

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1967 c. 10.

enforceability of any condition contained in a licence granted before it was entered into or, as the case may be, took effect, to land which is subject to a forestry dedication covenant or agreement as defined in section 5 of the Forestry Act 1967, or the subject of an approved woodlands scheme made under the powers contained in that Act or any enactment repealed by that Act,

- (c) to land which is, or at some time in the period of ten years before the planting has been, woodland,
- (d) to the planting of land of an area not exceeding ten acres, but not so as to permit more than ten acres of land in the ownership of any one person or, where two or more agricultural units are in the same ownership, more than ten acres in each unit, to be planted in any period of twelve months,
- (e) to the planting of fruit trees or to land forming part of an orchard,
- (f) to land forming part of a public open space, or to land which it is not reasonably practicable to put to any beneficial use in its existing state,
- (g) to planting required as a condition imposed on the granting of planning permission under the Town and Country Planning (Scotland) Act 1947 or the Town and Country Planning Act 1962, or as a condition attached to a felling licence granted, or having effect as if granted, under the Forestry Act 1967,
- (h) if the order establishing the Board so provides, to planting carried out during such period not exceeding three months from the date on which it is established as may be specified in the order.

1947 c. 53.

1962 c. 38.

(3) An application for a licence under this section shall be in such form as the Board direct, and on the application the Board may refuse or grant it either with or without conditions; and the Board shall exercise their powers under this section as a means of meeting the problems and needs described in section 45 of this Act in their area.

(4) The Board may in particular grant a licence subject to any condition—

- (a) governing the kinds of trees planted,
- (b) where the licence authorises the planting of a short-term crop, requiring the use of the land for growing trees to be discontinued by the end of a specified period, and requiring before the end of that period the carrying out of such works for the clearing of the land as will make it suitable for agricultural purposes,
- (c) limiting the period within which the planting authorised by the licence is to be carried out,

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- (d) requiring the planting, and any fencing in connection therewith, to be carried out in such a way that access to other land will not be blocked.

(5) A licence under this section shall name the person to whom it is granted, and shall authorise planting by that person only unless it is endorsed by the Board in favour of another; and—

- (a) the Board shall not endorse a licence in favour of any person except with the consent in writing of the person for the time being entitled to its benefit,
- (b) subject to the foregoing paragraph, it shall be the duty of the Board to endorse a licence on the application in writing of a person owning for the time being the same estate or interest in the land to which the licence relates as that owned by the grantee of the licence at the time when it was granted or (by virtue of subsection (12) below) is deemed to have been granted,
- (c) subject to that paragraph, in any other case the Board may grant or refuse an application for endorsement as they think fit.

(6) The Board shall, within two months of receipt of an application duly made for a licence under this section, serve on the applicant, and on all persons other than the applicant who have an estate or interest in the land to which the application relates, other than a minor tenancy, notice of the manner in which the application has been dealt with; and, except where their decision is to grant a licence without any conditions other than a condition requiring the planting which is authorised to be carried out within a period of five years from the grant of the licence, the notice shall give the reasons for their decision.

(7) Within two months of receipt of a notice under subsection (6) of this section, the applicant and any person other than the applicant who has an estate or interest, other than a minor tenancy, in the land to which the notice relates, may appeal to the appropriate Minister against the decision and—

- (a) before determining the appeal the appropriate Minister shall, if either the appellant or the Board so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the appropriate Minister for the purpose,
- (b) the appropriate Minister may allow or dismiss the appeal, or may reverse or vary any part of the decision of the Board on the application, whether the appeal relates to that part or not, and
- (c) the appropriate Minister shall serve notice of his decision on the appeal on the appellant and on every

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person other than the appellant who has an estate or interest, other than a minor tenancy, in the land to which the appeal relates.

(8) A person who contravenes subsection (1) of this section, or any condition subject to which a licence is granted under this section, shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(9) Where a person is convicted of an offence under the last foregoing subsection the court may, in addition to or instead of inflicting a fine, order him, within the time specified in the order, to take such steps as may be so specified for remedying the matters in respect of which the contravention occurred, and may on application enlarge the time so specified; and if the order is not complied with that person shall be liable on summary conviction to a fine not exceeding ten pounds for each day on which the non-compliance continues.

(10) Proceedings in respect of an offence under subsection (8) of this section may be instituted within six months of the first discovery of the offence by the person taking the proceedings, so, however, that no proceedings shall be instituted in respect of such an offence more than two years after the date of the offence.

(11) A Rural Development Board in granting consent under section 49 of this Act to the transfer of land which in their opinion is land in respect of which an offence has been committed under subsection (8) of this section may impose a condition that the consent shall not take effect until such steps as may be specified by the Board in granting their consent have been taken to remedy the matters in respect of which the alleged contravention occurred, and the conditions so imposed may be varied by the court in exercising its jurisdiction under subsection (9) of this section.

(12) An application for a licence under this section must be sent to the Board by registered post or recorded delivery service, or delivered to the secretary or chief officer of the Board, and if within the period specified in the next following subsection the Board do not notify the applicant of their decision on the application, this section shall have effect as if at the expiration of that period the Board had granted the licence applied for without any conditions other than a condition requiring the authorised planting to be carried out within five years from that date; and it shall be the duty of the Board to grant a licence to the applicant in those terms.

(13) An applicant who has not received a notice as required by subsection (6) of this section may by notice (to be served on the Board in the way required for service of his application)

require the Board to make good their default and the period at the end of which subsection (12) above shall operate shall be the period of fourteen days from the service of that notice.

(14) For the purpose of this section the period of twelve months mentioned in subsection (2)(d) of this section shall, in relation to any land, include a period beginning before the land is within the Board's area.

(15) In this section, unless the context otherwise requires—

“minor tenancy” means a tenancy of less than twelve months;

“public open space” means land laid out as a public garden or used (otherwise than in pursuance of section 193 of the Law of Property Act 1925 or of Part V of the National Parks and Access to the Countryside Act 1949) for the purpose of public recreation, or land being a disused burial ground.

(16) In this section “the appropriate Minister” means, in relation to Wales, the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales acting jointly.

53.—(1) A Rural Development Board shall prepare and transmit to the appropriate Minister annually a report setting out what has been done in the discharge of their functions under this Act during their financial year last completed, and the appropriate Minister shall lay a copy of the report before each House of Parliament.

Boards' annual reports and accounts.

(2) A Rural Development Board shall keep proper accounts and other records in such form as the appropriate Minister may, with the approval of the Treasury, determine.

(3) A Rural Development Board shall prepare and transmit to the appropriate Minister in respect of each of their financial years statements of account in such form as the appropriate Minister may, with the approval of the Treasury, determine, and the appropriate Minister shall transmit them on or before 30th September following the financial year to the Comptroller and Auditor General, who shall examine and certify them and lay copies of them together with his reports thereon before each House of Parliament.

54.—(1) The appropriate Minister, after consultation with a Rural Development Board, may give to the Board such directions of a general character with respect to the performance of any functions of the Board as appear to him to be requisite in the public interest.

Directions to Boards by appropriate Minister.

(2) The Minister of Agriculture, Fisheries and Food or, as the case may be, the Secretary of State may, as respects such of a

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Board's books, records and accounts as appear to him to be ones in respect of which, having regard to his relationship with the Board, it is reasonable to give such a direction, direct that they shall be kept available by the Board at all reasonable times for inspection by him or on his behalf or by or on behalf of the Comptroller and Auditor General.

(3) A Board's report for any year under the last foregoing section shall set out any directions given by the appropriate Minister under subsection (1) of this section to the Board during that year, unless the appropriate Minister has notified the Board his opinion that it is against the interests of national security to do so.

(4) It shall be the duty of the Board to comply with any directions given by the appropriate Minister under this section.

(5) In this section "the appropriate Minister" means, in relation to Wales, the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales acting jointly.

Powers of entry and of obtaining information.

55.—(1) A person duly authorised in writing by a Rural Development Board may, on producing if so required a duly authenticated document showing his authority, enter on any land in the Board's area for the purpose of determining whether, and in what way, any of the functions of the Board should be exercised in relation to the land.

The right of entry under this subsection may be exercised at any reasonable time, but a person shall not demand admission as of right to any land which is occupied unless at least forty-eight hours' notice, or in the case of land occupied for residential purposes at least seven days' notice, of the intended entry has been given to the occupier.

A person who wilfully obstructs any person acting in the exercise of his powers under this subsection shall be liable on summary conviction to a fine not exceeding twenty pounds.

(2) A person leaving any land which he has entered by virtue of the foregoing subsection shall, if the land is unoccupied or the occupier is temporarily absent, leave it as effectively secured against trespassers as he found it.

(3) A Board may by notice served on the owner or occupier of any land in their area, require him to furnish them with such information as may be specified in the notice with regard to the land as the Board may reasonably require for the discharge of such of their functions in relation to the land as may be specified in the notice.

A person who fails without reasonable cause, or neglects, to furnish to the Board within three months after service of

the notice the information specified in the notice shall be liable on summary conviction to a fine not exceeding fifty pounds.

(4) Information obtained under this section shall not be disclosed except—

- (a) with the consent of the person by whom the information was furnished, or
- (b) to a member, officer or servant of the Board or to any person exercising functions on behalf of the Board, or
- (c) to any Minister or to an officer or servant or other person appointed by or exercising functions on behalf of any Minister, or
- (d) for the purpose of any proceedings pursuant to this Part of this Act, or of any criminal proceedings which may be taken whether pursuant to this Act or otherwise, or for the purpose of a report of any such proceedings,

and a person who discloses information in contravention of this subsection shall be liable on summary conviction to a fine not exceeding one hundred pounds or imprisonment for a term not exceeding three months or both, or on conviction on indictment to a fine or imprisonment for a term not exceeding two years, or both.

56.—(1) Sections 45 to 55 of this Act shall not apply in relation to the application of this Part of this Act to the Highlands and Islands, except as provided in this section.

Application of Part III to Highlands and Islands of Scotland.

(2) Where the Secretary of State is satisfied that the special problems and needs referred to in the said section 45 exist in any area of the Highlands and Islands (including the whole area thereof), he may by order made (so far as applicable) in accordance with the provisions of that section and Part I of Schedule 5 to this Act apply to that area such of the provisions of section 27(1)(c) of this Act and the said sections 45 to 55 as he may think necessary for the purposes of this Part of this Act, and any powers and functions exercisable by a Rural Development Board by virtue of those provisions shall for the said purposes be conferred on the Highlands and Islands Development Board, but without prejudice to their existing powers and functions, and any reference in this Act to a Rural Development Board and to its area shall be construed accordingly.

(3) On the making of an order under this section which applies any of the provisions of sections 49, 50 and 52 of this Act the Secretary of State shall cause such a notice as is mentioned in section 45(9) of this Act to be lodged and made available in accordance with that subsection.

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1965 c. 46.

(4) "Highlands and Islands" in this section has the same meaning as in the Highlands and Islands Development (Scotland) Act 1965.

Supplemental

Interpretation
of Part III.

57.—(1) In this Part of this Act, except where the context otherwise requires—

"amalgamation", "boundary adjustment", "commercial unit", "intermediate unit" and "uncommercial unit" have the same meanings as in Part II of this Act;

"prescribed", in relation to the contents of a scheme, means prescribed by the scheme;

"woodland" includes all land used primarily for the growing of trees.

(2) For the purposes of this Part of this Act land in the area of a Rural Development Board shall be regarded as having been within that area from the date when the Board is established except that, if included by an order varying the Board's area, it shall be regarded as being within that area from the date when that order takes effect.

1947 c. 48
1948 c. 45.

(3) Section 107 of the Agriculture Act 1947 or, as the case may be, section 83 of the Agriculture (Scotland) Act 1948 (manner of service of notice) shall apply to notices required or authorised to be served by a Minister or a Rural Development Board under this Part of this Act.

PART IV

CO-OPERATIVE ACTIVITIES

The Central
Council for
Agricultural
and
Horticultural
Co-operation.

58.—(1) There shall be established a body to be called the Central Council for Agricultural and Horticultural Co-operation (in this Part of this Act referred to as "the Council").

(2) It shall be the function of the Council to organise, promote, encourage, develop and co-ordinate co-operation in agriculture and horticulture, including co-operation and mutual assistance in production, storage, preparation for market, marketing, transport, the provision of buildings, equipment and services for farmers and other producers, research and other incidental activities, and the Council's activities shall include—

(a) the spread of information among producers about the principles and methods of co-operation in the production and marketing of agricultural and horticultural produce, and

(b) research, study and experiments directed to finding and evaluating new or untried ways of applying such principles and methods, and the publication of the results of the research, studies and experiments.

(3) It shall also be the function of the Council to put themselves in a position to advise the Ministers on all matters relating to co-operation in agriculture and horticulture.

(4) The Council shall consist of—

- (a) not more than six members appointed by the Ministers, and
- (b) eight other members nominated or selected in accordance with subsections (5) and (6) below and appointed by the Ministers.

(5) Subject to subsection (6) below, of the said eight members—

- (a) four shall be persons nominated by such organisations as appear to the Ministers appropriate as representing the interests of farmers and other producers in agriculture and horticulture, and
- (b) four shall be persons nominated by such organisations as appear to the Ministers appropriate as representing the interests of co-operative associations in agriculture and horticulture,

one of each four being a person nominated as representing interests in England, Wales, Scotland and Northern Ireland respectively.

(6) Where the Ministers invite nominations for the purpose of appointing a person to the Council as representing a particular interest, they may specify a time within which nominations are to be made and may, in default of nominations within that time, themselves select for appointment a person appearing to them qualified to represent that interest; and where a nomination is made, but the Ministers decline to make any appointment thereon, they shall invite further nominations.

(7) The Council shall have a chairman and deputy chairman appointed by the Ministers from among the members of the Council appointed under subsection (4)(a) above.

(8) The Ministers shall—

- (a) pay out of money provided by Parliament to the members of the Council such travelling or other allowances as the Ministers, with the approval of the Treasury, may determine, and in the case of any member of the Council as respects whom the Ministers, with the approval of the Treasury, so determine, may pay out of money provided by Parliament such remuneration, whether by way of salary or fees, as the Ministers and the Treasury may determine in his case, and

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(b) in the case of any member of the Council to whom the Ministers, with the approval of the Treasury, determine that this paragraph applies, pay out of money provided by Parliament such pension, or make such payments out of money provided by Parliament toward the provision of a pension, to or in respect of him as the Ministers and the Treasury may determine in his case,

and if a person ceases to be a member of the Council and it appears to the Ministers that there are special circumstances which make it right that that person should receive compensation the Ministers may, with the approval of the Treasury, pay out of money provided by Parliament to that person a sum of such amount as the Ministers may with the approval of the Treasury determine.

(9) The Ministers shall to such extent as may be approved by the Treasury pay out of money provided by Parliament any expenditure incurred or to be incurred by the Council in the performance of their functions.

(10) Schedule 6 to this Act shall have effect with respect to the Council.

Council's
annual
report and
accounts.

59.—(1) The Council shall prepare and transmit to the Ministers annually a report setting out what has been done in the discharge of their functions under this Act during their financial year last completed, and the Ministers shall lay a copy of the report before each House of Parliament.

(2) The Council shall keep proper accounts and other records in such form as the Ministers may, with the approval of the Treasury, determine.

(3) The Council shall prepare and transmit to the Ministers in respect of each of their financial years statements of account in such form as the Ministers may, with the approval of the Treasury, determine, and the Ministers shall transmit them on or before 30th September following the financial year to the Comptroller and Auditor General, who shall examine and certify them and lay copies of them together with his report thereon before each House of Parliament.

Directions to
Council by
Ministers.

60.—(1) The Ministers, after consultation with the Council, may give to the Council such directions of a general character with respect to the performance of any functions of the Council as appear to the Ministers to be requisite in the public interest.

(2) The Ministers may, as respects such of the Council's books, records and accounts as appear to the Ministers to be ones for which, having regard to the Ministers' relationship with

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the Council, it is reasonable to give such a direction, direct that they shall be kept available by the Council at all reasonable times for inspection by or on behalf of the Ministers or of the Comptroller and Auditor General.

(3) The Council's report for any year under the last foregoing section shall set out any direction given by the Ministers under subsection (1) of this section to the Council during that year, unless the Ministers have notified the Council their opinion that it is against the interests of national security to do so.

(4) It shall be the duty of the Council to comply with any directions given by the Ministers under this section.

61.—(1) The Ministers may, in accordance with a scheme made by them with the approval of the Treasury, make out of money provided by Parliament grants in connection with the carrying out by any person of proposals designed to organise, promote, encourage, develop or co-ordinate any form of co-operation in agriculture or horticulture, including co-operation and mutual assistance in production, storage, preparation for market, marketing, transport, the provision of buildings, equipment and services for farmers and other producers, research and other incidental activities. Grants for purposes connected with co-operative activities.

(2) Grants shall not be made under this section to any associations or bodies whose objects consist of or include supplying goods to their members so far as the grants would assist them, directly and exclusively, in activities connected with the supply of such goods, but that shall not be taken as preventing the making of grants to meet expenditure incurred in research and study directed to promoting or facilitating mergers of such associations or bodies.

The goods referred to in this subsection do not, in the case of any association or body, include agricultural or horticultural produce which has been wholly or mainly produced by members thereof, or anything derived wholly or in part from any such produce.

(3) A scheme under this section—

- (a) shall provide for grant being payable by reference to proposals which have been submitted to and recommended by the Council and approved by the Ministers, which recommendation and approval may be given before or, in such classes of cases as the Ministers may direct, after the carrying out of the proposals,
- (b) may authorise the approval of proposals to be varied or withdrawn by the Ministers with the written consent of the person making the proposals,

Y*

PART IV

- (c) shall prescribe the functions to be performed by the Council in connection with the administration of the scheme,
- (d) may confer on a person eligible for grant the amount of which depends on the carrying out of works of some kind, or on some other cost, a right to elect to take that cost for purposes of grant as being of such standard amount as may be determined by or under the scheme,
- (e) may authorise the reduction or withholding of grant where assistance in respect of expenditure for which the grant is made is given under any enactment other than this section,
- (f) may make the payment of grant subject to any conditions,
- (g) may contain such incidental and supplemental provisions as appear to the Ministers expedient for the purposes of the scheme,
- (h) may be varied or revoked by a subsequent scheme under this section,
- (i) shall be made by statutory instrument of which a draft has been laid before and approved by resolution of each House of Parliament.

(4) If at any time after the approval of proposals under a scheme under this section, and whether before or after the proposals have been fully carried out, it appears to the Ministers—

- (a) that any condition imposed under a scheme in relation to the proposals has not been complied with, or
- (b) that in connection with the submission of the proposals the person submitting them gave information on any matter which was false or misleading in a material respect,

the Ministers may, on demand made after compliance with subsection (5) below, recover any grant or any part of a grant paid with reference to the proposals, and may revoke the approval in whole or in part.

(5) Before making a demand or revoking an approval under subsection (4) above the Ministers—

- (a) shall give to any person to whom any payment by way of a grant in relation to the proposals would be payable, or from whom any such payment would be recoverable, a written notification of the reasons for the proposed action, and

- (b) shall accord to each such person an opportunity of appearing before and being heard by a person appointed for the purpose by the Ministers, and
- (c) shall consider the report of a person so appointed and supply a copy of the report to each person who is entitled to appear before the person submitting it.

(6) Proposals in respect of which grant is payable under this section must be submitted to the Council within the period of ten years beginning with the date of the coming into force of this section, but the Ministers may from time to time, by order made by statutory instrument with the approval of the Treasury, of which a draft has been laid before and approved by resolution of the Commons House of Parliament, extend or further extend that period by such additional period, not exceeding five years, as may be specified in the order.

(7) Sums paid by way of grant under this section (including any administrative costs incurred by the Council) shall to such extent as the Ministers may from time to time determine be treated for the purposes of section 3 of the Agriculture Act 1957 c. 57. 1957 (guaranteed prices) as production grants.

(8) Without prejudice to the generality of subsection (1) of this section a scheme under this section may provide for grants for any purpose for which grants may be made under—

- (a) section 1(2) or section 4 of the Horticulture Act 1960, 1960 c. 22.
- (b) section 6 or section 7 of the Agriculture (Miscellaneous Provisions) Act 1963 or, so far as it relates to grants to co-operative bodies, section 9 of that Act, 1963 c. 11.
- (c) section 4 of the Agriculture and Horticulture Act 1964, 1964 c. 28.

and as from such date as may be specified in an order made by the Ministers by statutory instrument the said enactments, other than the said section 9 of the Act of 1963, and in the said section 9(1) the words “or for the formation of bodies carrying on agricultural or horticultural producers’ marketing businesses” shall cease to have effect.

An order under this subsection may specify different dates for different enactments and may contain such savings and exceptions on the repeals made by this subsection as may be specified in the order.

(9) Where before the coming into force of a scheme under this section either of the Ministers, with a view to making a grant out of moneys provided by Parliament, has approved any programme relating to a producers’ marketing business in agriculture, being a programme corresponding to one which, if for horticultural purposes, would be eligible for grant under

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1964 c. 28.

section 4 of the Agriculture and Horticulture Act 1964, any grant payable in accordance with the terms of the approval after the said date shall be paid out of moneys provided by Parliament.

Supplemental.

1947 c. 48.

1948 c. 45.

62.—(1) In this Part of this Act “agriculture or horticulture” includes everything included in the expression “agriculture” as defined in section 109(3) of the Agriculture Act 1947 or, as the case may be, in section 86(3) of the Agriculture (Scotland) Act 1948.

(2) In the last foregoing section “the Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretary of State, and a scheme under that section may provide that functions under the scheme shall be exercisable by those Ministers separately; and subject to any such provision in a scheme, and except in subsection (9) of that section, that expression in that section shall mean those Ministers acting jointly.

(3) In this Part of this Act, except the last foregoing section, “the Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland acting jointly.

(4) This Part of this Act extends to Northern Ireland.

PART V

MISCELLANEOUS

Financial assistance for certain bodies making agricultural loans.

1956 c. 38.

1958 c. 2

(7 & 8 Eliz. 2).

63.—(1) The amount of the advances which the Minister of Agriculture, Fisheries and Food may make to the Agricultural Mortgage Corporation Limited under section 2 of the Agricultural Mortgage Corporation Act 1956 for the purpose of increasing its guarantee fund shall be increased by seven million pounds, and accordingly in subsection (1) of that section, as amended by the Agricultural Mortgage Corporation Act 1958, for the words “five million pounds” there shall be substituted the words “twelve million pounds”.

1944 c. 28.

(2) The amount of the advances which the Secretary of State may make to the Scottish Agricultural Securities Corporation Limited under section 2 of the Agriculture (Miscellaneous Provisions) Act 1944, as applied by section 8(b) of the said Act, for the purpose of increasing its guarantee fund shall be increased by one million five hundred and seventy-five thousand pounds, and accordingly in paragraph (ii) of the said section 8(b) for the words “four hundred and twenty-five thousand pounds” there shall be substituted the words “two million pounds”.

64.—(1) Section 9 of the Agriculture and Horticulture Act 1964 (grants towards fulfilling guarantees of bank loans to horticulture businesses) shall not apply in relation to any guarantee given after 31st March 1966 (but the provisions of this section shall apply in relation to such guarantees).

PART V
Grants towards fulfilling guarantees of bank loans to agriculture or horticulture businesses.
1964 c. 28.

(2) The Minister may, in such manner and subject to such conditions as he may with the approval of the Treasury determine, make a grant to any person in respect of expenditure incurred by that person in fulfilling a guarantee given by him as security for a loan made in the course of a banking business to a person requiring the loan for the purposes of an agriculture or horticulture business carried on by him, where—

- (a) the guarantee was given during the period of three years beginning on 1st April 1966, or
- (b) the guarantee was given in the year ending on 31st March 1966 and the grant could not be given under the said section 9 of that Act of 1964 and is given after the end of the said year.

(3) The aggregate of sums paid by way of grant under this section or the said section 9 of the Act of 1964 in the year ending on 31st March 1967 shall be subject to a limit of three hundred thousand pounds increased, where the aggregate—

- (a) of sums paid by way of grant under the said section 9 of the Act of 1964 at any time before the end of the last preceding year, together with
- (b) sums paid out of money provided by Parliament by the Minister by way of grant before the coming into force of this section in respect of expenditure incurred in fulfilling guarantees given as security for loans made in the course of a banking business to persons requiring the loans for the purposes of a business which is an agriculture or horticulture business, as defined by this section but not a horticulture business as defined in the said section 9 of the Act of 1964,

fell short of four hundred thousand pounds, by the amount of the difference.

(4) The aggregate of sums paid by way of grant under this section or the said section 9 of the Act of 1964 in the year ending on 31st March 1968 or in any subsequent year shall be subject to a limit of three hundred thousand pounds increased, where the aggregate of sums so paid in the last preceding year falls short of the limit for that year (whether it be the limit under this or the last foregoing subsection), by the amount of the difference or six hundred thousand pounds, whichever is the less.

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(5) Subsection (2) of the said section 9 of the Act of 1964 (which imposes limits on grants under that section) shall not apply to grants made after 31st March 1966.

1957 c. 57.

(6) Sums paid by way of grant under this section shall to such extent as the Ministers may from time to time determine be treated for the purposes of section 3 of the Agriculture Act 1957 (guaranteed prices) as production grants.

(7) The Minister may from time to time, by order made by statutory instrument with the approval of the Treasury, extend or further extend the period mentioned in subsection (2)(a) above by such additional period, not exceeding five years, as may be specified in the order ; but an order under this subsection shall be of no effect unless laid before and approved by resolution of the Commons House of Parliament.

(8) In this section —

“ agriculture or horticulture business ” means either—

(a) a business which consists, or so much of a larger business as consists, of the producing in the United Kingdom of agricultural or horticultural produce for sale or of the producing in the United Kingdom of agricultural or horticultural produce for sale and its storage, preparation for market or transport, or

(b) the activities of any co-operative association so far as they consist of assisting members in the production in the United Kingdom of agricultural or horticultural produce for sale by the provision of buildings, equipment, facilities or services required in connection therewith, or

(c) a co-operative marketing business ;

“ agricultural or horticultural produce ” means anything (whether live or dead) produced in the course of agriculture and without prejudice to the generality of that definition the expression “ agricultural or horticultural produce ” shall include all horticultural produce as defined in section 8(1) of the Horticulture Act 1960 ;

1960 c. 22.

“ co-operative marketing business ” means a business carried on by a co-operative association and consisting of, or so much of a larger business so carried on as consists of, the storage, preparation for market or marketing, for the sole or primary purpose of assisting members engaged in the production in the United Kingdom of agricultural or horticultural produce for sale, of agricultural or horticultural produce produced by members of the association ;

“ co-operative association ” means—

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(a) a registered society as defined in section 74 of the Industrial and Provident Societies Act 1965 or 1965 c. 12. a society registered under the Industrial and Provident Societies Acts (Northern Ireland) 1893 to 1963, or

(b) any body which (whether incorporated or not) has a written constitution from which the Minister is satisfied, having regard to any provision as to the manner in which profits of the body are to be applied for the benefit of its members and all other relevant provisions, that the body is in substance a co-operative association ;

“ the Minister ” means the Minister of Agriculture, Fisheries and Food ;

“ year ” means a period of twelve calendar months.

(9) This section extends to Northern Ireland.

65.—(1) With a view to encouraging the keeping of records which will enable persons carrying on any farm business to reach sound decisions on the management of the business, the appropriate Minister may with the approval of the Treasury make to any such person grants out of money provided by Parliament for the keeping to the satisfaction of the appropriate Minister of records of the business containing such information provided in such form as the appropriate Minister may specify, and subject to compliance with conditions laid down by the appropriate Minister.

Grants for
keeping farm
business
records.

(2) Grants under this section shall be in respect of periods of twelve months, or approximately twelve months, and not more than three grants shall be paid to any one person ; and for the purposes of this subsection a partnership, a body of trustees or the personal representatives of a deceased person shall be treated as being a single and continuing body of persons distinct from the persons who may from time to time be partners, trustees or personal representatives.

(3) The appropriate Minister may select the cases for payment of grant under this section in such manner as he thinks fit, and—

- (a) may operate this section within a selected area in England or Wales or Scotland or Northern Ireland as the case may be,
- (b) may restrict its operation to selected classes or descriptions of farm business, and
- (c) may require the records to be kept by persons of such descriptions as he may determine.

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(4) An application for grant under this section shall be made before the beginning of the period for which grant is to be made, and no such application shall be made more than five years after the coming into force of this section, but the appropriate Minister may from time to time by order contained in a statutory instrument, of which a draft has been laid before and approved by the Commons House of Parliament, extend or further extend the said period of five years by such additional period, not exceeding five years, as may be specified in the order.

1957 c. 57.

(5) Grants made under this section shall be treated as production grants for the purposes of section 3 of the Agriculture Act 1957.

(6) In this section "farm business" means a trade or business consisting in, or such part of any trade or business as consists in, the carrying out of agricultural operations on land comprised in the business.

(7) Where before the coming into force of this section the appropriate Minister, with a view to making a grant out of money provided by Parliament for purposes corresponding to the purposes of this section, has approved any arrangements which might have been the subject of an application under this section if then in force, any grant payable in accordance with the arrangements after the coming into force of this section shall be paid out of money provided by Parliament.

(8) This section extends to Northern Ireland.

Diseases of animals.

1950 c. 36.

66.—(1) Without prejudice to the generality of section 4 of the Diseases of Animals Act 1950 (expenditure for eradication of disease), the Ministers shall have power, with the approval of the Treasury, to afford veterinary services, including diagnostic services, whether free of charge or not, to persons who carry on livestock businesses and participate in arrangements approved by the Ministers as being satisfactory arrangements for keeping their stock so far as practicable free from disease and in good health.

(2) The said section 4 shall have effect in relation to poultry as it has effect in relation to animals and section 46 of that Act (which is superseded by the provisions of the said section 4 as so applied) shall cease to have effect.

(3) In this section "the Ministers" means the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly, and in this section "disease" shall not be taken as restricted by the definition of that expression in the Diseases of Animals Act 1950.

(4) There shall be paid out of money provided by Parliament any sums required to be so paid in consequence of the provisions of this section.

67.—(1) The minimum rates of wages for workers employed in agriculture which the Agricultural Wages Board has power to fix under section 3(1)(a) of the Agricultural Wages Act 1948 may include minimum rates of wages for periods when a worker so employed is absent in consequence of sickness or injury, and may include them notwithstanding that under the contract of employment no remuneration is payable in respect of any such period.

PART V
Sick pay for
agricultural
workers.
1948 c. 47.

(2) In section 3(7) of the said Act, and paragraph 5 of Schedule 4 to that Act (which authorise—

- (a) the fixing of a minimum rate of wages so that remuneration received is calculated by reference to periods during the currency of employment, and
- (b) alternative provisions applying according to different circumstances arising during the currency of employment)

references to currency of employment shall, in accordance with subsection (1) of this section, include periods of sickness or injury.

(3) An order of the Agricultural Wages Board which fixes minimum rates of wages for periods when a worker is absent in consequence of sickness or injury—

- (a) may treat a period of sickness or injury as being during the currency of employment notwithstanding that the contract of employment has terminated, but not where the contract of employment is terminated by notice given before the commencement of the sickness or the occurrence of the injury,
- (b) may limit the period or periods for which a minimum rate of wages is so fixed in any way, and in particular may relate the period or periods to the duration of the period for which the worker has worked for the employer,
- (c) may make the right to the minimum rate of wages depend on compliance by the worker with any conditions, including in particular conditions as to the production of a medical certificate or other evidence of incapacity for work due to sickness or injury,
- (d) may provide for the times at which, and conditions subject to which, the right to receive wages at the minimum rate is to accrue, and the wages are to become payable,
- (e) may provide for account to be taken, in arriving at the minimum rate of wages, of any benefits payable under the National Insurance Act 1965 or the National Insurance (Industrial Injuries) Act 1965.

1965 c. 51.
1965 c. 52.

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(4) Subsection (1) of this section shall not alter the construction of any order made under the said Act before the passing of this Act.

(5) Section 17 of the said Act shall apply for the interpretation of this section.

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

(a) any reference to the Agricultural Wages Board shall be construed as a reference to the Scottish Agricultural Wages Board ;

1948 c. 47.
1949 c. 30.

(b) any reference to the Agricultural Wages Act 1948 shall be construed as a reference to the Agricultural Wages (Scotland) Act 1949 ; and

(c) any reference to paragraph 5 of Schedule 4 to the said Act of 1948 shall be construed as a reference to paragraph 5 of Schedule 3 to the said Act of 1949.

Application of capital money in payment of improvement rentcharges.

1925 c. 18.
1864 c. 114.
1932 c. 35.

68. Section 73(1)(xiii) of the Settled Land Act 1925 (under which capital money arising under that Act may be applied in the redemption of improvement rentcharges) shall, in its application to any charge created under the Improvement of Land Act 1864 in respect of an improvement benefiting agricultural land, and its application by virtue of section 3(3) of the Agricultural Credits Act 1932 to the repayment secured by any mortgage, have effect as if the reference to redemption included a reference to discharging as it falls due so much of any periodical payment as represents repayment of capital.

False statements to obtain grants, etc.

1940 c. 14.
1944 c. 28.

69.—(1) If any person, for the purpose of obtaining for himself or any other person—

(a) any grant under this Act, or any payment under section 12 thereof, or

(b) in England or Wales, any grant under section 15 of the Agriculture (Miscellaneous War Provisions) Act 1940 or section 5 of the Agriculture (Miscellaneous Provisions) Act 1944 (grants in respect of field drainage, improvement of ditches, and the supply of water to agricultural land and farm-houses and cottages), or

1946 c. 73.

(c) any payment under section 13 of the Hill Farming Act 1946 (subsidies for hill sheep and hill cattle), or

1952 c. 62.

(d) any payment under the Agriculture (Calf Subsidies) Act 1952, or

1963 c. 1 .

(e) any grant under section 10(1) of the Agriculture (Miscellaneous Provisions) Act 1963 (winter keep grants),

or for the purpose of inducing the appropriate Minister or a Rural Development Board to make a loan or guarantee under

section 28 or section 47 of this Act, knowingly or recklessly makes a false statement he shall be liable— PART V

(i) on summary conviction to a fine not exceeding one hundred pounds or imprisonment for a term not exceeding three months or both,

(ii) on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or both.

(2) This section extends to Northern Ireland.

70.—(1) In the application in Northern Ireland of section 5(1)(d) of the Agriculture Act 1957 (powers of entry in connection with guaranteed prices) and any order made thereunder before the coming into force of this section, references to authorised officers of the Minister shall include references to authorised officers of the Ministry of Agriculture for Northern Ireland. Guaranteed prices: minor amendments as respects powers of entry and offences.
1957 c. 57.

(2) In section 7(3)(b) of that Act (penalty for altering, concealing or defacing a mark applied to produce) the word “removes” shall be added before the words “alters, conceals or defaces”.

(3) This section extends to Northern Ireland.

PART VI

SUPPLEMENTAL AND GENERAL

71. Where a body corporate is guilty of an offence under this Act, and that offence 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 shall be liable to be proceeded against and punished accordingly. Offences by bodies corporate.

In this section “director”, in relation to a 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, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

72.—(1) Parts I to V of this Act, so far as not expressly extended to Northern Ireland by any provision contained in this Act or by any Order in Council under the next following subsection, shall not extend to Northern Ireland; but nothing in this Act shall restrict the powers of the Parliament of Northern Ireland to make laws with respect to any matter with respect to which that Parliament has power to make laws, and any laws Application to Northern Ireland.

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made by that Parliament with respect to any such matters shall have effect notwithstanding anything in any scheme or order under this Act and applicable to Northern Ireland.

(2) Her Majesty may, by Order in Council made under this subsection in pursuance of resolutions passed by the two Houses of the Parliament of Northern Ireland, direct that the provisions of Part III of this Act other than sections 41 to 44 shall extend to Northern Ireland; and any such Order in Council may be varied or revoked by a subsequent Order in Council made under this subsection in pursuance of such resolutions as aforesaid.

(3) While any provisions of Part III of this Act extend to Northern Ireland by virtue of an Order in Council under subsection (2) above those provisions, and any other provision of this Act so far as it relates to those provisions, shall have effect subject to such exceptions, adaptations and modifications as may be specified in the Order.

(4) In the application of any provision of this Act to Northern Ireland any reference to an Act of the Parliament of the United Kingdom shall be construed as a reference to that Act as it applies to Northern Ireland.

(5) Any reference to an enactment of the Parliament of Northern Ireland or to an enactment which that Parliament has power to amend shall be construed as including a reference to that enactment as amended by any Act of that Parliament, whether passed before or after this Act and to any Act of that Parliament passed after this Act and re-enacting that enactment whether with or without modifications.

(6) In any provision of this Act under which a grant or subsidy under this Act may be reduced or withheld where some other relevant grant or subsidy is payable out of money provided by Parliament, references to any such other grant or subsidy shall include references to one payable out of money provided by the Parliament of Northern Ireland.

(7) An Order in Council under this section may contain such transitional and other consequential provisions as appear to Her Majesty to be expedient.

Disqualifica-
tion for
House of
Commons etc.
1957 c. 20.

73. In Part II of Schedule 1 to the House of Commons Disqualification Act 1957 (bodies of which all members are disqualified under that Act), there shall at the appropriate points in alphabetical order be inserted the following entries:—

“The Central Council for Agricultural and Horticultural Co-operation”

“The Meat and Livestock Commission”

“A Rural Development Board”;

and in the Part substituted for the said Part II by section 10 of and Schedule 3 to that Act in its application to the Senate and

House of Commons of Northern Ireland there shall at the appropriate point in alphabetical order be inserted the following entries:—

PART VI

“The Central Council for Agricultural and Horticultural Co-operation”.

“A Rural Development Board in Northern Ireland”.

74.—(1) Any expenses incurred by any Minister under this Act shall be defrayed out of money provided by Parliament. Expenses and receipts of Ministers.

(2) Any sums received or recovered by any Minister in pursuance of this Act or any order made thereunder shall, except as otherwise expressly provided, be paid into the Exchequer.

75.—(1) This Act may be cited as the Agriculture Act 1967. Short title, interpretation, repeals and commencement.

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

“the appropriate Minister” means, in relation to England and Wales or Northern Ireland, the Minister of Agriculture, Fisheries and Food and, in relation to Scotland, the Secretary of State ;

“agriculture”, “agricultural land”, “agricultural unit” and cognate expressions and references to farming shall be construed except in relation to Scotland in accordance with section 109 of the Agriculture Act 1947, and in relation to Scotland, in accordance with section 86 of the Agriculture (Scotland) Act 1948 ; 1947 c. 48. 1948 c. 45.

“assignment”, in relation to Scotland, means assignation ;

“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 ; 1924 c. 27.

“land” includes any estate or interest in land ;

“local authority” means, in England and Wales, the council of a county, of a borough, including a county borough and a London borough, the Common Council of the City of London and an urban or rural district council, and, in Scotland, a county council, joint county council of a combined county, town council or district council ;

“pension”, in relation to any person, means a pension of any kind whatsoever, whether contributory or not, payable to or in respect of him, and includes a gratuity so payable on his retirement or death, and a return of contributions to a pension fund, with or without interest thereon or any other addition thereto.

PART VI

(3) In this Act references to England and Wales shall be construed as if Wales included Monmouthshire.

(4) References in this Act to the duration of a scheme are references to the period within which applications for approval of proposals qualifying for grant under the scheme must be made, or, in the case of a scheme under section 12 of this Act, applications for subsidy payments must be made; and the provisions of this Act limiting the duration of a scheme shall not prevent a scheme providing different periods for different purposes.

(5) Any reference in this Act to any enactment shall be construed as a reference to that enactment as amended or extended by any other enactment, including this Act, and in this Act "enactment" includes an enactment of the Parliament of Northern Ireland.

(6) Any power of giving directions conferred by this Act shall include a power, subject to the like conditions, to vary or revoke a direction so given.

(7) The Acts mentioned in Schedule 7 to this Act shall be repealed to the extent specified in the third column of that Schedule, but subject to the provisions at the end of that Schedule.

(8) This Act shall come into force on such date as the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly may by order contained in a statutory instrument appoint, and orders under this subsection may appoint different dates for different provisions and different purposes.

SCHEDULES

SCHEDULE 1

Sections 1 and 2.

THE MEAT AND LIVESTOCK COMMISSION

PART I

FUNCTIONS

1.—(1) Promoting greater efficiency in the production of livestock by any means, including those in paragraphs 2 to 6 below, but subject to the exception in sub-paragraph (2) of this paragraph.

(2) In performing their functions under this paragraph and paragraphs 2 to 5 below the Commission shall not concern themselves

(a) with the production of milk or milk products or fleece wool,
or

(b) with the production of dairy cattle,

except so far as matters within paragraphs (a) and (b) above are related to matters (such as the meat-producing characteristics of cattle) which are the Commission's concern, or so far as the Commission concern themselves with matters within paragraphs (a) and (b) above in assisting any Board or other person connected with those matters.

2. Promoting or undertaking arrangements for assessing the breeding qualities of livestock and the management of herds and flocks to which they belong on the basis of information derived from the keeping of records.

3. Promoting or undertaking performance testing, and progeny testing, of livestock, and acquiring and maintaining establishments where such testing may be carried out (whether by the Commission or by any person on their behalf).

4. Promoting or undertaking provision of services of artificial insemination of livestock.

5. Maintaining and publishing registers of cattle and pig herds and sheep flocks appearing to the Commission to be efficiently managed and to conform to the standards specified by the Commission.

6. Promoting the use for breeding purposes of sires of a quality approved by the Commission.

7.—(1) Giving advice and information to the Central Council for Agricultural and Horticultural Co-operation—

(a) on matters relating to the commercial and technical aspects of livestock production and marketing, and

(b) for the purpose of assisting the Council in deciding whether to make grants in aid of co-operative activities in livestock production and marketing.

(2) Giving advice and information to livestock producers on the commercial and technical aspects of introducing and developing co-operative arrangements for the production and marketing of livestock.

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8.—(1) Advising on suitable and fair terms (other than financial terms) of contracts for the sale of livestock and meat, and preparing model or standard terms for inclusion in such contracts.

(2) Giving advice and information to assist buyers and sellers of livestock and meat to make bargains and do business.

9.—(1) Giving advice and information to those owning, conducting or using livestock auction markets on the efficient lay-out, design and operation of such markets, including in particular efficient methods of handling and penning livestock, and generally on matters conducive to efficiency.

(2) Compiling standard codes of practice for any of the activities connected with livestock auction markets with a view to their efficient and equitable operation.

10.—(1) Giving advice and information to those owning, conducting or using slaughterhouses—

(a) on the efficient lay-out, design and operation of slaughterhouses and premises and appliances used in connection with slaughterhouses, and

(b) on efficient techniques of slaughtering of livestock and of dressing carcasses,

and generally on matters conducive to efficiency.

(2) Giving to the Ministers advice and information on any matters connected with slaughterhouses for the purpose of assisting the Ministers to discharge any of their functions, and in particular their functions relating to the licensing of slaughterhouses and to slaughtering charges made at public slaughterhouses.

11.—(1) Disseminating in the livestock industry and livestock products industry information about, and advice based on information about—

(a) the supplies of, and demand and market prices paid for, livestock and livestock products, whether produced in Great Britain or elsewhere, and

(b) market situations and future supply, demand and market prices.

(2) For that purpose—

(a) undertaking the collection of information to supplement that available from official sources about supplies of, and demand and market prices paid for, livestock and livestock products and,

(b) collating, analysing and interpreting official and other information on those subjects.

12. Giving advice and information to the Ministers about current and prospective supplies of livestock and livestock products from all sources.

13. Promoting or undertaking investigations and research as to—

(a) the production, marketing and distribution of livestock,

(b) the production, processing, manufacture, marketing and distribution of livestock products,

SCH. 1

(c) the demand (whether in Great Britain or elsewhere) for livestock and livestock products and connected matters, including prices paid for livestock and livestock products, and disseminating in the livestock industry and the livestock products industry information about, and advice based on, the results of the investigations and research.

14. Collecting the results of investigations and research carried out on any matters relating to the livestock industry or the livestock products industry and disseminating in those industries information about, and advice based on, the results of the investigations and research.

15. Promoting or undertaking arrangements for advertising the merits, and increasing the sales (whether in Great Britain or elsewhere), of livestock and livestock products produced in Great Britain.

16. Disseminating information and advice useful to consumers of livestock products, and in particular information as to their availability, use, identification and choice.

17.—(1) In sections of the livestock industry or livestock products industry for which no industrial training board has been established, encouraging and promoting the training of employees.

(2) Co-operating with the industrial training board for any other section of either industry in the improvement of the training of employees in that section of the industry.

18. Accepting, whether as a trustee or otherwise, responsibility for carrying out any trust for purposes connected with the Commission's functions or the intentions of any person making a gift or bequest for any of those purposes.

19. Giving financial assistance to any person in order to achieve the objects of the Commission.

20. Making available to persons concerned, in a form which does not disclose anything concerning the private affairs of particular persons or undertakings, any information on matters with which the Commission are concerned in the performance of any of their functions, and in particular information collected by the Commission in the performance of their functions.

21. Any functions incidental or ancillary to any of the functions specified above in this Part of this Schedule.

22. The Commission may engage in any form of collaboration or co-operation with other persons in performing any of their functions, and shall enter into such consultations with other authorities and persons as appear to them required to ensure that duplication of research, advisory services and other activities is avoided so far as practicable.

PART II

THE COMMISSION

1. The Commission shall be a body corporate with perpetual succession and a common seal.

2.—(1) It shall be within the capacity of the Commission as a statutory corporation to do such things and to enter into such

SCH. 1 transactions as are incidental or conducive to the performance of any of their functions.

(2) Without prejudice to the generality of sub-paragraph (1) above—

(a) where in the performance of any of their functions the Commission render any services to any person, they may make such charges in respect of those services as may be agreed between the Commission and that person, and

(b) the Commission may borrow money and pledge, mortgage or charge any of their property (including the proceeds of the charges imposed under a levy scheme).

(3) The Commission may, with the consent of the Ministers, delegate any functions conferred on them by Part I of this Act, or a scheme or order under Part I of this Act, but, in the case of a development scheme, only so far as the development scheme so provides.

3. The validity of any proceedings of the Commission shall not be affected by any vacancy among the members of the Commission or by any defect in the appointment or any disqualification of any of the members of the Commission.

4.—(1) Subject to the following provisions of this paragraph, a member of the Commission and the chairman and deputy chairman shall hold and vacate office as such in accordance with the terms of his appointment, and previous tenure of any such office shall not affect eligibility for re-appointment.

(2) If the chairman or deputy chairman ceases to be a member of the Commission, he shall also cease to be chairman or deputy chairman.

(3) A member of the Commission may at any time, by notice in writing addressed to the Ministers or either of them, resign his membership, and the chairman or deputy chairman may, by the like notice, resign his office as such.

5.—(1) A member of the Commission shall, if he is in any way directly or indirectly interested in a contract made or proposed to be made by the Commission, disclose the nature of his interest at a meeting of the Commission as soon as possible after the relevant circumstances have come to his knowledge.

(2) Any disclosure made by a member under the foregoing sub-paragraph shall be recorded in the minutes of the Commission, and that member shall not take part after the disclosure in any deliberation or decision of the Commission with respect to that contract, but may, nevertheless, be taken into account for the purpose of constituting a quorum of the Commission.

6. In the case of an equality of votes at any meeting of the Commission, the person who is chairman at that meeting shall have a second or casting vote.

7.—(1) Subject to paragraphs 5 and 6 of this Part of this Schedule, the Commission may determine their own quorum and procedure and the quorum and procedure of any committee of the Commission.

(2) Subject to Part III of this Schedule, this paragraph applies in relation to the Production Committee, the Distribution Committee and the Consumers Committee as it applies in relation to any committee set up by the Commission.

8.—(1) The Commission may appoint such officers and servants as the Commission may determine

(2) The Commission shall—

- (a) pay to their officers and servants such remuneration and such travelling or other allowances as they may determine, and
- (b) as to any officers or servants in whose case the Commission may determine to do so, pay to or in respect of them such pensions, or provide and maintain for them such pension schemes, as the Commission may with the approval of the Ministers determine.

9.—(1) It shall be the duty of the Commission, except in so far as the Commission are satisfied that adequate machinery exists for achieving the purposes of this paragraph, to seek consultation with any organisation appearing to the Commission to be appropriate with a view to the conclusion between the Commission and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—

- (a) the settlement by negotiation of terms and conditions of employment of persons employed by the Commission, with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements, and
- (b) the promotion and encouragement of measures affecting the safety, health and welfare of persons employed by the Commission and the discussion of other matters of mutual interest to the Commission and such persons, including efficiency in the discharge of the Commission's functions.

(2) The Commission shall send to the Ministers and to the Minister of Labour a copy of any agreement concluded in pursuance of this paragraph, and of any instrument varying the terms of any such agreement.

10. The application of the seal of the Commission shall be authenticated by the signatures of two members of the Commission and of the chief officer of the Commission or some other person authorised by the Commission to do so in his place.

PART III

THE COMMISSION'S COMMITTEES

The Production Committee

1.—(1) The Production Committee shall consist of a chairman appointed by the Ministers and not less than eighteen other members so appointed.

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(2) The members, other than the chairman, shall be so appointed as capable of representing the interests of—

- (a) cattle and sheep producers,
- (b) pig producers,
- (c) persons employed in livestock production,

and so that each member is appointed by reference to one only of the above paragraphs, and one member at least by reference to each of them.

(3) The Ministers before appointing a person to be a member of the Production Committee as capable of representing the interests of any class of persons shall consult such organisations as appear to them appropriate as representing those interests, taking account of interests in Scotland as well as in England and Wales.

The Distribution Committee

2.—(1) The Distribution Committee shall consist of a chairman appointed by the Ministers and not less than eighteen other members so appointed.

(2) The members, other than the chairman, shall be so appointed as capable of representing the interests of—

- (a) livestock traders,
- (b) livestock auctioneers,
- (c) local authorities operating slaughterhouses and livestock and meat markets,
- (d) persons engaged in animal by-products trades,
- (e) wholesalers of meat and importers of meat (excluding bacon),
- (f) producers of bacon and other edible livestock products except meat,
- (g) retailers of meat and other edible livestock products,
- (h) persons employed in the marketing and distribution of livestock or the production, processing, manufacture, marketing and distribution of livestock products,

and so that each member is appointed by reference to one only of the above paragraphs, and one member at least by reference to each of them.

(3) The Ministers before appointing any person to be a member of the Distribution Committee as capable of representing the interests of any class of persons shall consult such organisations as appear to them appropriate as representing those interests, taking account of interests in Scotland as well as in England and Wales.

The Consumers Committee

3. The Consumers Committee shall consist of a chairman appointed by the Ministers and nine other members, and of those nine other members—

- (a) six shall be persons appointed by the Ministers as capable of representing the interests of consumers,
- (b) three shall be members of either the Production Committee or of the Distribution Committee and shall be appointed by the Commission.

*Chairmen of Production, Distribution and Consumers
Committees*

SCH. 1

4.—(1) The chairman of the Production Committee, of the Distribution Committee and of the Consumers Committee shall each be a member of the Commission.

(2) If the chairman of any of those Committees ceases to be a member of the Commission he shall also cease to be the chairman, and a member, of the Committee.

Joint Committees

5.—(1) A joint committee shall consist of one or more members of the Production Committee, and one or more members of the Distribution Committee, with or without any number of other members, and need not have any members who are members of the Commission.

(2) All the members of a joint committee shall be appointed by the Commission and the Commission may, subject to sub-paragraph (1) above, vary the constitution of a joint committee or dissolve it.

(3) A joint committee shall have a chairman appointed by the Commission from among the members of the joint committee.

(4) The Commission shall consult the Production Committee and the Distribution Committee as to the composition of any joint committee set up by the Commission.

Payment of members of committees

6. The Commission—

(a) may pay to members of the Production Committee, the Distribution Committee, the Consumers Committee and any other of the Commission's committees such remuneration as they may, with the approval of the Ministers and the Treasury, determine, and

(b) shall pay to members of any of those committees such travelling or other allowances as the Ministers may, with the approval of the Treasury, determine.

Procedure

7. Paragraphs 3, 4 and 5 of Part II of this Schedule shall apply in relation to the said three Committees and paragraphs 3, 4(1)(2) and 5 of the said Part II shall apply in relation to a joint committee or any other of the Commission's committees as those paragraphs apply in relation to the Commission.

SCHEDULE 2

Section 9.

SUPPLEMENTARY PROVISIONS WITH RESPECT TO DEVELOPMENT
SCHEMES

Procedure for making development schemes

1.—(1) At least fifty-six days before submitting a development scheme to the Ministers the Commission shall cause to be published in the London Gazette and the Edinburgh Gazette and in such other

SCH. 2 manner as they think best adapted for informing persons affected, a notice of the Commission's intention to do so—

- (a) specifying the place where the draft scheme may be inspected and copies thereof obtained, and the price (being a price approved by the Ministers) at which such copies will be supplied ; and
- (b) stating that the Commission are prepared to receive and consider any objection to the proposed scheme which may be made to the Commission in writing within such period after the date of the publication of the notice, not being less than fifty-six days, as may be specified in the notice.

(2) If any objection duly made is not withdrawn the Commission shall afford to the objector an opportunity of appearing before and being heard by a person appointed by the Commission for the purpose.

(3) The Commission shall, before submitting the development scheme, take into consideration any such objection and the report of the person before whom any objector appeared.

2.—(1) The Commission shall not submit to the Ministers a development scheme which differs from the draft scheme available for inspection under paragraph 1 above except as respects the correction of minor defects or errors.

(2) The foregoing sub-paragraph shall be without prejudice to the preparation by the Commission of a further draft scheme, and a notice under paragraph 1 above as respects such a scheme—

- (a) shall give particulars of the respects in which it differs from the previous draft scheme, and
- (b) shall state that objections to the proposed scheme are restricted to objections to or arising out of the changes, as compared with the previous scheme.

3. When submitting any development scheme to the Ministers, the Commission shall transmit to them any objection thereto which has been duly made to the Commission and has not been withdrawn, and the report of the person before whom any objector appeared.

4.—(1) After considering any objections and any report so transmitted to them, the Ministers may proceed to make a draft order confirming the scheme and, subject to the following provisions of this paragraph, they may make it with any modification which appears to them expedient.

(2) Except where the Ministers are satisfied that on any hearing afforded under this Schedule all persons who might reasonably be expected to require an opportunity of making an objection to the modification have had sufficient notice of the possibility of the modification being made, and of objecting to it, the Ministers shall not make the draft order with the modification until they have taken such steps as appear to them appropriate for bringing the modification to the notice of those persons and affording them the opportunity of

making objections, and appearing at a hearing, which they would have had if the original scheme had incorporated the modification.

SCH. 2

(3) The draft order confirming any scheme shall set out the scheme.

Confirmation of development scheme by order

5.—(1) If the Ministers are satisfied that the bringing into force of a development scheme submitted to them will conduce to the better organisation, development or regulation of any section of the live-stock industry or the livestock products industry, and that it is expedient that the development scheme should have effect, then, subject to the following provisions of this paragraph, they may if they think fit confirm the development scheme by order made by statutory instrument.

(2) The Ministers shall not make an order confirming a development scheme if it appears to them that the effect of the development scheme will or may be such as to conflict with any objectives adopted by any Ministers in making any order under Part I of the Agriculture Act 1957 (guaranteed prices and assured markets) 1957 c. 57.

(3) The Ministers shall not make an order confirming a development scheme unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.

Coming into force of development scheme

6. A development scheme shall come into force on such date as may be specified in the order confirming the development scheme, being a date after the latest date on which either House of Parliament resolves that the draft order be approved.

Proceedings questioning validity of a development scheme

7.—(1) Within six months from the making of an order confirming a development scheme any person may apply to the High Court on the ground that any provision contained in the development scheme is invalid as not being authorised by section 9 of this Act, or that there has been a failure to comply with any requirement of this Act as to the procedure for the making of a development scheme or the order confirming it, and on the application the High Court—

- (a) may by interim order suspend the operation of the development scheme (either generally or in so far as it affects the applicant) until the final determination of the proceedings,
- (b) if satisfied that on the grounds given in the application any provision contained in the development scheme is invalid, or that on those grounds the interests of the applicant have been substantially prejudiced by a failure to comply with any requirements as to procedure, may quash the development scheme or any provision contained in it either generally or in so far as it affects the applicant or any class of persons which includes the applicant, and
- (c) may, in quashing the development scheme or any provision contained in it, make such provision for consequential and incidental matters as appears to the court to be necessary

SCH. 2

or expedient, including provision as to the degree to which the decision is to affect things already done under the development scheme,

and subject to the foregoing provisions of this paragraph the validity of a development scheme shall not be questioned in any legal proceedings whatsoever.

(2) In relation to Scotland, any reference in this paragraph to the High Court shall be construed as a reference to the Court of Session.

Ministers' powers to revoke or direct variation of a development scheme

8. If the Ministers are satisfied—

- (a) that a development scheme is not serving the purposes for which it is made, or
- (b) that the continued operation of a development scheme would be contrary to the public interest, or
- (c) that a development scheme is unduly prejudicial to the interests of any class of persons affected by the scheme,

the Ministers may by order made by statutory instrument, of which a draft has been laid before and approved by resolution of each House of Parliament, revoke the development scheme or, in a case under paragraph (c) above, direct the Commission to submit to them a further development scheme containing such provisions as appear to the Commission appropriate for mitigating the effect of the earlier development scheme on the interests of the class of persons in question.

An order under this paragraph may contain such supplemental and incidental provisions, including transitional provisions, as appear to the Ministers to be expedient.

Sections 26, 28,
29 and 48.

SCHEDULE 3

CONDITIONS APPLYING TO AMALGAMATED AGRICULTURAL UNITS

Duration of conditions, and incorporation in leases, tenancies, etc.

1. For a period of forty years from the time when the provisions of this Schedule first apply to a unit of land (but without prejudice to its application when its provisions come to apply to any part of that land on any other occasion) the conditions specified in this Schedule shall be observed as regards the unit and shall, so far as applicable, be deemed to be part of the terms of any lease, agreement for lease or tenancy of the unit of land, or any part of it, and shall be enforceable accordingly.

Registration of conditions

2.—(1) When the conditions so specified first come to apply to a unit of land in England and Wales notice of that fact shall be registered in the register of local land charges by the proper officer of the local authority (not being a county council) in the area in which the unit of land, or any part of it, is situated, and shall be so registered in the prescribed manner.

(2) In relation to the unit of land within sub-paragraph (1) above, the provisions of section 15(1) of the Land Charges Act 1925 (which make an unregistered charge void in certain circumstances) shall apply as if the conditions were a charge required to be registered under that subsection, and the other provisions of that Act, including in particular section 17(3) (which relates to the conclusive effect of a certificate of search) shall have effect accordingly. SCH. 3
1925 c. 22.

(3) It shall be the duty of the appropriate Minister to give to the local authority's officer the information necessary to enable him to comply with this paragraph.

(4) Where the conditions specified in this Schedule first come to apply to a unit of land in Scotland, the Secretary of State shall cause to be recorded in the General Register of Sasines a notice of that fact; and where the conditions cease to apply as aforesaid the Secretary of State shall cause to be recorded in the General Register of Sasines a notice stating that the conditions no longer apply to that unit of land.

(5) The conditions applied to a unit of land under this Schedule shall be included among the matters which are required to be registered in the Statutory Charges Register in Northern Ireland and accordingly the following paragraph shall be added to section 2(1) of the Statutory Charges Register Act (Northern Ireland) 1951— 1951 c. 3
(N.I.).

“(x) the conditions applied to a unit of land under the Third Schedule to the Agriculture Act 1967”.

Condition restricting transfers without Minister's consent

3.—(1) It shall be a condition that, except with the written consent of the appropriate Minister, no person shall transfer to any other a part only, or any estate or interest in a part only, of the land comprised in the unit.

(2) References in this paragraph to the transfer of land, or of an estate or interest in land, include references to devolution on death or under the terms of a settlement and the High Court may, on the application of a person affected by this sub-paragraph, vary the way in which property is to devolve on a death or under a settlement so that there is no breach of the conditions specified in this paragraph but, subject to that, so that the persons interested in the unit of land, including those to whom property would devolve on the death or under the settlement, so far as required to surrender any interest in the unit of land, are compensated by receiving part of the proceeds of sale of the land or in any other way.

(3) References in this paragraph to the transfer of land, or an estate or interest in land—

- (a) include, subject to paragraph (b) below, references to transfer by way of the creation or assignment of a lease, agreement for a lease or tenancy, including in each case a sublease or sub-tenancy,
- (b) do not include references to the granting or assignment of any right of occupation the grant of which is made (whether or not expressly to that effect) in contemplation of the use of the land only for grazing or mowing during some specified period of the year, and, without prejudice to the fore-

SCH. 3

going words, in Northern Ireland do not include references to the transfer or assignment of any rights arising by virtue of a conacre agreement,

- (c) do not include references to any reconveyance or other transaction by way of discharge of a mortgage, heritable security or charge, or of the release or disburdening of any land from a mortgage, heritable security or charge.

(4) The application of this paragraph to any transaction shall not invalidate that transaction, but this sub-paragraph shall not be taken as affecting the terms written into a lease, agreement or tenancy by paragraph 1 of this Schedule.

Condition restricting non-agricultural use without Minister's consent

4. It shall be a condition that, except with the written consent of the appropriate Minister, the whole of the unit of land shall at all times be used for agricultural purposes.

Condition requiring giving of information

5. It shall be a condition that the owner of the unit of land shall, on being required so to do by the appropriate Minister, certify that the conditions in paragraphs 3 and 4 above are being observed with respect to the unit of land, and any tenant of the unit of land shall, on being so required in writing by the owner, furnish to him such information as he may reasonably require for the purpose of enabling him to comply with this condition.

Powers of Minister on giving consent

6.—(1) The appropriate Minister—

- (a) may, when giving his consent under paragraph 3 or paragraph 4 above, direct that the conditions, or any of them, specified in this Schedule shall cease to be applicable to the unit of land, or to any part thereof specified in the direction, or
- (b) may give his consent under either of those paragraphs subject to the condition that this Schedule shall apply to such different unit of land as may be specified in the condition,

but shall, before exercising the power conferred on him by paragraph (b) of this sub-paragraph first satisfy himself that all persons who will have an estate or interest in the unit of land to which this Schedule is so applied are parties to the application for consent.

(2) The appropriate Minister may give his consent under either of those paragraphs subject to payment to him of all or any part of the amount which would be payable under paragraph 7(1)(a) below on a breach of the condition to which the application relates by the applicant.

Breach of condition

7.—(1) A person by whom the condition specified in paragraph 3 or paragraph 4 above is breached as respects any unit of land shall be liable to pay to the appropriate Minister—

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- (a) an amount equal to the relevant Exchequer payments, together (except in the case of relevant Exchequer payments representing a loan or interest on a loan) with interest until payment from such date, not being earlier than the relevant date, and at such rate, as may be determined by the appropriate Minister with the approval of the Treasury, and
- (b) subject to sub-paragraph (2) below, an additional amount equal to so much of the value of the unit, when subject to the conditions imposed by this Schedule, as is attributable to the land which is the subject of the breach,

and the amount which that person is liable to pay under this sub-paragraph shall be a charge on all the estate and interest in the land comprised in the unit which he had at the time of the breach, binding him and his successors in title.

(2) The additional amount payable by virtue of sub-paragraph (1)(b) above shall not exceed—

- (a) the amount by which the value of the land which is the subject of the breach, when freed from all conditions under this Schedule, exceeds the value attributable thereto as mentioned in that sub-paragraph, or
- (b) one thousand pounds,

whichever is the greater, taking, where the breach consists of a sale of land, the value of what is sold, when freed from all conditions under this Schedule, as not less than the purchase price.

(3) Before commencing proceedings against any person to enforce the liability imposed on him by, or the charge arising under, sub-paragraph (1) above, the appropriate Minister shall serve on him a notice specifying the condition alleged to have been breached and, if it is the condition relating to use, the nature of the use constituting the breach; and, unless within two months of the service of the notice that person has—

- (a) admitted in writing the breach and his liability in respect thereof or, as the case may be, the breach and the existence of the charge, and
- (b) agreed in writing the amount recoverable by virtue of paragraph (b) of that sub-paragraph,

the matter or matters still in issue shall be determined by arbitration.

(4) Section 77 of the Agricultural Holdings Act 1948 (procedure for arbitrations) shall have effect as if any such matter were one required by that Act to be determined by arbitration under that Act.

(5) Sections 75 and 77 of the Agricultural Holdings (Scotland) Act 1949 (provisions regarding arbitrations) shall have effect as if any question in sub-paragraph (3) above were a matter required by that Act to be determined thereunder; and sections 78 and 87(2) of that Act shall have effect as if the parties to the dispute were the landlord and tenant of an agricultural holding.

(6) For the purposes of the Limitation Act 1939, no cause of action or right to receive money shall be deemed to have accrued to the appropriate Minister by virtue of sub-paragraph (1) above

SCH. 3

until the date on which he served the notice referred to in sub-paragraph (3) above.

(7) If a breach of either of the said conditions constitutes a breach of the terms of any lease, agreement for a lease or tenancy (whether written in by paragraph 1 of this Schedule or not) any person who is or was at any time entitled under the lease, agreement or tenancy to enforce those terms, or to exercise by forfeiture or otherwise any sanction for their breach, shall be liable to pay to the appropriate Minister the amounts specified in sub-paragraph (1) above so far as not recovered from any other person unless he shows to the satisfaction of the court in which proceedings for recovery are taken against him that he has, in exercise of those rights, taken all reasonable steps to prevent the breach, and to make good the results of the breach.

(8) On the receipt by the appropriate Minister of all sums due to him under this paragraph in consequence of a breach or, if he accepts a lesser amount in satisfaction of those sums, on the giving by him of a written discharge therefor, the conditions specified in this Schedule, so far as applied by reference to the relevant Exchequer payments taken into account in arriving at those sums or by reason of the making of any grant under section 27(1)(a) of this Act, shall cease to be applicable to the unit of land.

(9) A person shall not be liable to pay any part of the relevant Exchequer payments both under this Schedule and under some other provision of this Act, or where he has already become so liable by reason of a previous breach of condition.

8. If the appropriate Minister is satisfied that a breach of any of the conditions specified in paragraph 3 or 4 above is capable of being remedied he may, subject to any conditions he may impose, direct that the operation of the last foregoing paragraph shall in relation to the breach be suspended for such period as appears to him to be necessary for enabling the breach to be remedied, and if the breach is remedied to his satisfaction within that period he shall direct that the last foregoing paragraph shall not apply to the breach.

Supplementary

9. In this Schedule "owner", in relation to any land other than in Scotland, means a person, other than a mortgagee not in possession, who is entitled to receive the rack rent of the land or, where the land is not let at a rack rent, would be so entitled if it were so let; and in relation to any land in Scotland, means a person who for the time being is entitled to receive, or would, if the land were let, be entitled to receive, the rent of the land, including a trustee, tutor, curator, factor or agent.

10. In relation to land which is subject to the provisions of the Crofters (Scotland) Acts 1955 and 1961, or of the Small Landholders (Scotland) Acts 1886 to 1931, "agricultural purposes" shall, for the purposes of this Schedule, include any subsidiary or auxiliary occupation permitted by paragraph 3 of Schedule 2 to the Crofters (Scotland) Act 1955 or by section 10 of the Small Landholders (Scotland) Act 1911 as the case may be.

1955 c. 21.

1911 c. 49.

11. In relation to Scotland, any reference in this Schedule to the High Court shall be construed as a reference to the Court of Session ; and in paragraph 7(1) for the words from " and the amount " to the end of the sub-paragraph there shall be substituted the words " and the appropriate Minister may make an order in favour of himself providing and declaring that the land comprised in the unit shall be charged and burdened with an annuity to pay the amount which that person is liable to pay under this sub-paragraph, and the provisions of section 16 of and paragraphs 2 to 8 of Schedule 6 to the Building (Scotland) Act 1959 shall apply in relation to any such order as they apply in relation to a charging order within the meaning of that Schedule." 1959 c. 24. SCH. 3

12. In relation to Northern Ireland—

- (a) any reference in this Schedule to the High Court shall be construed as a reference to the High Court of Justice in Northern Ireland ;
- (b) in paragraph 7(3) above, for the words " determined by arbitration " there shall be substituted the words " referred to and determined by the Lands Tribunal for Northern Ireland " ;
- (c) paragraph 7(4) and (5) above shall be omitted ;
- (d) for any reference to the Limitation Act 1939 there shall be substituted a reference to the Statute of Limitations (Northern Ireland) 1958. 1939 c. 21. 1958 c. 10 (N.I.)

SCHEDULE 4

Section 30.

IMPROVEMENTS ELIGIBLE FOR GRANT

1. Erection, alteration, enlargement or reconditioning of permanent farm buildings (other than dwelling-houses), and making or improvement of permanent yards, loading banks and stocks.
2. Provision of means of sewage disposal other than from dwelling-houses.
3. Making and improvement of roads, fords, bridges, railway crossings and creeps.
4. Provision or laying-on of electric light or power, or gas, to farms for agricultural purposes.
5. Provision and improvement of pens and other fixed equipment for use in connection with the sheltering, gathering, marking, dipping, spraying, treatment or feeding of sheep and cattle.
6. Construction and improvement of silos, and the provision of means of disposal of effluent from silos.
7. Erection of wirework for hop gardens.
8. Making and improvement and renewal (but not repair) of permanent fences (including hedges), walls and gates.
9. Provision of cattle-grids.
10. Reclamation of waste land.
11. Provision of shelter belts.

SCH. 4

12. Removal of hedges and banks, filling in of ditches, removal of boulders, tree roots and other like obstructions to cultivation.

13. Protection and improvement of river banks.

14. Land levelling work, including filling in ponds and depressions which impede cultivation.

15. Claying and marling.

16.—(1) Subject to sub-paragraph (2) below, the provision and installation of fixed plant or machinery (including fixtures and fittings) for agricultural purposes, other than plant or machinery which has been used before installation or which is installed in, or is wholly or partly for the benefit of, a dwelling-house.

(2) This paragraph shall only apply where the fixed plant or machinery is provided by way of additional facilities or to afford greater capacity, or where the plant or machinery is required in connection with the introduction of a new system of management.

17. Any operation incidental to any of the operations specified in the other paragraphs of this Schedule or necessary or proper in carrying it out or securing the full benefit thereof.

Section 45.

SCHEDULE 5

RURAL DEVELOPMENT BOARDS

PART I

PROCEDURE FOR ESTABLISHING A BOARD

Order establishing a Board

1.—(1) The area of a Rural Development Board, and the date on which it is to be established, shall be fixed by an order made by the appropriate Minister by statutory instrument of which a draft has been laid before and approved by a resolution of each House of Parliament.

(2) The order shall specify the Board's area by reference to a map attached to, or deposited in a place recorded in, the order.

(3) The appropriate Minister shall fix the boundaries of the area having regard primarily to natural conformations, features and boundaries, and only secondarily to the boundaries of the areas of local authorities and other public bodies, or to the boundaries of the area of particular agricultural units or other holdings of the land.

(4) The area may consist of two or more separate tracts of land, and land which is part of the area may totally enclose land which is not.

Procedure for making order

2.—(1) The appropriate Minister shall, after consultation with such local authorities and other public bodies as appear to him to have an interest in the matter, publish notice of his proposals to establish a Rural Development Board, and of the Board's proposed area, in two successive weeks in one or more local newspapers circulating in that area.

(2) The notice shall—

- (a) name one or more places in or near the proposed area where copies of a draft of the order (including the map) may be inspected,**
- (b) describe, with such degree of detail as is reasonable in a notice published in a newspaper, the boundaries of the proposed area, and**
- (c) draw attention to the provisions of this Schedule authorising the making of objections, and specify the time (not being less than twenty-eight days from the first publication of the notice) within which and the manner in which objections can be made.**

3. The grounds on which an objection may be made shall be—

- (a) that a proposed boundary ought to be altered so as to exclude part of the proposed area on the ground that there are no problems or needs of the kind described in section 45 of this Act in that part of the area, and that there are no other considerations which justify the inclusion of that part,**
- (b) that a proposed boundary ought to be altered by including an additional area on the ground that there are in it problems or needs of the kind described in section 45 of this Act, or that there are other considerations which justify the inclusion of that additional area,**
- (c) that a proposed boundary ought to be altered (whether bringing land in or taking it out or both) so as better to conform to natural conformations, features and boundaries,**
- (d) that land within the proposed area and contiguous to a proposed boundary of that area ought to be excluded because not forming a natural part of a tract of agricultural or forestry land or of land suitable for agricultural or forestry purposes, or that land outside the proposed area and contiguous to a proposed boundary of the area ought to be included for the converse reasons,**
- (e) that a proposed boundary divides an agricultural unit or other land in one ownership or one occupation,**
- (f) that a proposed boundary should be adjusted so that land over which access is required to land included in the proposed area is also within the proposed area.**

4.—(1) If no objection is duly made or if all objections so made are withdrawn, the appropriate Minister may make the proposed order in the form proposed.

(2) If any objection duly made is not withdrawn the Minister shall either cause a public local inquiry to be held or afford to any person by whom any objection has been duly made and not withdrawn an opportunity of appearing before and being heard by a person appointed by the appropriate Minister for the purpose.

(3) If any person by whom an objection has been made avails himself of the opportunity of being heard the appropriate Minister

SCH. 5

shall afford to any other persons to whom it appears to him expedient to afford it an opportunity of being heard on the same occasion.

(4) After considering any objections duly made and not withdrawn, and the report of the person who held the inquiry or hearing under this paragraph, the appropriate Minister may proceed to make the proposed order and, subject to the following provisions of this paragraph, may make it with such modifications as appear to him expedient.

(5) Except where the appropriate Minister is satisfied that on the inquiry or hearing all persons who might reasonably be expected to require an opportunity of making an objection to the modification have had sufficient notice of the possibility of the modification being made, and of objecting to it, the appropriate Minister shall not make the order with the modification until he has taken such steps as appear to him appropriate for bringing the modification to the notice of those persons and affording them an opportunity of making the objections, and appearing at a local inquiry or hearing, which they would have had if the original proposal had incorporated the modification.

(6) The decision of the appropriate Minister on the question whether an objection falls within paragraph 3 of this Schedule shall be conclusive but he shall give a written notice to the objector of any adverse decision stating the reasons for his decision.

5. As soon as may be after the appropriate Minister has made the order the appropriate Minister shall publish in one or more local newspapers circulating in or near the area specified in the order a notice describing the area, stating that the order has been made and naming a place where a copy of the order (including the map) may be inspected at all reasonable hours.

Orders varying Board's area or dissolving a Board

6.—(1) The appropriate Minister may by order by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament—

- (a) vary a Board's area, or
- (b) dissolve a Board.

(2) Before making an order under sub-paragraph (1)(a) above the Minister shall comply with the procedure in paragraphs 2 to 5 above, but as if in paragraphs 2 and 3 for references to the proposed boundary of the area there were substituted references to the parts of the boundary as proposed to be altered, and with any other necessary modifications.

(3) An order under sub-paragraph (1)(b) above may contain such consequential and incidental provisions as appear to the Minister expedient, including provisions for the disposal of the property of the dissolved Board, and transitional provisions in respect of anything done by the Board before its dissolution.

Supplemental

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7.—(1) Paragraphs 15 and 16 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 or, as the case may be, to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (validity of compulsory purchase orders) shall with the necessary modifications (and in particular with the substitution for references to that Act and that Schedule, other than references to particular provisions of that Act or Schedule, of references to this Act and this Schedule) apply in relation to an order made under this Schedule as they apply in relation to compulsory purchase orders. 1946 c. 49.
1947 c. 42.

(2) Paragraph 19 of the said Schedule shall apply in relation to notices required or authorised to be served by the appropriate Minister under this Schedule with the necessary modifications, and in particular with the substitution of the appropriate Minister for the Minister mentioned in the said paragraph 19(4).

(3) Subsections (2) to (5) of section 290 of the Local Government Act 1933 (giving of evidence and costs in public local inquiries), and subsections (4) to (9) of section 355 of the Local Government (Scotland) Act 1947 (provisions as to local inquiries) shall apply to a public local inquiry held in pursuance of this Schedule, as if the Minister there mentioned were the appropriate Minister. 1933 c. 51.
1947 c. 43.

PART II

CONSTITUTION AND PROCEDURE OF BOARDS

1.—(1) A Rural Development Board shall consist of not less than six nor more than twelve members appointed by the appropriate Minister of whom more than half shall be appointed as having had experience of, and shown capacity in, or otherwise as having special knowledge of, agriculture or forestry.

(2) The Board shall have a chairman and deputy chairman appointed by the appropriate Minister from among the members of the Board.

(3) The Board shall pay to the members of the Board such travelling or other allowances as the appropriate Minister, with the approval of the Treasury, may determine, and in the case of any member of the Board as respects whom the appropriate Minister, with the approval of the Treasury, so determines—

- (a) may pay such remuneration, whether by way of salary or fees, as the appropriate Minister and the Treasury may determine in his case, and
- (b) may pay such pension, or make such payments towards the provision of a pension, to or in respect of him as the appropriate Minister and the Treasury may determine in his case,

and if a person ceases to be a member of a Board and it appears to the appropriate Minister that there are special circumstances which make it right that that person should receive compensation, the Board may, with the approval of the Treasury, pay to that person a sum of such amount as the appropriate Minister may with the approval of the Treasury determine.

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SCH. 5 2. A Board shall be a body corporate with perpetual succession and a common seal.

3.—(1) It shall be within the capacity of a Board as a statutory corporation to do such things and to enter into such transactions as are incidental or conducive to the performance of any of its functions, but they shall not borrow money without the appropriate Minister's written consent.

(2) Without prejudice to the generality of sub-paragraph (1) above, where in the performance of any of their functions a Board render any services to any person they may make such charges in respect of those services as may be agreed between a Board and that person.

4. The validity of any proceedings of a Board shall not be affected by any vacancy among the members of a Board or by any defect in the appointment or any disqualification of any of the members of a Board.

5.—(1) Subject to the following provisions of this paragraph, a member of a Board and the chairman and deputy chairman shall hold and vacate office as such in accordance with the terms of his appointment, and previous tenure of any such office shall not affect eligibility for re-appointment.

(2) If the chairman or deputy chairman ceases to be a member of a Board, he shall also cease to be chairman or deputy chairman.

(3) A member of a Board may at any time, by notice in writing addressed to the appropriate Minister, resign his membership, and the chairman or deputy chairman may, by the like notice, resign his office as such.

6. If the appropriate Minister is satisfied that a member of a Board—

(a) has become bankrupt or made an arrangement with his creditors ;

(b) is incapacitated by reason of physical or mental illness ;

(c) has been absent from meetings of the Board for a period longer than three consecutive months without the permission of the Board ; or

(d) is otherwise unable or unfit to discharge the functions of a member, or is unsuitable to continue as a member,

the appropriate Minister shall have power to remove him from his office as a member of that Board.

7.—(1) If a member of a Board has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter, and is present at a meeting of that Board at which the contract or other matter is the subject of consideration, he shall disclose the fact as soon as practicable after the commencement of the meeting, and shall not take part in the consideration or discussion of, or vote on, any question with respect to the contract or other matter, but he may nevertheless be taken into account for the purpose of constituting a quorum of that Board for any such consideration of, or decision on, the contract or other matter :

Provided that this sub-paragraph shall not apply to any interest which a member may have—

- (a) as an inhabitant of the Board's area, or the owner of an estate or interest in land in that area, or
- (b) as an applicant or prospective applicant for any consent, licence, grant or loan,

being an interest which he has in common with all other such inhabitants, owners, applicants or prospective applicants, or with any class thereof; and provided also that the chairman at any meeting, may, at his discretion, permit a member to take part in the consideration or discussion of any question (but not to vote thereon) notwithstanding that the member has an interest to which this sub-paragraph applies, but subject to such restrictions as the chairman may think it right to impose.

(2) A general notice given in writing by a member of a Board to the officer designated by that Board for the purpose to the effect that he is a member 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, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

(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.

8.—(1) In the case of an equality of votes at any meeting of a Board, the person who is chairman at that meeting shall have a second or casting vote.

(2) A Board's quorum shall be three or such larger number as they may determine, and subject to the foregoing provisions of this Schedule a Board may determine their own procedure, and the procedure of their committees.

9.—(1) A Board may appoint such officers and servants as the Board may determine.

(2) A Board shall—

- (a) pay to their officers and servants such remuneration and such travelling or other allowances as they may with the approval of the appropriate Minister and the Treasury determine; and
- (b) as to any officers or servants in whose case the Board may determine to do so, pay to or in respect of them such pensions, or provide and maintain for them such pensions schemes, as the Board may with the consent of the appropriate Minister and the Treasury determine.

10. The application of the seal of a Board to any document shall be authenticated by the signature of a member of the Board or of the person for the time being acting as secretary of the Board.

11. A Board's office shall be in its area or where it is conveniently accessible from places in its area.

Section 58.

SCHEDULE 6

**THE CENTRAL COUNCIL FOR AGRICULTURAL AND
HORTICULTURAL CO-OPERATION**

1. The Council shall be a body corporate with perpetual succession and a common seal.

2.—(1) It shall be within the capacity of the Council as a statutory corporation to do such things and to enter into such transactions as are incidental or conducive to the performance of any of their functions.

(2) Without prejudice to the generality of sub-paragraph (1) above, where in the performance of any of their functions the Council render any services to any person they may make such charges in respect of those services as may be agreed between the Council and that person.

3. The validity of any proceedings of the Council shall not be affected by any vacancy among the members of the Council or by any defect in the appointment or any disqualification of any of the members of the Council.

4.—(1) Subject to the following provisions of this paragraph, a member of the Council and the chairman and deputy chairman shall hold and vacate office as such in accordance with the terms of his appointment, and a previous tenure of any such office shall not affect eligibility for re-appointment.

(2) If the chairman or deputy chairman ceases to be a member of the Council, he shall also cease to be chairman or deputy chairman.

(3) A member of the Council may at any time, by notice in writing addressed to the Ministers, or to any of them, resign his membership, and the chairman or deputy chairman may, by the like notice, resign his office as such.

5.—(1) A member of the Council shall, if he has any direct or indirect personal interest in a proposal made or proposed to be made to the Council in connection with the making of any grant under this Act, disclose the nature of his interest at a meeting of the Council, as soon as possible after the relevant circumstances have come to his knowledge.

(2) Any disclosure so made by a member shall be recorded in the minutes of the Council and that member shall not take part after the disclosure in any decision of the Council with respect to that proposal, but he may, nevertheless, be taken into account for the purpose of constituting a quorum of the Council.

6. In the case of an equality of votes at any meeting of the Council, the person who is chairman at that meeting shall have a second or casting vote.

7. Subject to paragraphs 5 and 6 of this Schedule, the Council may determine their own quorum and procedure, and the quorum and procedure of any committee of the Council.

8. The Ministers may designate persons to attend on their behalf any meetings of the Council or any committee of the Council, and it shall be the duty of the Council to afford any person so designated reasonable facilities for taking part in the deliberations of the Council or committee, and recording the decisions of the Council or any committee of the Council ; but a person so designated shall not be qualified to vote or otherwise count as a member of the Council.

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9.—(1) The Council may appoint such officers and servants as the Council may determine.

(2) The Council shall—

- (a) pay to their officers and servants such remuneration and such travelling or other allowances as the Council may with the approval of the Ministers and of the Treasury determine, and
- (b) as to any officers or servants in whose case the Council may determine to do so, pay to or in respect of them such pensions, or provide and maintain for them such pension schemes, as the Council may with the approval of the Ministers and of the Treasury determine.

10. The application of the seal of the Council shall be authenticated by the signatures of two members of the Council and of the chief officer of the Council or some other person authorised by the Council to do so in his place.

SCHEDULE 7

Section 75.

REPEALS

Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 73.	The Hill Farming Act 1946.	In section 13(2) the words from "and, for the purposes" to the end of the subsection.
14 Geo. 6. c. 36.	The Diseases of Animals Act 1950.	Section 46.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 62.	The Agriculture (Calf Subsidies) Act 1952.	In section 1(1)(a) the words "within the period specified in the scheme." The word "and" at the end of section 1(1)(b) and section 1(1)(c). In section 1(4)(c) the words from "and in the case" to the end of the paragraph. Sections 2 and 3. In section 4(1) the words "or order under section two thereof" and the words "or order", and in section 4(2) the words from "or any limit" to "of this Act" and the words "or order".

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Chapter	Short Title	Extent of Repeal
5 & 6 Eliz. 2. c. 20.	The House of Commons Disqualification Act 1957.	In Part II of Schedule 1, the words "The Pig Industry Development Authority".
5 & 6 Eliz. 2. c. 57.	The Agriculture Act 1957.	Part II. Part III. Section 34. Schedules 2 and 3.
7 & 8 Eliz. 2. c. 2.	The Agricultural Mortgage Corporation Act 1958.	Section 1(a).
8 & 9 Eliz. 2. c. 22.	The Horticulture Act 1960.	Section 1(2) and in section 1(5) the words " or (2) ". Section 4.
1963 c. 11.	The Agriculture (Miscellaneous Provisions) Act 1963.	Sections 2 and 3. Sections 6 and 7. In section 9(1) the words from " or for the formation " to the end of the subsection.
1964 c. 28.	The Agriculture and Horticulture Act 1964.	Sections 4, 5 and 6. Section 9(2)(3).

The repeals of the Agriculture (Calf Subsidies) Act 1952 take effect on the date mentioned in section 11(6) of this Act.

The repeals of section 12 in Part II of the Agriculture Act 1957 and the other provisions of that Act so far as they relate to section 12 do not have effect as respects improvements proposed in an application made before the passing of this Act or as respects improvements proposed in an application for which the appropriate Minister gives a direction under section 30(8) of this Act.

The repeals of sections 16 and 17 in Part II of the Agriculture Act 1957 do not affect grant in respect of a transaction proposed in an application made under the said section 16 before the coming into force of the first scheme made under section 26 of this Act.

The repeals of Part III, section 34 and Schedule 3 of the Agriculture Act 1957, and in the House of Commons Disqualification Act 1957, take effect on the coming into force of an order under this Act dissolving the Pig Industry Development Authority.

The repeals of the Horticulture Act 1960, of sections 6, 7 and 9 of the Agriculture (Miscellaneous Provisions) Act 1963 and of sections 4, 5 and 6 of the Agriculture and Horticulture Act 1964 take effect in accordance with any order made under section 61(8) of this Act.



Royal Assent Act 1967

1967 CHAPTER 23

An Act to amend the law relating to the signification of Her Majesty's Royal Assent. [10th May 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) An Act of Parliament is duly enacted if Her Majesty's Signification Assent thereto, being signified by Letters Patent under the Great Seal signed with Her Majesty's own hand,—

- (a) is pronounced in the presence of both Houses in the House of Lords in the form and manner customary before the passing of this Act; or
- (b) is notified to each House of Parliament, sitting separately, by the Speaker of that House or in the case of his absence by the person acting as such Speaker.

(2) Nothing in this section affects the power of Her Majesty to declare Her Royal Assent in person in Parliament, or the manner in which an Act of Parliament is required to be endorsed in Her Majesty's name.

2.—(1) This Act may be cited as the Royal Assent Act 1967. Short title
and repeal.

(2) The Royal Assent by Commission Act 1541 is hereby repealed. 1541 c. 21.



Slaughter of Poultry Act 1967

1967 CHAPTER 24

An Act to provide for the humane slaughter, for certain commercial purposes, of poultry. [10th May 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:—

Provisions as to mode of slaughter, for certain commercial purposes, of turkeys and domestic fowls.

1.—(1) Subject to the provisions of this section, no turkey kept in captivity or domestic fowl so kept shall be slaughtered, for purposes of preparation for sale for human consumption, unless it is slaughtered instantaneously by means of decapitation or dislocation of the neck or some other method approved by the Ministers, or it is, by stunning effected by means of an instrument of a kind approved by them and in proper repair, instantaneously rendered insensible to pain until death supervenes.

(2) The foregoing subsection shall not apply to the slaughter, without the infliction of unnecessary suffering, of a bird—

- (a) by the Jewish method for the food of Jews and by a Jew duly licensed for the purpose by the Rabbinical Commission referred to in Schedule 1 to the Slaughter of Animals Act 1958; or
- (b) by the Muslim method for the food of Muslims and by a Muslim.

(3) A person who slaughters a bird in contravention of subsection (1) of this section shall, unless he proves that by reason of an accident or other emergency the slaughter was necessary for preventing physical injury or suffering to any person or animal, be guilty of an offence and liable, on summary conviction, to a fine not exceeding £50 or to imprisonment for a term not exceeding three months, or to both.

1958 c. 8
(7 & 8 Eliz. 2).

(4) This section shall apply to Scotland as if in subsection (2)(a) for the words from "Rabbinical" to "1958" there were substituted the words "Chief Rabbi".

2. It shall be the duty of every local authority to maintain for the purposes of this section a register of premises situate within their area, and if, in premises so situate that are not registered in that register, a turkey kept in captivity or a domestic fowl so kept is slaughtered, for purposes mentioned in section 1(1) above, having been, by stunning effected as mentioned in section 1(1) above, instantaneously rendered insensible to pain until death supervened, the occupier of the premises shall be guilty of an offence, and liable, on summary conviction, to a fine not exceeding £20.

Slaughter, for certain commercial purposes, while insensible after stunning, to take place only in registered premises.

3.—(1) The Ministers may, after consultation with such persons or bodies as seem to them representative of the interests concerned, by statutory instrument (which shall be subject to annulment in pursuance of a resolution of either House of Parliament) make such regulations as appear to them to be expedient for securing humane conditions and practices in connection with the slaughter, for purposes mentioned in section 1(1) above, of turkeys kept in captivity and domestic fowls so kept; and such regulations may, in particular, prescribe conditions to be observed in connection with the confinement and treatment of such turkeys and domestic fowls while awaiting slaughter and in connection with the slaughter of such turkeys and domestic fowls.

Regulations for securing humane conditions of slaughter for certain commercial purposes, &c.

(2) Regulations under this section may prescribe penalties for offences against the regulations, not exceeding those specified in section 1(3) of this Act.

4.—(1) At any time at which the slaughter, for purposes mentioned in section 1(1) above, of turkeys kept in captivity or domestic fowls so kept is, or appears to be, in progress in any premises, at any time not later than forty-eight hours after a time at which the slaughter for such purposes of such turkeys or domestic fowls was, or appears to have been, in progress in any premises, and at any time at which it appears that turkeys or domestic fowls are on any premises for the purpose of their being slaughtered for such purposes, a person authorised in that behalf by the Minister of Agriculture, Fisheries and Food or the Secretary of State or by the local authority within whose area the premises are situate may enter the premises for the purpose of ascertaining whether there is, or has been, on those premises any contravention of, or failure to comply with, any provision of this Act or regulations thereunder.

Power of certain persons to enter premises where slaughter for certain commercial purposes takes place.

(2) A person who obstructs a person in the exercise of his powers under the foregoing subsection shall be guilty of an

offence and liable, on summary conviction, to a fine not exceeding £20.

Offences by corporations.

5. 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 any neglect on the part of, a 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 shall be liable to be proceeded against and punished accordingly.

Power of local authorities to institute proceedings for offences.

6. A local authority in England or Wales shall have power to institute proceedings in respect of a contravention occurring within their area of a provision of this Act or of regulations thereunder.

Power to extend Act to birds other than turkeys and domestic fowls.

7.—(1) The Ministers may, after consultation with such persons or bodies as seem to them representative of the interests concerned, by order extend this Act (subject to such, if any, exceptions, adaptations and modifications as may be specified in the order) to the slaughter, for purposes mentioned in section 1(1) above, of birds of any kind kept in captivity, other than turkeys and domestic fowls.

(2) An order under this section may be varied or revoked by a subsequent order thereunder made by the Ministers.

(3) The powers conferred by this section shall be exercisable by statutory instrument, and no order shall be made under this section unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament.

Interpretation.

8. In this Act—

“local authority” means, as respects England and Wales, the council of a county borough, a London borough or a county district or the Common Council of the City of London and, as respects Scotland, a county council or a town council ;

“the Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly.

Short title, extent and commencement.

9.—(1) This Act may be cited as the Slaughter of Poultry Act 1967.

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

(3) This Act shall come into force on such day as the Ministers may by order, made by statutory instrument, appoint, and different days may be appointed for the purposes of different provisions of this Act.



National Insurance (Industrial Injuries) (Amendment) Act 1967

1967 CHAPTER 25

An Act to amend the enactments providing for benefits out of the Industrial Injuries Fund in respect of industrial diseases; and for connected purposes.

[10th May 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 subsection (2) of this section, the following enactments, namely—

- (a) paragraph (a) of section 58(1) of the National Insurance (Industrial Injuries) Act 1965 (hereafter in this Act referred to as “the Industrial Injuries Act”);
- (b) paragraph (b) of section 4(1) of the Workmen's Compensation and Benefit (Amendment) Act 1965; and
- (c) the definition of “pneumoconiosis” in section 6(1) of the Pneumoconiosis and Byssinosis Benefit Act 1951 (hereafter in this Act referred to as “the Benefit Act”),

Further provision as to certain respiratory diseases.
1965 c. 52.
1965 c. 79.
1951 c. 4.
(15 & 16 Geo. 6 & 1 Eliz. 2.)

shall each have effect as if after the word “tuberculosis”, in both places where that word occurs, there were inserted the words “emphysema or chronic bronchitis”.

(2) Subsection (1) of this section shall have effect only in relation to a person the extent of whose disablement resulting from pneumoconiosis, or from pneumoconiosis accompanied by tuberculosis, would, if his physical condition were otherwise normal, be assessed under the Industrial Injuries Act at not less than fifty per cent. or, as the case may be, be determined in accordance with the relevant scheme made under the Workmen's Compensation (Supplementation) Act 1951 (hereafter in this Act referred to as “the Supplementation Act”) or made under the Benefit Act to be of comparable gravity.

1951 c. 22.

(3) A scheme under the Supplementation Act or under the Benefit Act may include provision for the payment or award in respect of any period beginning on or after the passing of this Act of an allowance under the Act in question at a rate increased by virtue of this section without any further award or, as the case may be, any further claim, in a case where sufficient evidence of the satisfaction of the conditions for that increased rate has already been supplied.

(4) Where a statutory instrument containing regulations under the Industrial Injuries Act or a scheme under the Supplementation Act or the Benefit Act is made before the expiration of the period of six months beginning with the date of the passing of this Act and contains a statement that the regulations are, or, as the case may be, that the scheme is, made in consequence of this Act, then section 62(2) of the Industrial Injuries Act (which requires any proposal to make such regulations to be referred to the Industrial Injuries Advisory Council for consideration and advice) shall not apply to those regulations, or, as the case may be, section 1(4) of the Supplementation Act or section 1(5) of the Benefit Act, so far as the said section 1(4) or 1(5) provides that any such scheme shall not be made unless a draft of it has been laid before Parliament and approved by resolution of each House, shall not apply to that scheme, which shall instead be subject to annulment in pursuance of a resolution of either House of Parliament.

Expenses.

2. Subject to the provision made 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 that section or under that section as applied by section 3(5) of the Supplementation Act or by section 4(1) of the Benefit Act.

Citation,
construction
and extent.

3.—(1) This Act may be cited as the National Insurance (Industrial Injuries) (Amendment) Act 1967.

(2) This Act, so far as it relates to the subject-matter of the Industrial Injuries Act, shall be construed as one with that Act and may be cited together with the National Insurance (Industrial Injuries) Acts 1965 and 1966 as the National Insurance (Industrial Injuries) Acts 1965 to 1967.

(3) Any reference in this Act to any enactment shall be construed—

(a) except where the context otherwise requires, as a reference to that enactment as amended, extended or applied by or under any other enactment; and

(b) as including a reference to the corresponding provision of any Act passed during the same Session as this Act which repeals and re-enacts that enactment.

(4) Without prejudice to the operation in relation to Northern Ireland of section 83(5) of the Industrial Injuries Act, section 5(3) of the Supplementation Act or section 4(1) of the Benefit Act, this Act shall not extend to Northern Ireland.



Merchant Shipping Act 1967

1967 CHAPTER 26

An Act to amend section 92 of the Merchant Shipping Act 1894. [10th May 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:—

Extension of, and new penal provision for, section 92 of Merchant Shipping Act 1894. 1894 c. 60.

1.—(1) Section 92 of the Merchant Shipping Act 1894 shall be amended in accordance with the following provisions of this section.

(2) In subsection (1) (which requires every British foreign-going ship and every British home trade passenger ship, when going to sea from any place in the United Kingdom, and, in certain circumstances, other ships, to be provided with officers duly certificated under that Act according to the scale set out in that subsection) after the words “from any place in the United Kingdom” there shall be inserted the words “every ship registered in the United Kingdom, being a foreign-going ship or a home trade passenger ship, when going to sea from a place outside the United Kingdom”.

(3) After subsection (1), there shall be inserted the following subsection:—

“(1A) If, on an occasion on which a ship of a particular description registered in the United Kingdom, being a foreign-going ship or a home trade passenger ship, goes to sea from a place outside the United Kingdom, one, but only one, of the duly certificated officers with which a ship of that description is required to be provided by the foregoing provisions of this section is not provided, but all reasonable steps were taken to secure the provision on that occasion of a duly certificated person as that officer, so much of the

foregoing subsection as requires a ship of that description to be provided with that officer when going to sea from a place outside the United Kingdom shall not apply to the ship during whichever is the shorter of the following periods beginning with the day on which the ship goes to sea from that place on that occasion, that is to say—

- (a) the period of twenty-eight days; and
- (b) the period ending with the day on which the ship is provided with a duly certificated person as that officer”.

(4) For subsection (2) (which penalises a person engaged as such an officer as is mentioned in the said subsection (1) who goes to sea without being duly certificated and any person who employs another as an officer in contravention of the said subsection (1) without ascertaining that that other is duly certificated) there shall be substituted the following subsection:—

“ (2) If the requirements of subsection (1) of this section are not complied with in a case in which they apply to a ship, the master or owner of the ship shall be liable to a fine not exceeding one hundred pounds”.

2.—(1) This Act may be cited as the Merchant Shipping Act 1967, and this Act and the Merchant Shipping Acts 1894 to 1965 may be cited together as the Merchant Shipping Acts 1894 to 1967. Interpretation and construction.

(2) Any reference in an Act passed before the passing of this Act to section 92 of the Merchant Shipping Act 1894 shall, unless the contrary intention appears, be construed as referring to that section as amended by this Act. 1894 c. 60.



Merchant Shipping (Load Lines) Act 1967

1967 CHAPTER 27

An Act to make further provision as to load lines and related matters; to increase penalties under certain provisions of the Merchant Shipping Acts 1894 to 1965 relating to passenger steamers; and for purposes connected with the matters aforesaid.

[10th May 1967]

WHEREAS a Convention entitled “ the International Convention on Load Lines ” (in this Act referred to as “ the Convention of 1966 ”) was signed in London on 5th April, 1966:

And whereas it is intended that the Convention of 1966 shall replace the Convention set out in Schedule 2 to the Merchant Shipping (Safety and Load Line Conventions) Act 1932 c. 9.

And whereas it is expedient to enable effect to be given to the Convention of 1966:

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:—

General provisions

1. This Act applies to all ships except—

- (a) ships of war ;
- (b) ships solely engaged in fishing ; and
- (c) pleasure yachts.

Ships to which Act applies.

2.—(1) The Board of Trade shall make rules in accordance with the following provisions of this Act (in this Act referred to as “ the load line rules ”); and in making those rules the Board shall have regard in particular to the Convention of 1966.

(2) The load line rules shall make provision—

- (a) for the surveying and periodical inspection of ships to which this Act applies ;
- (b) for determining freeboards to be assigned from time to time to such ships ;
- (c) for determining, in relation to any such ship, the deck which is to be taken to be the freeboard deck of the ship, and for requiring the position of that deck to be indicated on each side of the ship by a mark of a description prescribed by the rules ; and
- (d) for determining, by reference to that mark and the freeboards for the time being assigned to any such ship, the positions in which each side of the ship is to be marked with lines of a description prescribed by the rules, indicating the various maximum depths to which the ship may be loaded in circumstances prescribed by the rules.

(3) The load line rules shall include the following provisions, that is to say—

- (a) provisions specifying such requirements in respect of the hulls, superstructures, fittings and appliances of ships to which this Act applies as appear to the Board of Trade to be relevant to the assignment of freeboards to such ships ;
- (b) provisions whereby, at the time when freeboards are assigned to a ship in accordance with the load line rules, such particulars relating to those requirements as may be determined in accordance with the rules are to be recorded in such manner as may be so determined ; and
- (c) provisions for determining by reference to those requirements and that record whether, at any time after freeboards have been so assigned to a ship and while they continue to be so assigned, the ship is for the purposes of this Act to be taken to comply, or not to comply, with the conditions of assignment ;

and those provisions shall be set out separately in the load line rules under the title of “ rules as to conditions of assignment ”.

(4) The load line rules shall also include provisions requiring such information relating to the stability of any ship to which freeboards are assigned thereunder, and such information relating to the loading and ballasting of any such ship, as may be determined in accordance with the rules to be provided for the guidance of the master of the ship in such manner as may be so determined.

(5) In relation to any matter authorised or required by this Act to be prescribed by the load line rules, those rules may make different provision by reference to (or to any combination of) any of the following, that is to say, different descriptions of ships, different areas, different seasons of the year and any other different circumstances.

(6) Except in so far as the context otherwise requires, in this Act “deck-line” means such a mark as is referred to in paragraph (c) of subsection (2) of this section and “load lines” means such lines as are referred to in paragraph (d) of that subsection.

Ships registered in United Kingdom

3.—(1) Subject to any exemption conferred by or under this Act, no ship to which this Act applies, being a ship registered in the United Kingdom, shall proceed or attempt to proceed to sea unless—

Compliance with load line rules.

- (a) the ship has been surveyed in accordance with the load line rules ;
- (b) the ship is marked with a deck-line and with load lines in accordance with those rules ;
- (c) the ship complies with the conditions of assignment ; and
- (d) the information required by those rules to be provided as mentioned in section 2(4) of this Act is provided for the guidance of the master of the ship in the manner determined in accordance with the rules.

(2) If any ship proceeds or attempts to proceed to sea in contravention of the preceding subsection, the owner or master of the ship shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(3) Any ship which in contravention of subsection (1) of this section attempts to proceed to sea without being surveyed and marked as mentioned in paragraphs (a) and (b) of that subsection may be detained until she has been so surveyed and marked.

(4) Any such ship as is mentioned in subsection (1) of this section which does not comply with the conditions of assignment shall be deemed to be unsafe for the purposes of section 459 of the Merchant Shipping Act 1894 (power to detain unsafe ships, and procedure for detention). 1894 c. 60.

4.—(1) Where a ship to which this Act applies, being a ship registered in the United Kingdom, is marked with load lines, the ship shall not be so loaded that—

Submersion of load lines.

- (a) if the ship is in salt water and has no list, the appropriate load line on each side of the ship is submerged, or

(b) in any other case, the appropriate load line on each side of the ship would be submerged if the ship were in salt water and had no list.

(2) If any ship is loaded in contravention of the preceding subsection, the owner or master of the ship shall (subject to subsection (5) of this section) be guilty of an offence and liable on summary conviction—

(a) to a fine not exceeding £400, and

(b) to such additional fine, not exceeding an amount calculated in accordance with the next following subsection, as the court thinks fit to impose, having regard to the extent to which the earning capacity of the ship was increased by reason of the contravention.

(3) Any additional fine imposed under subsection (2)(b) of this section shall not exceed £400 for every complete inch, and for any fraction of an inch over and above one or more complete inches, by which—

(a) in a case falling within paragraph (a) of subsection (1) of this section, the appropriate load line on each side of the ship was submerged, or

(b) in a case falling within paragraph (b) of that subsection, the appropriate load line on each side of the ship would have been submerged as therein mentioned ;

and, if the amount by which that load line was or would have been submerged was less than a complete inch, any such additional fine shall not exceed £400.

(4) If the master of a ship takes the ship to sea when she is loaded in contravention of subsection (1) of this section, or if any other person, having reason to believe that the ship is so loaded, sends or is party to sending her to sea when she is loaded in contravention of that subsection, then (without prejudice to any fine to which he may be liable in respect of an offence under subsection (2) of this section) he shall be guilty of an offence under this subsection and liable—

(a) on conviction on indictment, to a fine ;

(b) on summary conviction, to a fine not exceeding £400.

(5) Where a person is charged with an offence under subsection (2) of this section, it shall be a defence to prove that the contravention was due solely to deviation or delay and that the deviation or delay was caused solely by stress of weather or other circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.

(6) Without prejudice to any proceedings under the preceding provisions of this section, any ship which is loaded in contravention of subsection (1) of this section may be detained until she ceases to be so loaded.

(7) For the purposes of the application of this section to a ship in any circumstances prescribed by the load line rules in accordance with section 2(2)(d) of this Act, "the appropriate load line" means the load line which, in accordance with those rules, indicates the maximum depth to which the ship may be loaded in salt water in those circumstances.

5. Where a ship to which this Act applies, being a ship registered in the United Kingdom, is marked in accordance with any requirements as to marking imposed by or under this Act, then if—

Miscellaneous offences in relation to marks.

- (a) the owner or master of the ship fails without reasonable cause to keep the ship so marked, or
- (b) any person conceals, removes, alters, defaces or obliterates, or causes or permits any person under his control to conceal, remove, alter, deface or obliterate, any mark with which the ship is so marked, except where he does so under the authority of a person empowered under the load line rules to authorise him in that behalf,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

6.—(1) Where a ship to which this Act applies, being a ship registered in the United Kingdom, has been surveyed and marked in accordance with the load line rules, the appropriate certificate shall be issued to the owner of the ship on his application.

Issue of load line certificates.

(2) For the purposes of this section the appropriate certificate—

- (a) in the case of an existing ship of not less than 150 tons gross tonnage, and in the case of a new ship of not less than 24 metres in length, is a certificate to be called an "International Load Line Certificate (1966)", and
- (b) in the case of any other ship, is a certificate to be called a "United Kingdom load line certificate".

(3) Subject to the next following subsection, any certificate required by subsection (1) of this section to be issued—

- (a) shall be issued by the Board of Trade or by a person authorised in that behalf by the Board, and
- (b) shall be in such form, and shall be issued in such manner, as may be prescribed by the load line rules.

(4) The Board of Trade may request a Contracting Government, other than Her Majesty's Government in the United

Kingdom, to issue an International Load Line Certificate (1966) in respect of any ship to which this Act applies which is a ship registered in the United Kingdom and falling within subsection (2)(a) of this section; and the following provisions of this Act shall have effect in relation to such a certificate so issued, which contains a statement that it has been issued at the request of Her Majesty's Government in the United Kingdom, as they have effect in relation to an International Load Line Certificate (1966) issued by the Board of Trade.

Effect of load line certificate.

7. Where a certificate, issued in pursuance of the last preceding section and for the time being in force, is produced in respect of the ship to which the certificate relates,—

- (a) the ship shall be deemed to have been surveyed in accordance with the load line rules, and
- (b) if lines are marked on the ship corresponding in number and description to the deck-line and load lines as required by the load line rules, and the positions of those lines so marked correspond to the positions of the deck-line and load lines as specified in the certificate, the ship shall be deemed to be marked as required by those rules.

Duration, endorsement and cancellation of load line certificates.

8.—(1) The load line rules shall make provision for determining the period during which any certificate issued under section 6 of this Act is to remain in force, including—

- (a) provision enabling the period for which any such certificate is originally issued to be extended within such limits and in such circumstances as may be prescribed by the rules, and
- (b) provision for cancelling any such certificate in such circumstances as may be so prescribed.

(2) While any such certificate is in force in respect of a ship, there shall be endorsed on the certificate such information relating to—

- (a) periodical inspections of the ship in accordance with the load line rules, and
- (b) any extension of the period for which the certificate was issued,

as may be prescribed by the rules.

Ships not to proceed to sea without load line certificate.

9.—(1) Subject to any exemption conferred by or under this Act, no ship to which this Act applies, being a ship registered in the United Kingdom, shall proceed or attempt to proceed to sea unless the appropriate certificate is in force in respect of the ship.

(2) Before any such ship proceeds to sea, the master of the ship shall produce the appropriate certificate to the officer of customs from whom a clearance for the ship is demanded; and a clearance shall not be granted, and the ship may be detained, until the appropriate certificate is so produced.

(3) If any ship proceeds or attempts to proceed to sea in contravention of this section, the master of the ship shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(4) In this section "the appropriate certificate" means the certificate which is the appropriate certificate for the purposes of section 6 of this Act.

10.—(1) Where a certificate is issued in respect of a ship under section 6 of this Act—

(a) the owner of the ship shall forthwith on receipt of the certificate cause it to be framed and posted up in some conspicuous place on board the ship, and shall cause it to be kept so framed and posted up and legible so long as the certificate remains in force and the ship is in use, and

Publication of load line certificate and entry of particulars in official log-book.

(b) the master of the ship, before making any other entry in any official log-book relating to the ship, shall enter in it the particulars as to the positions of the deck-line and the load lines which are specified in the certificate.

(2) Before any ship to which this Act applies, being a ship registered in the United Kingdom, leaves any dock, wharf, harbour or other place for the purpose of proceeding to sea, the master of the ship—

(a) shall enter in the official log-book such particulars relating to the depth to which the ship is for the time being loaded as may be prescribed by regulations made by the Board of Trade under this Act, and

(b) subject to the next following subsection, shall cause a notice, in such form and containing such of those particulars as may be specified in the regulations for the purposes of this paragraph, to be posted up in some conspicuous place on board the ship;

and, where such a notice has been posted up, the master of the ship shall cause it to be kept so posted up and legible until the ship arrives at some other dock, wharf, harbour or place.

(3) The regulations may exempt home trade ships, or any class of home trade ships specified in the regulations, from the requirements as to notices contained in the last preceding subsection.

(4) If the owner or master of a ship fails to comply with any requirement imposed on him by the preceding provisions of this section, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

Inspection
of ships.

11.—(1) A ship surveyor or engineer surveyor may inspect any ship to which this Act applies, being a ship registered in the United Kingdom, for the purpose of seeing that the provisions of this Act have been complied with in respect of the ship.

(2) For the purposes of any such inspection any such surveyor shall have all the powers of a Board of Trade inspector under the Merchant Shipping Act 1894.

1894 c. 60.

Ships not registered in United Kingdom

Valid
Convention
certificates.

12.—(1) This section applies to any ship which, being a ship to which this Act applies and not being registered in the United Kingdom,—

(a) is registered in a Convention country or, not being registered in any such country or elsewhere, flies the flag of a Convention country, and

(b) is either an existing ship of not less than 150 tons gross tonnage or a new ship of not less than 24 metres in length.

(2) The Board of Trade may, at the request of the Government of the parent country of a ship to which this section applies, issue in respect of the ship a certificate in such form as may be prescribed by the load line rules, if the Board are satisfied that they could properly issue a certificate in respect of the ship under section 6(1) of this Act if the ship were registered in the United Kingdom.

(3) The load line rules shall make such provision as appears to the Board of Trade to be appropriate for securing that certificates which are issued as International Load Line Certificates (1966) in respect of ships to which this section applies, and are so issued by Governments other than Her Majesty's Government in the United Kingdom, shall be recognised for the purposes of this Act in such circumstances as may be prescribed by the rules.

(4) Certificates issued as mentioned in subsection (2) or subsection (3) of this section shall be included among the certificates to be called "International Load Line Certificates (1966)".

(5) In this Act "valid Convention certificate" means a certificate which either—

(a) has been issued under subsection (2) of this section and is for the time being in force, or

- (b) having been issued as mentioned in subsection (3) of this section, is produced in circumstances in which it is required by the load line rules to be recognised for the purposes of this Act.

13.—(1) Subject to the next following subsection, and to any exemption conferred by or under this Act, no ship to which this Act applies, not being a ship registered in the United Kingdom, shall proceed or attempt to proceed to sea from any port in the United Kingdom unless—

Compliance with load line rules.

- (a) the ship has been surveyed in accordance with the load line rules ;
- (b) the ship is marked with a deck-line and with load lines in accordance with those rules ;
- (c) the ship complies with the conditions of assignment ; and
- (d) the information required by those rules to be provided as mentioned in section 2(4) of this Act is provided for the guidance of the master of the ship in the manner determined in accordance with the rules.

(2) The preceding subsection does not apply to a ship in respect of which a valid Convention certificate is produced.

(3) If any ship proceeds or attempts to proceed to sea in contravention of the preceding provisions of this section, the owner or master of the ship shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(4) Any ship which in contravention of this section attempts to proceed to sea without being surveyed and marked as mentioned in paragraphs (a) and (b) of subsection (1) of this section may be detained until she has been so surveyed and marked.

(5) If any such ship as is mentioned in subsection (1) of this section, not being a ship in respect of which a valid Convention certificate is produced, does not comply with the conditions of assignment, then—

- (a) if the ship is a British ship, she shall be deemed to be unsafe for the purposes of section 459 of the Merchant Shipping Act 1894, or
- (b) if the ship is a foreign ship, section 462 of that Act shall have effect in relation to the ship as if she were unsafe by reason of one of the matters specified in that section.

14.—(1) Where a ship to which this Act applies, not being a ship registered in the United Kingdom, is within any port in the United Kingdom, and is marked with load lines, the ship shall not be so loaded that—

Submersion of load lines.

- (a) if the ship is in salt water and has no list, the appropriate load line on each side of the ship is submerged, or

(b) in any other case, the appropriate load line on each side of the ship would be submerged if the ship were in salt water and had no list.

(2) Subsections (2), (3), (5) and (6) of section 4 of this Act shall have effect for the purposes of this section as if any reference in those subsections to subsection (1) of that section, or to paragraph (a) or paragraph (b) of the said subsection (1), were a reference to subsection (1), or (as the case may be) to the corresponding paragraph of subsection (1), of this section:

Provided that, in the case of a ship to which section 12 of this Act applies, the ship shall not be detained, and no proceedings shall be brought by virtue of this subsection, unless the ship has been inspected by a ship surveyor or engineer surveyor in pursuance of section 17 of this Act.

(3) In relation to a ship in respect of which a valid Convention certificate is produced, "load line" in subsection (1) of this section means a line marked on the ship in the position of a load line specified in that certificate; and for the purposes of the application of the relevant provisions to such a ship in any circumstances for which a particular load line is specified in the certificate, the "appropriate load line" means the load line which, in accordance with the certificate, indicates the maximum depth to which the ship may be loaded in salt water in those circumstances.

(4) Where a valid Convention certificate is not produced in respect of a ship, then, for the purposes of the application of the relevant provisions to that ship in any circumstances prescribed by the load line rules in accordance with section 2(2)(d) of this Act, "the appropriate load line" means the load line which, in accordance with those rules, indicates the maximum depth to which the ship may be loaded in salt water in those circumstances.

(5) In subsections (3) and (4) of this section "the relevant provisions" means the provisions of subsection (1) of this section and any provisions of section 4 of this Act as applied by subsection (2) of this section.

United
Kingdom
load line
certificates.

15.—(1) Where a ship to which this Act applies, not being a ship registered in the United Kingdom, has been surveyed and marked in accordance with the load line rules, then on the application of the owner of the ship a United Kingdom load line certificate shall be issued to him by the Board of Trade or by a person authorised in that behalf by the Board.

(2) Subject to the next following subsection, the provisions of sections 7 and 8 of this Act shall have effect in relation to

a certificate issued under the preceding subsection as they have effect in relation to a certificate issued under section 6 of this Act.

(3) Any certificate issued under subsection (1) of this section in respect of a ship to which section 12 of this Act applies shall be valid only so long as the ship is not plying on international voyages, and shall be cancelled by the Board of Trade if they have reason to believe that the ship is plying on international voyages.

16.—(1) Subject to any exemption conferred by or under this Act, before a ship to which this Act applies, not being a ship registered in the United Kingdom, proceeds to sea from any port in the United Kingdom, the master of the ship shall produce the appropriate certificate to the officer of customs from whom a clearance for the ship is demanded; and a clearance shall not be granted, and the ship may be detained, until the appropriate certificate is so produced.

Production of certificate to customs officer.

(2) For the purposes of this section the appropriate certificate—

- (a) in the case of a ship to which section 12 of this Act applies, where a clearance for the ship is demanded in respect of an international voyage, is a valid Convention certificate;
- (b) in the case of any such ship, where a clearance for the ship is demanded in respect of any other voyage, is either a valid Convention certificate or a United Kingdom load line certificate for the time being in force in respect of the ship; and
- (c) in any other case, is a United Kingdom load line certificate for the time being in force in respect of the ship.

17.—(1) Subject to the following provisions of this section, a ship surveyor or engineer surveyor may inspect any ship to which this Act applies, not being a ship registered in the United Kingdom, while the ship is within any port in the United Kingdom; and for the purposes of any such inspection any such surveyor shall have all the powers of a Board of Trade inspector under the Merchant Shipping Act 1894.

Provisions as to inspection.

1894 c. 60.

(2) Any such surveyor may go on board any ship to which section 12 of this Act applies, while the ship is within any port in the United Kingdom, for the purpose of demanding production of any International Load Line Certificate (1966) or United Kingdom load line certificate for the time being in force in respect of the ship.

(3) If on any such demand a valid Convention certificate is produced to the surveyor in respect of the ship, the powers of the surveyor under subsection (1) of this section shall be limited to seeing—

- (a) that the ship is not loaded beyond the limits allowed by the certificate ;
- (b) that lines are marked on the ship in the positions of the load lines specified in the certificate ;
- (c) that no material alterations have taken place in the hull or superstructures of the ship which affect the position in which any of those lines ought to be marked ; and
- (d) that the fittings and appliances for the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters have been maintained on the ship in as effective a condition as they were in when the certificate was issued.

(4) If on an inspection of a ship under this section the ship is found to have been so materially altered in respect of the matters referred to in paragraph (c) or paragraph (d) of the last preceding subsection that the ship is manifestly unfit to proceed to sea without danger to human life, then—

- (a) if the ship is a British ship, she shall be deemed to be unsafe for the purposes of section 459 of the Merchant Shipping Act 1894, or
- (b) if the ship is a foreign ship, section 462 of that Act shall have effect in relation to the ship as if she were unsafe by reason of one of the matters specified in that section.

1894 c. 60.

(5) Where a ship is detained under the provisions of that Act as applied by the last preceding subsection, the Board of Trade shall order the ship to be released as soon as they are satisfied that the ship is fit to proceed to sea without danger to human life.

Exemptions

18.—(1) If in the opinion of the Board of Trade the sheltered nature and conditions of international voyages—

- (a) between near neighbouring ports in the United Kingdom and in another Convention country, or
- (b) between near neighbouring ports in any two or more countries or territories outside the United Kingdom,

make it unreasonable or impracticable to apply the provisions of this Act to ships plying on such voyages, and the Board are

Power to make exemption orders.

satisfied that the Government of the other country or territory (or, as the case may be, of each of the other countries or territories) concurs in that opinion, the Board may by order specifying those ports direct that ships plying on international voyages between those ports, or any class of such ships specified in the order, shall be exempt from the provisions of this Act.

(2) The Board of Trade may by order direct that ships under 80 tons register engaged solely in the coasting trade, or any class of such ships specified in the order, shall be exempt from the provisions of this Act while not carrying cargo, or (if the order so provides) shall be exempt from the provisions of this Act whether carrying cargo or not.

(3) Any order under this section may be made subject to such conditions as the Board of Trade think fit; and, where any such order is made subject to conditions, the exemption conferred by the order shall not have effect in relation to a ship unless the ship complies with those conditions.

19.—(1) In this section any reference to exempting a ship is a reference to exempting the ship either—

Further powers to exempt ships.

(a) from all the provisions of this Act and of the load line rules, or

(b) from such of those provisions as are specified in the instrument conferring the exemption.

(2) On the application of the owner of a ship to which this Act applies, which is registered in the United Kingdom and is either an existing ship of not less than 150 tons gross tonnage or a new ship of not less than 24 metres in length, the Board of Trade may exempt the ship if in their opinion the ship embodies features of a novel kind such that, if the ship had to comply with all the requirements of this Act and of the load line rules, the development of those features and their incorporation in ships engaged on international voyages might be seriously impeded.

(3) On the application of the owner of a ship to which this Act applies, which is registered in the United Kingdom and is either—

(a) an existing ship of less than 150 tons gross tonnage or a new ship of less than 24 metres in length, or

(b) a ship (not falling within the preceding paragraph) which does not ply on international voyages,

the Board of Trade may exempt the ship.

(4) Without prejudice to the last preceding subsection, where a ship to which this Act applies, which is registered in the United Kingdom and is either an existing ship of not less than 150

tons gross tonnage or a new ship of not less than 24 metres in length, does not normally ply on international voyages but is, in exceptional circumstances, required to undertake a single international voyage, the Board of Trade, on the application of the owner of the ship, specifying the international voyage in question, may exempt the ship while engaged on that voyage.

(5) Any exemption conferred under this section may be conferred subject to such conditions as the Board of Trade think fit ; and, where any such exemption is conferred subject to conditions, the exemption shall not have effect unless those conditions are complied with.

Issue of exemption certificates.

20.—(1) Where the Board of Trade exempt a ship under the last preceding section, the Board shall issue the appropriate certificate to the owner of the ship.

(2) For the purposes of this section the appropriate certificate—

(a) where the exemption is conferred under subsection (2) or subsection (4) of the last preceding section, is a certificate to be called an “ International Load Line Exemption Certificate ”, and

(b) where the certificate is conferred under subsection (3) of that section, is a certificate to be called a “ United Kingdom load line exemption certificate ”.

(3) Any certificate issued under this section shall be in such form, and shall be issued in such manner, as may be prescribed by the load line rules.

Duration and termination of exemptions, and duration, endorsement and cancellation of exemption certificates.

21.—(1) The load line rules shall make provision for determining the period during which any exemption conferred under section 19 of this Act, or any certificate issued under section 20 of this Act, is to remain in force, including—

(a) provision enabling the period for which any such exemption or certificate is originally conferred or issued to be extended within such limits and in such circumstances as may be prescribed by the rules, and

(b) provision for terminating any such exemption, and for cancelling any such certificate, in such circumstances as may be so prescribed.

(2) While any such certificate is in force in respect of a ship, there shall be endorsed on the certificate such information relating to—

(a) periodical inspections of the ship in accordance with the load line rules, and

(b) any extension of the period for which the certificate was issued,

as may be prescribed by the rules.

22.—(1) The load line rules shall make such provision as appears to the Board of Trade to be appropriate for securing that exemption certificates which, in accordance with the Convention of 1966, are issued in respect of ships to which section 12 of this Act applies, and are so issued by Governments other than Her Majesty's Government in the United Kingdom, shall in such circumstances as may be prescribed by the rules have the like effect for the purposes of this Act as if they were valid Convention certificates.

International
Load Line
Exemption
Certificates.

(2) Certificates issued as mentioned in the preceding subsection shall be included among the certificates to be called "International Load Line Exemption Certificates".

Subdivision load lines and deck cargo

23.—(1) Where in pursuance of any rules for the time being in force under section 1 of the Merchant Shipping (Safety Convention) Act 1949 a passenger steamer to which this Act applies, being a ship registered in the United Kingdom, is marked with subdivision load lines, and the lowest of those lines is lower than the line which, apart from this subsection, would be the appropriate load line for the purposes of section 4 of this Act, the said section 4 shall have effect as if that subdivision load line were the appropriate load line for the purposes of that section.

Subdivision
load lines.
1949 c. 43.

(2) Where in pursuance of any such rules, or in pursuance of the Convention referred to in that Act as the Safety Convention or any law of any country made for the purpose of giving effect to that Convention, a passenger steamer to which this Act applies, not being a ship registered in the United Kingdom, is marked with subdivision load lines, and the lowest of those load lines is lower than the line which, apart from this subsection, would be the appropriate load line for the purposes of section 14 of this Act, that section shall have effect as if that subdivision load line were the appropriate load line for the purposes of that section.

(3) In this section "passenger steamer" has the meaning assigned to it by section 26 of the Merchant Shipping (Safety Convention) Act 1949.

24.—(1) The Board of Trade shall make regulations (in this section referred to as "the deck cargo regulations") prescribing requirements to be complied with where cargo is carried in any uncovered space on the deck of a ship to which this Act applies; and different requirements may be so prescribed in relation to different descriptions of ships, different descriptions of cargo, different voyages or classes of voyages, different seasons of the year or any other different circumstances.

Deck cargo.

(2) If the load line rules provide (either generally or in particular cases or classes of cases) for assigning special freeboards to ships which are to have effect only where a cargo of timber is so carried, then (without prejudice to the generality of the preceding subsection) the deck cargo regulations may prescribe special requirements to be complied with in circumstances where any such special freeboard has effect.

(3) In prescribing any such special requirements as are mentioned in the last preceding subsection, the Board of Trade shall have regard in particular to the provisions of Chapter IV of the Convention of 1966.

(4) If any provisions of the deck cargo regulations are contravened—

(a) in the case of a ship registered in the United Kingdom, or

(b) in the case of any other ship while the ship is within any port in the United Kingdom,

the master of the ship shall (subject to the next following subsection) be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

(5) Where a person is charged with an offence under the last preceding subsection, it shall be a defence to prove that the contravention was due solely to deviation or delay and that the deviation or delay was caused solely by stress of weather or other circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.

(6) For the purpose of securing compliance with the deck cargo regulations, any person authorised in that behalf by the Board of Trade may inspect any ship to which this Act applies which is carrying cargo in any uncovered space on her deck; and for the purposes of any such inspection any such person shall have all the powers of a Board of Trade inspector under the Merchant Shipping Act 1894.

1894 c. 60.

Miscellaneous and supplementary provisions

Increase of penalties for offences in connection with passenger steamers.

25.—(1) A person who after the passing of this Act commits an offence under any of the enactments specified in column 1 of Schedule 1 to this Act shall (instead of being liable on summary conviction to the penalty specified in column 2 of that Schedule) be liable, on conviction as mentioned in column 3 of that Schedule, to the penalty specified in the said column 3.

(2) Section 1 of this Act shall not have effect for the purposes of this section.

Provisions as to fees.

26.—(1) In respect of any survey or inspection carried out in pursuance of the load line rules, and in respect of any certificate issued under this Act, there shall be paid such fee as may be prescribed by regulations made by the Board of Trade with the approval of the Treasury.

(2) Subject to the next following subsection, any fees payable under the preceding subsection shall be paid into the Exchequer.

(3) The last preceding subsection shall not apply to any fee paid in respect of—

- (a) a survey or inspection which is carried out otherwise than by a surveyor of ships appointed under the Merchant Shipping Act 1894, or 1894 c. 60.
- (b) a certificate issued otherwise than by the Board of Trade.

27.—(1) Without prejudice to the operation of section 34(2) of this Act, section 69 of the Merchant Shipping (Safety and Load Line Conventions) Act 1932 (notice to be given to consular officer where proceedings taken in respect of foreign ships) shall have effect as if any reference therein to that Act included a reference to this Act. Miscellaneous supplementary provisions.
1932 c. 9.

(2) Where a ship is detained under any provision of this Act which provides for the detention of a ship until an event specified in that provision occurs, section 460(2) of the Merchant Shipping Act 1894 (which relates to the costs of detention) shall apply as if the ship had been finally detained under that Act.

(3) The provisions of section 280 of that Act (delivery up of certificate) and of section 282 of that Act (penalty for forgery of certificate or declaration) shall have effect in relation to any certificate which can be issued under this Act as they have effect in relation to a passenger steamer's certificate.

(4) Section 436(3) of that Act (which provides for recording the draught of water and the freeboard of ships) shall not have effect in relation to ships to which this Act applies, except any such ship which, by virtue of any order made or exemption conferred under this Act, is exempt from all the provisions of this Act.

(5) Any certificate issued under this Act shall be admissible in evidence.

28.—(1) Her Majesty may by Order in Council direct that the provisions of this Act shall extend, with such exceptions, adaptations or modifications as may be specified in the Order, to— Application of Act in relation to certain territories outside United Kingdom.

- (a) the Isle of Man ;
- (b) any of the Channel Islands ;
- (c) any colony ;
- (d) any territory outside Her Majesty's dominions in which for the time being Her Majesty has jurisdiction.

(2) In respect of any territory falling within any of paragraphs (a) to (d) of the preceding subsection, Her Majesty

may by Order in Council, specifying that territory, give either or both of the following directions, that is to say—

- (a) that, with such exceptions, adaptations or modifications as may be specified in the Order, the provisions of this Act shall have effect as if references in this Act to a ship registered in the United Kingdom included references to a ship registered in that territory ;
 - (b) that, with such exceptions, adaptations or modifications as may be so specified, the provisions of this Act shall have effect as if references in this Act to a port in the United Kingdom included references to a port in that territory.
- (3) If, in the case of any country or territory outside the United Kingdom, it appears to Her Majesty in Council—
- (a) that the provisions which, as part of the law of that country or territory, have effect for marking ships with load lines, and for the issue of certificates in respect of ships so marked, are based on the same principles as the corresponding provisions of this Act and are equally effective, and
 - (b) that provision has been, or in pursuance of any agreement will be, made by the law of that country or territory for recognising United Kingdom load line certificates as having the like effect in ports of that country or territory as certificates issued under the provisions referred to in the preceding paragraph,

Her Majesty may by Order in Council direct (subject to the next following subsection) that certificates issued under those provisions shall have the like effect for the purposes of this Act as if they were United Kingdom load line certificates.

(4) An Order in Council under subsection (3) of this section shall not have effect in relation to any ship which—

- (a) plies on international voyages, and
- (b) is a ship of a Convention country, and
- (c) is either an existing ship of not less than 150 tons gross tonnage or a new ship of not less than 24 metres in length.

(5) In this section any reference to the provisions of this Act shall be construed as including a reference to the provisions of any rules or regulations made under this Act.

29.—(1) This section applies to ships which—

- (a) are British ships to which this Act applies, but
- (b) are not registered, whether in the United Kingdom or elsewhere.

Application
of Act to
certain
unregistered
British ships.

(2) The Board of Trade may by order specify a class of ships to which this section applies and direct that, in such circumstances as may be specified in the order, the provisions of this Act relating to ships registered in the United Kingdom shall have effect in relation to ships of that class as if they were registered in the United Kingdom.

30.—(1) Any Order in Council, order, rules or regulations made under this Act may contain such transitional or other incidental and supplementary provisions as may appear to Her Majesty in Council, or (as the case may be) to the Board of Trade, to be appropriate.

Provisions as to orders, rules and regulations, and as to functions of Board of Trade.

(2) Any power of the Board of Trade to make an order under this Act shall include power to revoke or vary the order by a subsequent order.

(3) Any power to make orders under section 18 or section 29 of this Act, and any power to make rules or regulations under any provision of this Act, shall be exercisable by statutory instrument; and any statutory instrument containing any such order, rules or regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Without prejudice to the operation of section 34(2) of this Act, section 4 of the Merchant Shipping Act 1965 (exercise of powers of Board of Trade) shall have effect for the purposes of this Act as it has effect for the purposes of that Act.

1965 c. 47.

31.—(1) Her Majesty, if satisfied—

Convention countries.

(a) that the Government of a country has accepted or acceded to, or has denounced, the Convention of 1966, or

(b) that the Convention of 1966 extends, or has ceased to extend, to a particular territory,

may by Order in Council make a declaration to that effect.

(2) In this Act “Convention country” means a country or territory which is either—

(a) a country the Government of which has been declared under this section to have accepted or acceded to the Convention of 1966, and has not been so declared to have denounced that Convention, or

(b) a territory to which it has been so declared that the Convention of 1966 extends, not being a territory to which it has been so declared that that Convention has ceased to extend,

and “Contracting Government” means any such Government as is referred to in paragraph (a) of this subsection.

Interpretation. **32.—**(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:—

“alteration” includes deterioration;

“clearance” includes a transire;

“Convention country” and “Contracting Government” have the meanings assigned to them by section 31(2) of this Act;

“parent country”, in relation to a ship, means the country or territory in which the ship is registered, or, if the ship is not registered anywhere, means the country or territory whose flag the ship flies;

“valid Convention certificate” has the meaning assigned to it by section 12(5) of this Act.

(2) In this Act, subject to the next following subsection, “international voyage” means a voyage between—

(a) a port in the United Kingdom and a port outside the United Kingdom, or

(b) a port in a Convention country (other than the United Kingdom) and a port in any other country or territory (whether a Convention country or not) which is outside the United Kingdom.

(3) In determining, for the purposes of the last preceding subsection, what are the ports between which a voyage is made, no account shall be taken of any deviation by a ship from her intended voyage which is due solely to stress of weather or any other circumstance which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled; and for the purposes of that subsection any colony, protectorate or other dependency, any territory for whose international relations a Government is separately responsible, and any territory for which the United Nations are the administering authority, shall be taken to be a separate territory.

(4) In this Act “new ship” means a ship whose keel is laid, or which is at a similar stage of construction, on or after the material date, and “existing ship” means a ship which is not a new ship; and for the purposes of this subsection the material date—

(a) in relation to a ship whose parent country is a Convention country other than the United Kingdom, is the date as from which it is declared under section 31 of this Act either that the Government of that country has accepted or acceded to the Convention of 1966 or that it is a territory to which that Convention extends, and

(b) in relation to any other ship, is the date of the commencement of this Act.

(5) Any reference in this Act to the gross tonnage of a ship shall be construed as a reference to the tonnage of the ship as ascertained in accordance with the tonnage regulations of the Merchant Shipping Act 1894; and, where in accordance with those regulations alternative tonnages are assigned to a ship, the gross tonnage of the ship shall, for the purposes of this Act, be taken to be the larger of those tonnages. 1894 c. 60.

(6) For the purposes of this Act the length of a ship shall be ascertained in accordance with regulations made by the Board of Trade under this Act.

(7) Any reference in this Act to any provision of the Convention of 1966 shall, in relation to any time after that provision has been amended in pursuance of Article 29 of that Convention, be construed as a reference to that provision as so amended.

(8) 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.

33.—(1) Subject to the following provisions of this section, the enactments specified in Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule. Repeals and transitional provisions.

(2) The repeal effected by the preceding subsection shall not affect the operation of any enactment as part of the law of any territory outside the United Kingdom, and accordingly shall not affect any Order in Council made under subsection (1) of section 64 of the Merchant Shipping (Safety and Load Line Conventions) Act 1932, or made by virtue of the Foreign Jurisdiction Act 1890 as modified by subsection (2) of that section, or any power to revoke or vary any such Order in Council. 1932 c. 9.
1890 c. 37.

(3) Without prejudice to the last preceding subsection and to the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals), for the purposes of the transition from the law in force immediately before the commencement of this Act to the provisions of this Act the Board of Trade may by regulations provide that those provisions shall have effect subject to such transitional provisions as may be contained in the regulations. 1889 c. 63.

34.—(1) This Act may be cited as the Merchant Shipping (Load Lines) Act 1967. Short title, construction, citation, commencement and extent.

(2) This Act shall be construed as one with the Merchant Shipping Acts 1894 to 1965, and, without prejudice to the generality of this provision, references in those Acts to the Merchant Shipping Acts shall be construed as including refer-

ences to this Act ; and this Act shall be included among the Acts which may be cited together as the Merchant Shipping Acts 1894 to 1967.

(3) Section 25 of, and Schedule 1 to, this Act shall come into operation on the passing of this Act ; and all the other provisions of this Act shall come into operation on such day as Her Majesty may by Order in Council appoint.

1889 c. 63.

(4) For the purposes of the operation in relation to this Act of sections 36 and 37 of the Interpretation Act 1889 (which relate respectively to the meaning of "commencement" with reference to an Act and to the exercise of statutory powers between the passing and the commencement of an Act) the day appointed under the last preceding subsection shall be taken to be the date on which this Act comes into operation ; and references in this Act to the commencement of this Act shall be construed accordingly.

(5) This Act extends to Northern Ireland.

SCHEDULES

SCHEDULE 1

Section 25.

INCREASE OF PENALTIES

Enactment	Old penalty	New penalty
<p>Merchant Shipping Act 1894</p> <p>Section 281(2) (Failure to post up passenger certificate).</p> <p>Section 281(3) (Going to sea without posting up passenger certificate).</p> <p>Section 283 (Carrying passengers in excess).</p>	<p>A fine not exceeding £10.</p> <p>In the case of the owner, a fine not exceeding £100, and in the case of the master, a fine not exceeding £20.</p> <p>A fine not exceeding £20 and an additional fine not exceeding five shillings for every passenger above the number allowed by the passenger steamer's certificate, or if the fare of any passenger aboard exceeds five shillings, not exceeding double the amount of the fares of all the passengers above the amount so allowed, reckoned at the highest rate of fare payable by any passenger aboard.</p>	<p>On summary conviction, a fine not exceeding £20.</p> <p>On summary conviction, in the case of the owner, a fine not exceeding £200, and in the case of the master a fine not exceeding £50.</p> <p>Irrespective of the number of passengers, on summary conviction, a fine not exceeding £400; and, on conviction on indictment, a fine.</p>
<p>Merchant Shipping Act 1906</p> <p>Section 21 (Non-compliance with provisions as to passenger steamers).</p>	<p>A fine not exceeding £10 for each passenger carried.</p>	<p>Irrespective of the number of passengers, on summary conviction, a fine not exceeding £400; and, on conviction on indictment, a fine.</p>
<p>Merchant Shipping (Safety Convention) Act 1949.</p> <p>Section 12(3)(a) (Going to sea without appropriate certificates).</p>	<p>A fine not exceeding £10 for each passenger carried.</p>	<p>Irrespective of the number of passengers, on summary conviction, a fine not exceeding £400; and, on conviction on indictment, a fine.</p>

Section 33.

SCHEDULE 2
ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
22 & 23 Geo. 5. c. 9.	The Merchant Shipping (Safety and Load Line Conventions) Act 1932.	Section 23. Sections 40 to 61. Section 62(2). Sections 63 to 68. Sections 70 to 72. Schedule 2.
1 Edw. 8 & 1 Geo. 6. c. 23.	The Merchant Shipping Act 1937.	The whole Act.
12, 13 & 14 Geo. 6. c. 43.	The Merchant Shipping (Safety Convention) Act 1949.	Sections 18 and 20. In subsection (1) of section 29, paragraph (c) and the words from "unless in the case of" to "Minister otherwise orders".
1964 c. 47.	The Merchant Shipping Act 1964.	Section 14.
1965 c. 47.	The Merchant Shipping Act 1965.	Section 2, and, in Schedule 1, the entry relating to the Merchant Shipping (Safety and Load Line Conventions) Act 1932.



Superannuation (Miscellaneous Provisions) Act 1967

1967 CHAPTER 28

An Act to amend the law relating to pensions and other similar payments to or in respect of persons who have been in certain employment, and for connected purposes.
[10th May 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) Subject to subsection (2) of this section, the Superannuation Act 1965 shall have effect as if in section 18(1) (which provides for the grant of gratuities or allowances where civil servants and others suffer injury or disease in certain circumstances) after paragraph (a) (which deals with injuries suffered in the actual discharge of duty where the injury is specifically attributable to the nature of the duty) there were inserted the following paragraph:—

Gratuities and allowances to civil servants and others injured abroad in civil disturbances etc.
1965 c. 74.

“(aa) is injured while in an area outside the United Kingdom for the purposes of his employment, and the injury is directly attributable to the existence in or near that area of a state of war, revolution, or serious and widespread internal disturbance, or is the direct result of deliberate acts of the local population or of sporadic political disturbances, and is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; or”.

(2) No warrant of the Treasury under the said section 18 shall permit the award of a gratuity or allowance by virtue of subsection (1) of this section—

(a) if the injury was suffered before 14th July 1949; or

- (b) except where, in the opinion of the Treasury, there are special circumstances which justify the making of the award, if the person injured was not recruited in the United Kingdom.

Minor corrections of Superannuation (Amendment) Act 1965 and Superannuation Act 1965. 1965 c. 10. 1965 c. 74.

2.—(1) Paragraph 26(3) of Schedule 2 to the Superannuation (Amendment) Act 1965 (which relates to the pensions of certain judicial officers) shall have effect, and be deemed always to have had effect, with the substitution for the words “that section” of the words “section 128 of the said Act of 1925”.

(2) Section 50(1)(c) of the Superannuation Act 1965 (which provides that a widow’s or children’s pension may be granted where the deceased had ceased to be a civil servant in such circumstances that, on attaining a particular age, he would or might have become eligible for a superannuation allowance by virtue of section 7(1) of that Act), and section 63(1)(c) of that Act (which makes similar provision in relation to a dependant’s pension), shall have effect, and be deemed always to have had effect, with the insertion after the words “section 7(1)” of the words “45(3) or 46(1)” (being provisions corresponding to section 7(1) relating to the diplomatic service).

(3) Sections 25(3) and 26(2) of the Superannuation Act 1965 (which relate to the computation of service and reduction of retiring age in certain cases), and the definition of “retiring age” in section 99(1) of that Act, shall have effect, and be deemed always to have had effect, with the substitution for the words “sections 7 and 10” of the words “sections 7, 10, 45(3) and 46(1)”.

Effect of pension in respect of public office on remuneration in judicial or related office.

3.—(1) Where, in the case of any person who after the passing of this Act becomes the holder of an office to which this section applies, there is payable to that person any pension in respect of any other public office in the United Kingdom to which he had previously been appointed or elected, then, subject to subsection (2) of this section, the remuneration which would apart from this section be payable to that person as holder of the first-mentioned office shall be abated by the amount of that pension.

(2) Where the Treasury are satisfied that the office to which this section applies held by any such person is held on a part-time basis only, the reference in subsection (1) of this section to the amount of the pension there referred to shall be construed as a reference to such amount as appears to the Treasury to bear to the full amount of that pension the same proportion as the remuneration payable to that person as the holder of that office bears to what that remuneration would have been if the office had been held on a full-time basis.

(3) For the purpose of computing the pension payable to any such person in respect of the office to which this section applies held by him and any derivative benefit within the meaning of the Administration of Justice (Pensions) Act 1950 which depends upon his eligibility for such a pension, the amount of that person's annual remuneration as the holder of that office shall, notwithstanding that the remuneration is abated by reason of this section, be treated as the amount which would be payable apart from this section and not the amount as so abated. 1950 c. 11
(14 & 15
Geo. 6).

(4) This section applies to the following judicial and related offices, that is to say—

(a) any office to which there is applicable for the time being, whether with or without modifications, any of the following enactments relating to pensions or retiring age as for the time being in force, namely—

(i) section 1 of the Police Magistrates (Super-1915 c. 74. annuation) Act 1915 ;

(ii) section 127(1) or 128(1) of the Supreme Court 1925 c. 41. of Judicature (Consolidation) Act 1925 ;

(iii) section 9 or 21 of the County Courts Act 1934 c. 53. 1934 ;

(iv) section 33 of the Justices of the Peace Act 1949 c. 101. 1949 ;

(v) section 22 of the Administration of Justice (Pensions) Act 1950 ;

(vi) section 34(1) of the Courts-Martial (Appeals) 1951 c. 46. Act 1951 ;

(vii) section 1 of the Supreme Court Officers 1954 c. 38. (Pensions) Act 1954 ;

(viii) section 4(5) of the Criminal Justice Ad-1956 c. 34. ministration Act 1956 ;

(ix) section 50 of the Hertfordshire County 1960 c. xlix Council Act 1960 ;

(x) the Sheriffs' Pensions (Scotland) Act 1961 (in-1961 c. 42. cluding section 20 of the Sheriff Courts (Scotland) 1907 c. 51. Act 1907 as saved by section 9 of the said Act of 1961) ;

(xi) section 5 of the Kent Quarter Sessions Act 1962 c. xii. 1962 ;

(xii) section 81 of the Durham County Council 1963 c. xxxvii. Act 1963 ;

(xiii) section 79 of the National Insurance Act 1965 c. 51. 1965 ;

(xiv) section 9 of this Act ;

- (b) salaried chairman or salaried deputy chairman of any court of quarter sessions for the county palatine of Lancaster ;
- (c) chairman of the Scottish Land Court ;
- (d) chairman or deputy chairman of the Monopolies Commission ;
- 1956 c. 68. (e) member appointed under section 4(1) of the Restrictive Trade Practices Act 1956 of the Restrictive Practices Court ;
- 1919 c. 69. (f) president of the Industrial Court constituted under the Industrial Courts Act 1919 ;
- 1949 c. 42. (g) president or other member of the Lands Tribunal or (in the event of the coming into force of section 1(1)(a) of the Lands Tribunal Act 1949) of the Lands Tribunal for Scotland.

Governors' pensions.
1957 c. 62.

4.—(1) Subsection (3) of section 1 of the Governors' Pensions Act 1957 (which specifies the circumstances in which a Governor is eligible for a pension under that Act) shall have effect subject to the following amendment (being an amendment to remove any doubt arising from the provision made by subsection (2) of that section that references in that Act to a Governor include, except where the context otherwise requires, references to a person who has been a Governor), that is to say, for paragraphs (a) to (c) of the said subsection (3) there shall be substituted the following:—

- “ (a) he retires from service as a Governor after attaining the age of fifty ; or
- (b) having retired from service as a Governor before attaining that age, he subsequently attains that age ; or
- (c) while serving as a Governor, he has in the opinion of the Secretary of State become incapable of discharging the duties of his office by reason of some infirmity of mind or body which is likely to be permanent ; or
- (d) while serving as a Governor, his office is abolished.”

(2) For the purposes of the grant of a pension under the said Act of 1957 to a Governor who is eligible therefor by reason of the abolition of his office, his office shall be deemed not to have been abolished until the termination of any period of leave to which he had become entitled while in office and in respect of which he is paid a salary attributable to his service as a Governor by the government of the territory of which he was a Governor.

(3) For the purposes of section 2(2) of the said Act of 1957 (which provides, in the case of a Governor who was previously

employed in the oversea civil service, for calculating his pension by reference to the completed months of his service in the oversea civil service as well as of his service as a Governor), no account shall be taken of any period of service in the oversea civil service in respect of which he was in receipt of a pension during his service as a Governor.

(4) In section 4 of the said Act of 1957 (which relates to a case where a person to whom a pension has been granted under that Act becomes entitled to any salary or emolument in respect of certain public employment) for the words from "the pension" onwards (which provide for the pension to be reduced by one-half of the amount of any such salary or emolument other than another pension) there shall be substituted the words "then, unless or except to the extent that the Secretary of State with the consent of the Treasury determines otherwise—

(a) for any period for which that salary or emolument is not less than his salary at the end of the service in respect of which the pension was granted, the pension shall cease to be paid ;

(b) for any period for which that salary or emolument is less than his salary at the end of that service but the amount of the pension exceeds the amount of the difference, the pension shall be reduced by the amount of the excess."

(5) Where, in pursuance of rules under section 14 of the said Act of 1957 (which relates to the allocation of part of a pension under that Act to a spouse or dependant), a person has surrendered a part of a pension granted to him under that Act in return for the benefits of the rules, then, if for any period the amount of the pension payable apart from the surrender is, by virtue of section 4 of that Act, less than the amount of the part surrendered, the Treasury shall be entitled to recover from that person in respect of that period, whether by deduction from his salary or emolument in the employment by reason of which the pension is reduced under the said section 4 or otherwise, an amount equal to the part so surrendered or, as the case may be, to the difference between that part and so much of the pension as, apart from the surrender, is payable for that period.

(6) Where a Governor who is, or subject to attaining the age of fifty will be, eligible for a pension under the said Act of 1957 becomes employed in the home civil service in an established capacity within twelve months or such longer period as the Treasury may in any particular case allow after ceasing to serve as a Governor, he may elect that, instead of his being granted a pension under the said Act of 1957, the Superannuation Act 1965 shall apply to him as if his service as a Governor had been passed in the home civil service. 1965 c. 74.

(7) An order by the Treasury under subsection (3) of section 3 or subsection (2) of section 9 of the said Act of 1957 specifying for the purposes of the said section 3 or 9 another sum to be substituted for that referred to in subsections (1) and (2) of the said section 3 or, as the case may be, in subsection (1) of the said section 9 in connection with the maximum amount of a Governor's pension or of the gratuity payable in respect of a Governor's death, as the case may be, may be made so as to have effect from a date earlier than the date of the making of the order.

(8) Any expression used in this section which is also used in the said Act of 1957 shall have the same meaning for the purposes of this section as it has for the purposes of that Act.

Palestine and
Pakistan
pensions.

5.—(1) There shall be paid out of moneys provided by Parliament in respect of services rendered by any person before 15th May 1948 in the employment of the government of the former mandated territory of Palestine—

(a) any payment by way of a pension or other benefit to or in respect of that person which would have been payable in respect of those services by that government under the laws in force in that territory before that date and which does not fall, under any agreement for the time being in force between Her Majesty's Government in the United Kingdom and some other government, to be paid by that other government ;

(b) such, if any, *ex gratia* payments to or in respect of that person as the Treasury may approve.

(2) There may be made good out of moneys provided by Parliament any income tax for which relief has not otherwise been given which is deducted under the law of Pakistan from any pension which, under section 272 of the Government of India Act 1935, was to be exempt from taxation imposed by or under the laws there referred to.

1935 c. 2
(26 Geo. 5 &
1 Edw. 8).

(3) Any payment under subsection (1) or (2) of this section after the passing of this Act shall be made by the Minister of Overseas Development.

(4) Subsection (1) of this section shall be deemed to have come into force on 15th May 1948 ; and subsection (2) of this section shall be deemed to have come into force on 1st April 1956.

Modifications
of super-
annuation
provisions of
National
Health
Service Acts.
1946 c. 18.

6.—(1) The provisions of subsections (2) and (3) of this section shall have effect with respect to regulations under section 67(1) of the National Health Service Act 1946 (which relates to the provision of superannuation benefits).

(2) Where on the death of any person any sum not exceeding £500 is due to or in respect of that person under the regulations,

the Minister of Health (hereafter in this section referred to as "the Minister") may dispense with proof of the title of the personal representatives of that person and pay that sum to the person, or to or among any one or more of any persons, appearing to the Minister on such evidence as he deems satisfactory to be entitled by law to a beneficial interest therein, or in the case of the illegitimacy of the deceased person or his children to or among such persons as the Minister may think fit, and any person to whom such a payment is made, and not the Minister, shall thereafter be liable to account for any amount so paid; and this subsection shall be included among the provisions with respect to which the Treasury may make an order under section 6(1) of the Administration of Estates (Small Payments) Act 1965 substituting for references to £500 references to such higher amount as may be specified in the order. 1965 c. 32.

(3) Where under the regulations any question is referred to the Minister for determination, then, at any stage of the proceedings on that reference, the Minister may (and if so directed by the High Court shall) state in the form of a special case for determination by the High Court any question of law arising in those proceedings; and where such a case is so stated an appeal to the Court of Appeal from the determination by the High Court shall lie only with the leave of the High Court or of the Court of Appeal.

(4) Section 18(2) of the National Health Service (Amendment) Act 1949 (which provides that the terms and conditions on which officers of certain hospitals may be admitted to participate in the superannuation benefits provided under such regulations as are mentioned in subsection (1) of this section shall be designed to secure that the aggregate payments made by the governing body of the hospital and by the officers are equivalent to the sums paid out of moneys provided by Parliament in respect of the superannuation benefits provided for the officers) is hereby repealed. 1949 c. 93.

(5) The foregoing provisions of this section shall apply to Scotland with the substitution—

(a) for the reference in subsection (1) to section 67(1) of the said Act of 1946 of a reference to section 66(1) of the National Health Service (Scotland) Act 1947; and 1947 c. 27.

(b) for any reference in subsection (2) to the Minister of a reference to the Secretary of State,

and as if for subsection (3) there were substituted the following:—

"(3) Where under the regulations any question is referred to the Secretary of State for determination, then, at any stage of the proceedings on that reference, the Secretary of State 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, subject to any rules of court, the Secretary of State shall be entitled to appear and be heard when the case is being considered by the Court."

Extension of
superannua-
tion provisions
of National
Health Service
Acts.

1946 c. 81.

7.—(1) The Minister of Health (hereafter in this section referred to as "the Minister") may direct that regulations made under section 67(1) of the National Health Service Act 1946 shall, subject to such modifications as may be provided in the direction, apply to any person specified in the direction—

(a) who is—

(i) wholly or mainly engaged in health services, whether provided under the said Act of 1946 or otherwise, but not provided by a local health authority or other local authority; or

(ii) an officer of a government department serving on the medical or nursing staff of that department or at or for the purposes of a hospital maintained by that department,

and who, if he were in the employment of an employing authority within the meaning of those regulations, would be an officer within the meaning of those regulations; or

(b) who is a member of a body constituted under the said Act of 1946,

or to any class so specified of such persons, as if the person, or any person of the class, so specified were, within the meaning of the said regulations, an officer in the employment of an employing authority, and in that event the regulations shall apply accordingly and the Superannuation Act 1965, if otherwise applicable, shall not apply, or shall cease to apply, to that person.

1965 c. 74.

(2) Where any person, within twelve months after leaving employment in which he was entitled to participate in superannuation benefits provided under the said section 67(1) (any period spent by that person on an approved course of study or training within the meaning of regulations made under that section being left out of account), enters such other employment as may be approved by the Minister for the purposes of this subsection, the Minister may direct that regulations so made shall, subject to such modifications as may be provided in the direction, apply to that person as if, while in that other employment, he were, within the meaning of those regulations, an officer in the employment of an employing authority, and in that event those regulations shall apply accordingly.

(3) A direction under subsection (1) or (2) of this section may be expressed to take effect as from the date of a person's entry into employment notwithstanding that the direction, or the approval of that employment for the purposes of the said subsection (2), was not given until after that date.

(4) A direction given, or deemed under subsection (6) of this section to have been given, under subsection (1) or (2) of this section shall not be varied or revoked by a subsequent direction so as to exclude from the benefits provided under the said section 67(1) any person previously entitled thereto unless—

(a) the Minister is satisfied that other suitable superannuation arrangements are available for that person; and

(b) that person consents to his being so excluded;

and where the subsequent direction results in such an exclusion of any such person, it may contain provision for the payment of a transfer value in respect of that person.

(5) The foregoing provisions of this section shall apply to Scotland with the substitution for references to the Minister of references to the Secretary of State and for references to the said Act of 1946 or to section 67(1) thereof of references respectively to the National Health Service (Scotland) Act 1947 and to section 66(1) thereof. 1947 c. 27.

(6) The following provisions are hereby repealed or revoked, namely—

(a) section 19 of the National Health Service (Amendment) Act 1949 c. 93.
Act 1949;

(b) regulation 60 of the National Health Service (Superannuation) Regulations 1961; S.I. 1961/1441.

(c) regulation 57 of the National Health Service (Superannuation) (Scotland) Regulations 1961; S.I. 1961/1398.

but any direction or approval given, or having effect as if given, under any of those provisions and in force immediately before the commencement of this section shall be deemed to have been given under and for the purposes of the corresponding provision of this section.

8.—(1) If regulations under section 67(1) of the National Health Service Act 1946 require the Minister of Health (hereafter in this section referred to as "the Minister") to take into account, as against any sums otherwise payable under the regulations, the amount, or such amount, if any, as he considers reasonable, of any damages in respect of the injury, disease or death in consequence of which payments are made under the regulations, being damages which he is satisfied have been or will be recovered by or on behalf of the recipient of those payments, and any of those payments are made before the Recovery in certain circumstances of payments by way of superannuation benefits under National Health Service Acts. 1946 c. 81.

right to or amount of such damages is finally determined, then if and when a right to and the amount of such damages is finally determined the Minister shall have the right to recover from the recipient an amount not exceeding—

- (a) where the amount of the payments made by the Minister is less than the net amount of the damages, the amount of those payments ;
- (b) where the amount of those payments is not less than the net amount of the damages, such part of those payments as is equal to the net amount of the damages.

(2) So far as any amount recoverable under this section represents a payment made by the Minister from which income tax has been deducted before the payment, the proper allowance shall be made in respect of the amount so deducted, and in this section the expression “the net amount of the damages” means the amount of the damages after deducting any tax payable in the United Kingdom or elsewhere to which the damages are subject.

(3) No proceedings shall be brought to recover any amount under this section—

- (a) after the death of the recipient of the payments ; or
- (b) after the expiration of two years from the date on which a right to and the amount of the damages is finally determined (whether in court proceedings or in arbitration proceedings or by agreement between the parties) or from the date on which that final determination first came to the knowledge of the Minister, whichever date is the later.

(4) A certificate issued by the Minister and stating the date on which the final determination of a right to and of the amount of any damages first came to his knowledge shall be admissible in any proceedings as sufficient evidence of that date.

(5) The provisions of this section are without prejudice to any right of the Minister under any such regulations as aforesaid to take damages into account by withholding or reducing any further sums otherwise payable to the recipient of payments under the regulations.

(6) This section shall apply to Scotland with the substitution for references to the Minister of references to the Secretary of State and for the reference to section 67(1) of the said Act of 1946 of a reference to section 66(1) of the National Health Service (Scotland) Act 1947.

9.—(1) The Minister of Labour may from time to time make Pensions for whole-time presidents or chairmen of industrial tribunals. 1964 c. 16.

- (a) President of the Industrial Tribunals (England and Wales);
- (b) President of the Industrial Tribunals (Scotland);
- (c) member of a panel of chairmen so established,

a recommendation that the Treasury shall pay to that holder (hereafter in this section referred to as “the pensioner”) out of moneys provided by Parliament an annual sum by way of superannuation allowance calculated in accordance with subsection (3) of this section.

(2) No such allowance shall be payable unless—

- (a) the pensioner is at the time of his retirement over the age of seventy-two or, where he retires after fifteen years service, over the age of sixty-five; or
- (b) the Minister of Labour is satisfied by means of a medical certificate that at the time of the pensioner’s retirement the pensioner is, by reason of infirmity of mind or body, incapable of discharging the duties of his office and that the incapacity is likely to be permanent.

(3) The said annual sum shall be a sum not exceeding such proportion of the pensioner’s last annual remuneration (apart from any allowances) as in the following Table corresponds with the number of the pensioner’s completed years of relevant service.

TABLE

	Years of service				Fraction of remuneration
Less than 5	six-fortieths
5	ten-fortieths
6	eleven-fortieths
7	twelve-fortieths
8	thirteen-fortieths
9	fourteen-fortieths
10	fifteen-fortieths
11	sixteen-fortieths
12	seventeen-fortieths
13	eighteen-fortieths
14	nineteen-fortieths
15 or more	twenty-fortieths

(4) In this section the expression “relevant service” means service on a full-time basis as holder of any of the offices referred to in subsection (1) of this section (including such service remunerated otherwise than on an annual basis) or

service in any such other capacity under the Crown as may be prescribed by regulations made by the Treasury ; and regulations under this subsection shall be made by statutory instrument and—

- (a) may be made generally or subject to specified exceptions or in relation to specified cases or classes of case ;
- (b) may provide that in calculating relevant service either the whole of a person's prescribed service of any description shall be taken into account or such part thereof only as may be determined by or under the regulations ;
- (c) may make different provision for different cases or classes of case ; and
- (d) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) The decision of the Treasury shall be final on any question arising as to—

- (a) the amount of any superannuation allowance under subsection (1) of this section ; or
- (b) the reckoning of any service for the purpose of calculating such an allowance.

1950 c. 11
(14 & 15
Geo. 6).

(6) Sections 2 to 8 of the Administration of Justice (Pensions) Act 1950 (which provide for the payment of lump sums on retirement or death and of widows' and children's pensions in the case of persons eligible for pensions for service in any of the capacities listed in Schedule 1 to that Act) shall have effect as if—

- (a) the capacity of holder on a full-time basis of any of the offices referred to in subsection (1) of this section were listed in the said Schedule 1 ; and
- (b) in relation to that capacity the expression "relevant service" in the said sections 2 to 8 had the meaning assigned by subsection (4) of this section ; and
- (c) in relation to such a holder of such an office, any reference in the said section 2 to his last annual salary were a reference to his last annual remuneration apart from any allowances.

(7) Where the rate of the superannuation allowance payable to any person under subsection (1) of this section is or would be increased by virtue of regulations made under subsection (4) of this section in respect of relevant service in some capacity other than as holder of one of the offices referred to in subsection (1) of this section, and a pension payable to him wholly in respect of service in that other capacity would have been paid and borne otherwise than out of moneys provided by

Parliament, any pension benefits paid to or in respect of him as having been the holder of such an office shall, to such extent as the Treasury may determine, having regard to the relative length of service and rate of remuneration in each capacity, be paid and borne in like manner as that in which a pension payable to him wholly in respect of service in that other capacity would have been paid and borne.

(8) In this section, the expression "pension" includes any superannuation or other retiring allowance or gratuity, and the expression "pensionable" shall be construed accordingly, and the expression "pension benefits" includes benefits payable to or in respect of the pensioner by virtue of subsection (6) of this section.

10.—In section 10(2) of the Ministerial Salaries and Members' Pensions Act 1965 (which by paragraphs (a) and (b) thereof specifies the conditions which must be satisfied by a relevant child within the meaning of that section for a children's pension thereunder to be paid for his benefit) at the end there shall be added the words "or—"
Children's pensions out of Members' Contributory Pension Fund. 1965 c. 11.

(c) was at the time of the deceased's death wholly or mainly dependent on the deceased and was at that time and has at all times since been either—

(i) a person falling within paragraph (a) or (b) of this subsection; or

(ii) incapable, and likely to remain permanently incapable, by reason of bodily or mental infirmity of earning his own living,

so, however, that a children's pension shall not be payable by virtue of this paragraph for the benefit of any person for any period during which that person is maintained out of moneys provided by Parliament in a hospital or similar institution so maintained."

11.—(1) For the purposes of section 2 of the Superannuation (Miscellaneous Provisions) Act 1948 (under which rules may be made with respect to the pension payable to or in respect of a person who has been employed in an employment of one of the classes specified in subsection (2) of that section and becomes employed in a different employment), employment in the descriptions of service as teachers referred to in paragraph (e) of that subsection shall be treated as employments of different classes instead of as employment of the same class, and the enactments specified in subsections (2) to (5) of this section shall accordingly have effect subject to the amendments so specified.
Pensions of certain persons transferring to different employment. 1948 c. 33.

(2) In subsection (2) of the said section 2 (which specifies the classes of employment for the purposes of that section) for paragraph (e) there shall be substituted the following:—

“(e) employment in service of the following descriptions, namely—

1965 c. 83.

(i) reckonable service for the purposes of superannuation regulations under the Teachers’ Superannuation Act 1965 or within the meaning of the Teachers’ Superannuation Act 1967;

1967 c. 12.

(ii) service with respect to which regulations made by virtue of paragraph 7 of Schedule 1 to the said Act of 1965 or under section 10 or 11 of the said Act of 1967 have effect; and

(ee) employment in service as defined in the Scottish Teachers Superannuation Scheme”.

1958 c. 14.

(3) In subsection (3) of the said section 2 (which specifies the appropriate Minister for the purposes of any class of employment specified in subsection (2) of that section), as amended by Schedule 1 to the Overseas Service Act 1958, for paragraphs (v) and (vi) there shall be substituted the following:—

“(v) in relation to a class specified in paragraph (e), (ee) or (f) of the said subsection (2), the Secretary of State acting with the consent of the Treasury”;

and so much of the said Schedule as amends the said subsection (3) is hereby repealed.

(4) In subsection (4) of the said section 2, for paragraph (b) there shall be substituted the following:—

“(b) where either of the employments is such an employment as is mentioned in paragraph (a), (e), (ee) or (f) of subsection (2) of this section, payments out of moneys provided by Parliament”;

and paragraph (d) of the said subsection (4) and so much of Schedule 1 to the said Act of 1958 as amends that subsection are hereby repealed.

(5) In section 17(1) of the said Act of 1948, for the definition of Scottish Teachers Superannuation Scheme there shall be substituted the following definition—

“‘Scottish Teachers Superannuation Scheme’ means the Teachers Superannuation Scheme and the Teachers (Superannuation) Regulations as those expressions are defined in section 145(47) and (48) of the Education (Scotland) Act 1962.”

1962 c. 47.

(6) In section 2(4)(a) of the said Act of 1948 (which, in the case of a person changing his employment who has received any payment in respect of his pension rights upon ceasing to be employed in his former employment, enables rules to require payments by that person equal to all or any of the amounts so received) at the end there shall be inserted the words "with or without interest on those amounts for the whole or any part of the period since he received them".

(7) Regulations under section 1 of the Police Pensions Act 1948 c. 24. 1948 made by virtue of subsection (4) of that section (which relates to persons who transfer or have transferred from or to service in a police force to or from other service or employment) may, notwithstanding anything in section 3(1) of that Act, be framed so as to apply in relation to persons who have ceased to be members of a police force before the date on which those regulations come into force or both before that date and before the passing of that Act; but regulations made by virtue of this subsection—

- (a) may authorise, but shall not require, such payments as are mentioned in the said subsection (4); and
- (b) shall not affect any pension within the meaning of section 8(1) of that Act payable to or in respect of any person as a person who ceased to be a member of a police force before the said date.

(8) Where—

- (a) on 1st January 1967 a person was serving in one of the capacities specified in section 10(1) of the Police Pensions Act 1921 c. 31. 1921; and
- (b) before that date that person had served in one or more other of those capacities,

then, in lieu of the provision with respect to any pension payable to that person made by paragraph (b) of the proviso to the said section 10(1), there shall be deemed as from that date to have been payable by or to such police authority, or to the Treasury, or out of moneys provided by Parliament, as the case may require, such transfer value or values as the Treasury may direct, regard being had to the period of service and the pay received by that person in each respectively of those capacities.

12.—(1) The provisions of this section shall have effect with a view to the transfer from the Secretary of State to the Minister of Overseas Development of certain functions with respect to pensions to or in respect of persons who are or have been—

- (a) serving in a body in relation to which regulations made under section 1(2) of the Police (Overseas Service) Act 1945 have been made; or

Police and firemen serving overseas—transfer of pensions functions. 1945 c. 17 (9 & 10 Geo. 6).

- 1958 c. 14. (b) officers to whom the Overseas Service Act 1958 applies in respect of whose service as such officers the provisions of section 5 of that Act have effect ; or
- (c) employed in pursuance of arrangements made by the Secretary of State in connection with the training and organisation of fire-fighting forces in territories outside the United Kingdom.

(2) The following references to the Secretary of State shall be construed as references to either the Secretary of State or the Minister aforesaid, namely—

- 1947 c. 41. (a) in the Fire Services Act 1947, the references in section 26(2)(d) and (e) ;
- 1948 c. 24. (b) in the Police Pensions Act 1948—
- (i) the second reference in section 5(4) ;
- (ii) the reference in the definition of “ police authority ” in section 8(1) ;
- 1952 c. 45. (c) in the Pensions (Increase) Act 1952, the reference in paragraph 4 of Part I of Schedule 1 ;
- 1956 c. 39. (d) in the Pensions (Increase) Act 1956, the references in paragraphs 6 and 7 of Part I of Schedule 1 ;
- (e) in the Overseas Service Act 1958, the reference in Schedule 2 ;
- 1959 c. 50. (f) in the Pensions (Increase) Act 1959, the references in paragraphs 7 and 8 of Part I of the Schedule ;
- 1965 c. 78. (g) in the Pensions (Increase) Act 1965, the references in paragraphs 7 and 8 of Schedule 1.

1921 c. 31. (3) Any functions of the Secretary of State under the Police Pensions Act 1921 exercisable by virtue of any of the following instruments, namely—

- S.R. & O.
1947/1088. (a) the Police (Overseas Service) (Germany) Regulations 1947 ;
- S.R. & O.
1947/1188. (b) the Police (Overseas Service) (Austria) Regulations 1947 ;
- S.I. 1948/313. (c) the Police (Overseas Service) (Greece) Regulations 1948, are hereby transferred to the Minister aforesaid.

(4) Where a statutory instrument containing a scheme under section 26 of the Fire Services Act 1947 or regulations under section 1 of the Police Pensions Act 1948 is made before the expiration of the period of twelve months beginning with the date of the passing of this Act and contains a statement that the scheme is, or, as the case may be, that the regulations are, made solely in connection with a transfer of functions in accordance with this section, then, notwithstanding anything in any other Act, the scheme or regulations may make provision with respect to a pension to or in respect of any person notwithstanding that

the person in question ceased to be in the relevant service or employment, or died, before the date of the coming into operation of the scheme or regulations.

13.—(1) Regulations made by the Secretary of State under section 35 of the Police Act 1964 (which relates to regulations for police cadets) may include provision—

Pensions of
police cadets.
1964 c. 48.

- (a) for the application to police cadets appointed under section 17 of that Act, 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 members of police forces ; and
- (b) for any regulations made by virtue of paragraph (a) of this subsection to have effect in relation to any police cadet to the exclusion of any other provision for pension, allowance or gratuity in respect of his service as a police cadet contained in or in force under any other enactment and, for the purpose of a return of any contributions made by the cadet under that other provision, for the cadet to be deemed to have ceased his employment upon the regulations coming into effect in relation to him.

(2) Nothing in subsection (1) of this section shall affect the operation of the National Insurance Acts 1965 and 1966 or the National Insurance (Industrial Injuries) Acts 1965 and 1966, but regulations made by virtue of that subsection may provide for the reduction or withholding of awards under the regulations in cases where awards are provided for in respect of the same matters under any of those Acts.

(3) This section shall apply to Scotland with the substitution for the references in subsection (1) thereof to sections 35 and 17 of the Police Act 1964 of references to sections 11A and 10A respectively of the Police (Scotland) Act 1956 as amended by Schedule 7 to the said Act of 1964.

14. In section 2 of the Mental Health (Scotland) Act 1960 (establishment and constitution of Mental Welfare Commission), after subsection (7) there shall be inserted the following subsection :—

Pensions for
medical com-
missioners of
Mental
Welfare
Commission
for Scotland.
1960 c. 61.

“(7A) In the case of any such medical commissioner as he may so determine, the Secretary of State, with the approval of the Treasury, may make provision for or pay to or in respect of him such pension, allowance or gratuity as may be so determined.”

Superannua-
tion of
metropolitan
civil staffs.

15.—(1) In this section—

(a) the expression “member of the metropolitan civil staffs” means a person—

(i) who is employed under the Commissioner of Police for the Metropolis or the Receiver for the Metropolitan Police District (hereafter in this section referred to as “the Receiver”) and is not a constable and whose salary is paid out of the Metropolitan Police Fund ; or

(ii) who is serving as a justices’ clerk for the inner London area or other officer employed by the committee of magistrates for that area,

but does not include any person such as is mentioned in sub-paragraph (ii) of this paragraph during any period of his service to which Regulation 2(1) of the Superannuation (Inner London Magistrates’ Courts) Regulations 1965 applies ;

S.I. 1965/537.

(b) the expression “civil service provisions” means the following as for the time being in force, namely, the Superannuation Act 1965, sections 1 and 2(2) and (3) of this Act, and any other enactment or instrument, being an enactment or instrument relating to pensions or other benefits to or in respect of persons who are or have been in the civil service of the State, whether that enactment or instrument was passed or made before or after the passing of this Act, other than an enactment or instrument relating to transfers between that service and service as a member of the metropolitan civil staffs ;

1965 c. 74.

(c) the expression “the appointed day” means such day as the Secretary of State may by order appoint.

(2) As from the appointed day the Metropolitan Police Staff (Superannuation) Acts 1875 to 1931 shall cease to have effect but—

(a) the Secretary of State shall continue to have power to grant, to or in respect of persons who on that day are, or thereafter become, members of the metropolitan civil staffs, pensions or other benefits payable by the Receiver out of the Metropolitan Police Fund ; and

(b) subject to any regulations for the time being in force under subsection (3) of this section, the civil service provisions shall have effect for the purposes of the grant by the Secretary of State out of the said Fund of pensions or other benefits under this section to or in respect of members of the metropolitan civil

staffs, for the purposes of transfers (whether before, on or after the appointed day) between service as such a member and other service (not being service in the civil service of the State), or for any connected purpose, as they have effect for the purposes of the grant by the Treasury out of moneys provided by Parliament or out of the Consolidated Fund of pensions or other benefits to or in respect of persons in the civil service of the State, for the purposes of transfers between that service and any other service (not being service as a member of the metropolitan civil staffs), or for any corresponding connected purpose, as the case may be, and as if employment as a member of the metropolitan civil staffs were employment in a public department.

(3) The Secretary of State may by regulations provide that any of the civil service provisions shall have effect for the purposes of pensions or other benefits under this section, or of transfers between service as a member of the metropolitan civil staffs and other service, or for any connected purpose, as the case may be—

(a) subject to any exceptions or modifications specified in the regulations ; and

(b) subject to any adaptations so specified, being adaptations appearing to the Secretary of State to be necessary or expedient to ensure that those provisions have effect as mentioned in subsection (2)(b) of this section,

and any such adaptations may be either general adaptations applicable to all the civil service provisions, whether or not passed or made at the date of the making of the regulations, or particular adaptations of particular provisions.

(4) Regulations under subsection (3) of this section may be made so as to have effect as from any date not earlier than the date of the coming into force of the civil service provision in question, notwithstanding that the regulations are made after that date.

(5) For the purpose of enabling the Secretary of State to make by regulations with respect to pensions or other benefits under this section any provision which the Treasury have power under the civil service provisions to make by rules or regulations with respect to pensions or other benefits to or in respect of persons in the civil service of the State in cases where no such provision so made by the Treasury already applies by virtue of this section with respect to pensions or other benefits under this section, the Secretary of State may, with the consent of the Treasury, by regulations provide for the provisions conferring that power on the Treasury to have effect subject to such adaptations as may be specified in the regulations, being adaptations

appearing to the Secretary of State and the Treasury to be necessary or expedient in order to confer with respect to pensions or other benefits under this section corresponding powers on the Secretary of State.

(6) Any power to make an order or regulations under this section shall be exercisable by statutory instrument; and any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) Nothing in this section shall affect any pension or other benefit granted under the Metropolitan Police Staff (Superannuation) Acts 1875 to 1931 before the appointed day, and accordingly any such pension or other benefit shall continue to be paid by the Receiver out of the Metropolitan Police Fund.

(8) As from the appointed day the following provisions are hereby repealed or revoked, namely—

- | | |
|-----------------|---|
| 1875 c. 28. | (a) the Metropolitan Police Staff (Superannuation) Act 1875 ; |
| 1885 c. 68. | (b) the Metropolitan Police Staff Superannuation Act 1885 ; |
| 1909 c. 40. | (c) in the Police Act 1909, section 4 ; |
| 1931 c. 12. | (d) in the Metropolitan Police (Staff Superannuation and Police Fund) Act 1931, sections 1 to 3 ; |
| 1938 c. 13. | (e) in the Superannuation (Various Services) Act 1938, in Part I of the Schedule, the entry relating to the Metropolitan Police Staff (Superannuation) Acts 1875 to 1931 ; |
| 1948 c. 33. | (f) in section 2 of the Superannuation (Miscellaneous Provisions) Act 1948, subsections (2)(b) and (3)(ii) and, in subsection (4), paragraph (c), the words “into the Metropolitan Police Fund”, and the word “(c)” in the last place where it occurs ; |
| S.I. 1959/1243. | (g) the Superannuation (Transfers between Metropolitan Police Staffs and Local Government) Rules 1959 ; |
| S.I. 1961/439. | (h) the National Insurance (Modification of the Metropolitan Police Staffs Superannuation Provisions) Regulations 1961 ; |
| S.I. 1963/1610. | (i) the National Insurance (Modification of the Metropolitan Police Staffs Superannuation Provisions) Regulations 1963 ; |
| 1964 c. 42. | (j) in the Administration of Justice Act 1964, section 24 ; |
| S.I. 1966/1120. | (k) the National Insurance (Modification of the Metropolitan Police Staffs Superannuation Provisions) (Amendment) Regulations 1966 ; |
| S.I. 1966/1589. | (l) the Superannuation (Transfers between Police and Metropolitan Police Staffs) Rules 1966. |

(9) Notwithstanding the repeal by subsection (8)(j) of this section of section 24 of the Administration of Justice Act 1964, the Superannuation (Inner London Magistrates' Courts) Regulations 1965 shall continue in force subject to the like power of variation or revocation as if the said section 24 had not been repealed, except that as from the appointed day—

(a) the following provisions thereof are hereby revoked, namely—

(i) in regulation 1(1), the words from the beginning to “shall apply” and the word “and” where it appears after the word “magistrates”;

(ii) in regulation 1(2), paragraph (b), paragraph (c) from “and the” onwards, and paragraph (d);

(iii) regulation 3;

(b) in regulation 2(2), the reference to regulation 1 shall be construed as a reference to subsection (2) of this section;

(c) regulation 2(2) from “and he” onwards is hereby revoked; but where any person gives such a notice as is mentioned in regulation 2(2), the civil service provisions with respect to transfers between that service and local government service, as they apply by virtue of subsection (2)(b) of this section to transfers between service as a member of the metropolitan civil staffs and local government service, shall have effect as if he had ceased to be employed in local government service and had become such a member with effect from the day of the giving of the notice and as if that notice had been any notice required by those provisions.

16.—(1) As respects any accounting period within the meaning of Schedule 1 to the Teachers' Superannuation Act 1967 or Schedule 6 to the Education (Scotland) Act 1962 beginning on or after 1st April 1961—

Teachers' superannuation accounts.
1967 c. 12.
1962 c. 47.

(a) paragraph 3(1)(d) of the said Schedule 1 and paragraph 2(3) of the said Schedule 6 (which relate to the sum representing interest which is to be treated as having been paid into the revenue of the teachers' superannuation account under the Act in question for each accounting period) shall each have effect with the substitution for the words from “at the rate” onwards of the words “at such rate as may be determined in accordance with regulations made by the Secretary of State with the consent of the Treasury on the amount of any balance of revenue over expenditure remaining at the end of the last preceding accounting period, and a further sum representing interest at such

rate as may be determined as aforesaid on any balance of revenue (other than that further sum) over expenditure during the accounting period in question, and any such regulations may make different provision for different balances and different accounting periods and may provide as respects any balance to which the regulations relate—

(i) for the determination of the rate of interest on that balance on the basis of a notional investment of that balance, or of any part or parts thereof, made after consultation with the Government Actuary ; and

(ii) for different rates of interest, or different methods of determining the rates of interest, for different parts of that balance ; ”

(b) paragraph 4 of Schedule 1 to the said Act of 1967 is hereby repealed.

(2) Section 144(2) and (3) of the said Act of 1962 shall not apply to any regulations made under that Act by virtue of the foregoing subsection, but before making any such regulations the Secretary of State shall consult with representatives of education authorities and of teachers appearing to him to be likely to be affected by them.

Expenses.

17. There shall be paid out of moneys provided by Parliament or out of the Consolidated Fund, as the case may be, any increase attributable to the provisions of this Act in the sums so payable under any other Act.

Citation and construction of references.

1965 c. 74.

1957 c. 62.

18.—(1) This Act may be cited as the Superannuation (Miscellaneous Provisions) Act 1967.

(2) The Superannuation Act 1965 and sections 1 and 2(2) and (3) of this Act may be cited together as the Superannuation Acts 1965 and 1967.

(3) The Governors' Pensions Act 1957 and section 4 of this Act may be cited together as the Governors' Pensions Acts 1957 and 1967.

(4) Sections 6 to 8 of this Act—

(a) so far as they apply to England and Wales, may be cited together with the National Health Service Acts 1946 to 1966 as the National Health Service Acts 1946 to 1967 ;

(b) so far as they apply to Scotland, may be cited together with the National Health Service (Scotland) Acts 1947 to 1966 as the National Health Service (Scotland) Acts 1947 to 1967.

(5) Save where the context otherwise requires, any reference in this Act to any enactment or instrument shall be construed as a reference to that enactment or instrument as amended, extended or applied by or under any other enactment or instrument, including any enactment contained in this Act.

in the Act or in any order made thereunder, shall be construed as if it were contained in the Act, and any reference to the Act shall be construed accordingly.

Section 2 of the Act shall be construed as if it were contained in the Act, and any reference to the Act shall be construed accordingly.

Section 3 of the Act shall be construed as if it were contained in the Act, and any reference to the Act shall be construed accordingly.

Section 4 of the Act shall be construed as if it were contained in the Act, and any reference to the Act shall be construed accordingly.

Section 5 of the Act shall be construed as if it were contained in the Act, and any reference to the Act shall be construed accordingly.

Section 6 of the Act shall be construed as if it were contained in the Act, and any reference to the Act shall be construed accordingly.

Section 7 of the Act shall be construed as if it were contained in the Act, and any reference to the Act shall be construed accordingly.

Section 8 of the Act shall be construed as if it were contained in the Act, and any reference to the Act shall be construed accordingly.

Section 9 of the Act shall be construed as if it were contained in the Act, and any reference to the Act shall be construed accordingly.

Section 10 of the Act shall be construed as if it were contained in the Act, and any reference to the Act shall be construed accordingly.

Section 11 of the Act shall be construed as if it were contained in the Act, and any reference to the Act shall be construed accordingly.



Housing Subsidies Act 1967

1967 CHAPTER 29

An Act to make provision with respect to financial assistance towards the provision, acquisition or improvement of dwellings and the provision of hostels; and for connected purposes. [10th May 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

SUBSIDIES TO LOCAL AUTHORITIES, ETC.

New subsidies for approved dwellings

1.—(1) The provisions of this Part of this Act shall have effect with respect to assistance to local authorities and such other bodies as are mentioned in subsection (2) of this section (in this Part of this Act referred to as “recipient authorities”) towards the expenditure incurred by them in the provision of such new dwellings as, in accordance with the said subsection (2), are approved for the purposes of this Part of this Act by the Minister (in this Part of this Act referred to as “approved dwellings”); and exchequer subsidies under Part I of the Housing Act 1961 shall not be payable in respect of any dwelling falling within paragraph (a) or (b), or approved for the purposes of this Part of this Act by virtue of paragraph (c) or (d), of subsection (3) of this section. New provisions for financial assistance towards provision of dwellings. 1961 c. 65.

(2) The new dwellings which may be approved for the purposes of this Part of this Act are new dwellings provided—

- (a) by a local authority in the exercise of their powers to provide housing accommodation; or
- (b) by a development corporation otherwise than in pursuance of such arrangements as are mentioned in

PART I

paragraph (c) of this subsection, or by the Commission for the New Towns ; or

- (c) by a development corporation or housing association in pursuance of authorised arrangements made with a local authority, or by a housing association in pursuance of special arrangements made with the Minister,

and falling within one of the categories specified in subsection (3) of this section.

(3) The categories of new dwellings referred to in subsection (2) of this section are—

- (a) new dwellings provided as mentioned in paragraph (a) or (b) of the said subsection (2) in the case of which the formal resolution of the recipient authority accepting the tender or estimate for, or approving the cost or estimated cost of, their erection was passed on or after 25th November 1965 ;

- (b) new dwellings provided as mentioned in paragraph (c) of the said subsection (2) in pursuance of arrangements made on or after 25th November 1965 ;

- (c) new dwellings which do not fall within paragraph (a) of this subsection but which have been completed on or after 25th November 1965 and provided by a local authority in whose case the Minister is of opinion—

(i) that at that date, on the information which had by then been made available to the Minister, there was in their area an exceptional need for new dwellings owing to an exceptional need for slum clearance or an exceptional shortage of housing accommodation or both ; and

(ii) that the number of new dwellings completed on or after that date in the case of which the formal resolution of the recipient authority such as is mentioned in paragraph (a) of this subsection was passed before that date is such that, unless the dwellings are approved for the purposes of this Part of this Act, an unreasonable rate burden will have to be imposed or unreasonably high rents will have to be charged by the authority ;

- (d) new dwellings which do not fall within paragraph (a) of this subsection but which have been completed on or after 25th November 1965 and provided by a local authority who are not such an authority as are mentioned in paragraph (c) of this subsection in the course of a scheme of town development within the meaning of the Town Development Act 1952 carried out with the approval of the Minister for the purpose of relieving congestion or over-population in the area of

another local authority who are such an authority as are so mentioned.

(4) For the purposes of this section—

- (a) a formal resolution passed on or after 25th November 1965 and accepting a tender or estimate shall be deemed to have been passed before that date if either the tender or estimate was submitted to the Minister for approval before that date or the Minister is satisfied that it replaced a tender or estimate so submitted and relating to substantially the same dwellings ;
- (b) where, on approving any authorised arrangements made with a local authority on or after 25th November 1965, the Minister is satisfied that the substantial effect of those arrangements had been agreed between the parties before that date, those arrangements shall be deemed to have been made before that date ; and
- (c) where a resolution passed before 25th November 1965 accepted a tender or estimate for the erection of any dwellings over a period of three years or more, then if, in accordance with the contract for their erection, the erection of some of them was not begun before 25th November 1966, the resolution, so far as it relates to those dwellings, shall be treated as having been passed after 25th November 1965.

(5) Any subsidy under any of sections 2, 4 to 8 and 10 of this Act shall be paid to the recipient authority by whom the dwelling or dwellings by reference to which the subsidy is payable were provided, except that in relation to a dwelling or dwellings provided by a development corporation or housing association in pursuance of authorised arrangements made with a local authority the subsidy shall be paid to the local authority, who shall pay to the development corporation or housing association by way of annual grant an amount not less than the subsidy.

Subsidies for aggregate approved cost of dwellings

2.—(1) In the case of each recipient authority, in respect of the aggregate amount of the approved cost (determined in accordance with section 3 of this Act) of the approved dwellings provided by that authority which are completed in any one financial year, the Minister shall pay for each of the sixty years beginning with that financial year a subsidy of an amount calculated in accordance with the following provisions of this section.

Aggregate cost
subsidies.

(2) An amount equal to the aggregate amount aforesaid shall be assumed to have been raised by a loan repayable over a period of sixty years in equal half-yearly instalments of principal and interest combined, the first falling due six months after the loan was raised, and there shall be calculated the amount of such

PART I

an instalment at a rate of interest specified by an order of the Minister made in respect of the financial year in which the dwellings were completed ; and the amount of the subsidy shall be twice the amount by which the amount of such an instalment calculated at that rate exceeds what the amount of that instalment would have been if calculated at the rate of four per cent. per annum.

(3) The rate so specified shall be such as appears to the Minister, after consultation with such recipient authorities, or such bodies representative of recipient authorities, as appear to him to be appropriate, to be representative of the rates of interest paid on loans raised (including any sums borrowed by way of temporary loan) by recipient authorities in the financial year immediately preceding that in which the dwellings in question were completed ; and different rates may be so specified in relation to different classes of recipient authority, and for that purpose the Greater London Council and the Commission for the New Towns may each either be treated as a class of recipient authorities or be included in any class of other recipient authorities.

(4) Where the recipient authority are a development corporation or housing association and the approved dwellings provided by that authority which have been completed in any one financial year include both—

- (a) dwellings provided in pursuance of authorised arrangements made with a local authority ; and either
- (b) dwellings provided in pursuance of authorised arrangements made with another local authority ; or
- (c) dwellings provided otherwise than in pursuance of such arrangements,

a separate subsidy shall be paid in respect of the aggregate cost of the dwellings provided as mentioned in each respectively of the paragraphs of this subsection.

(5) The power to make an order under this section shall be exercisable by statutory instrument, and no such order shall be made unless a draft thereof has been approved by a resolution of the Commons House of Parliament.

Ascertainment
of approved
cost of
dwelling.

3.—(1) Subject to the provisions of this section, the approved cost of any approved dwelling shall be taken for the purposes of this Part of this Act to be the cost incurred by the recipient authority in providing the dwelling (including so much of the cost of acquiring the site on which the dwelling is provided as is apportioned to that dwelling under subsection (6) of this section, irrespective of the date when or purpose for which any land comprised in that site was acquired by the authority).

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(2) So much of the cost incurred as aforesaid as is attributable to the acquisition of any site shall be ascertained in accordance with Schedule 1 to this Act and subsection (6) of this section.

(3) The remainder of the cost incurred as aforesaid, so far as not known at the time when the formal resolution of the recipient authority accepting the tender or estimate for, or approving the cost or estimated cost of, the erection of the dwelling was passed or, as the case may be, when the relevant arrangements such as are mentioned in section 1(2)(c) of this Act were made, shall be taken to be what it was then estimated to be.

(4) Where the cost of any works has in pursuance of subsection (3) of this section been taken to be the estimated cost thereof, and the actual cost thereof, when ascertained, is found to differ from that estimated cost to such an extent that it appears to the Minister right and proper that this subsection should apply, then—

- (a) if the actual cost is greater than the estimated cost and in the opinion of the Minister the difference is caused by exceptional conditions underground which could not reasonably have been foreseen at the time when the estimate was made, the Minister may treat the approved cost of the dwelling in question as being, and as always having been, increased by such sum not exceeding the amount of the difference as he may think fit;
- (b) if the actual cost is less than the estimated cost, the Minister may treat that approved cost as being, and as having always been, reduced by such sum as aforesaid.

(5) The Minister may determine that the approved cost of any dwelling shall be reduced by deducting from the cost incurred as aforesaid in respect thereof as determined in accordance with the foregoing provisions of this section an amount not exceeding the amount, if any, by which the part of that cost referred to in subsection (3) of this section exceeds what in the opinion of the Minister, having regard to all the circumstances of the case, should be the reasonable and appropriate cost (apart from any cost attributable to the acquisition of a site) of providing an adequate dwelling in those circumstances.

(6) Any apportionment of cost necessary to arrive at the approved cost of any dwelling shall be made in such manner as the Minister may determine.

Subsidies for individual dwellings

4. In respect of each approved dwelling which is a flat in a block of flats of four or more storeys the Minister shall pay for each of the sixty years beginning with the financial year in

2 B 3* for flats in blocks of four or more storeys.

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which the dwelling was completed a subsidy of the following amount, that is to say—

- (a) if the block of flats has four storeys, eight pounds ;
- (b) if the block of flats has five storeys, fourteen pounds ;
- (c) if the block of flats has six or more storeys, twenty-six pounds.

Subsidies
for dwellings
provided to
meet special
needs.

5.—(1) Where the Minister is of opinion, on an application made to him by a local authority—

- (a) that there is urgent need for more dwellings which will only be met if the dwellings are provided by that authority ; and
- (b) that, unless the Minister exercises his powers under this subsection, the dwellings cannot be provided without imposing an unreasonably heavy rate burden or charging unreasonably high rents for those and other dwellings provided by the authority,

the Minister may, in respect of any approved dwelling thereafter provided by that authority, pay for each of such number of years as he may determine, beginning with the financial year in which the dwelling was completed, a subsidy of such amount as he may, subject to subsection (3) of this section, determine.

(2) Where the Minister is of opinion, on an application made to him by a local authority—

- (a) that, in circumstances other than those mentioned in section 8 of this Act, dwellings will be provided as part of a scheme amounting to a substantial transfer of industry or of persons engaged in an industry ; and
- (b) that, unless the Minister exercises his powers under this subsection, the dwellings cannot be provided without unreasonably increasing the rate burden or the rents for other dwellings provided by the authority,

the Minister may, in respect of any approved dwelling thereafter provided by that authority, pay for each of such number of years as he may determine, beginning with the financial year in which the dwelling was completed, a subsidy of such amount as he may, subject to subsection (3) of this section, determine.

(3) The amount determined under either of the foregoing subsections shall not, together with the amount (if any) determined under the other of those subsections in respect of the same dwelling, exceed thirty pounds.

(4) In exercising his powers under this section the Minister shall have regard to any conditions which may be laid down by the Treasury.

6. Where the Minister is satisfied, on an application made to him by a recipient authority with respect to any dwelling which the authority have provided or intend to provide, that the cost of providing the dwelling has been or will be substantially enhanced by expenses attributable to the acquisition of rights of support, or otherwise attributable to measures taken by them for securing protection against the consequences of a subsidence of the site, then, if the dwelling is or becomes an approved dwelling, the Minister may pay in respect thereof for each of the sixty years beginning with the financial year in which it was completed a subsidy of such amount not exceeding two pounds as the Minister may determine.

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Subsidies for
dwellings
enjoying
rights of
support, etc.

7. Where the Minister is satisfied, on an application made to him by a recipient authority with respect to any dwelling which the authority have provided or intend to provide, that the cost of providing the dwelling has been or will be substantially enhanced by expenses attributable to measures taken by them with his consent in the erection of the dwelling (whether by the use of stone or other special material or in any other way) in order to preserve the character of the surroundings, then, if the dwelling is or becomes an approved dwelling, the Minister may pay in respect thereof for each of the sixty years beginning with the financial year in which it was completed a subsidy of such amount not exceeding ten pounds as the Minister may determine.

Subsidies for
dwellings
erected to
preserve the
character
of the
surroundings.

8.—(1) Where an approved dwelling is provided by, or by a housing association in pursuance of authorised arrangements made with, a local authority, and either—

Subsidies for
dwellings
provided
in course
of town
development.
1952 c. 54.

- (a) the dwelling is provided in the course of a scheme of town development within the meaning of the Town Development Act 1952 which is carried out wholly or partly in the area of the local authority and in the opinion of the Minister is on a substantial scale; or
- (b) the area of the local authority is a congested or overpopulated area and the dwelling is provided in some other area as part of a scheme of comprehensive development the general character of which is in the opinion of the Minister similar to development for the purposes of a new town,

the Minister may in respect of the dwelling pay for each of the ten years beginning with the financial year in which the dwelling is completed a subsidy of twelve pounds.

(2) No contribution towards the expenses mentioned in subsection (2)(a) of section 2 of the Town Development Act 1952 shall be payable under that section in respect of any dwelling falling within paragraph (a), or approved for the

PART I purposes of this Part of this Act by virtue of paragraph (c) or (d), of section 1(3) of this Act.

**Contributions
between
authorities.**

9.—(1) Where any subsidy is paid under section 8 of this Act in respect of a dwelling provided by, or by a housing association in pursuance of authorised arrangements made with, a local authority (in this section referred to as the “receiving authority”) and—

- (a) the dwelling was provided as mentioned in subsection (1)(a) of that section and is a dwelling falling within paragraph (a) or (b) of section 1(3) of this Act; and
- (b) the Minister has designated another local authority, or each of two or more other local authorities, as a sending authority for the purposes of this section and of the scheme in the course of which the dwelling was provided; and
- (c) either that dwelling or another becoming available as the result of the provision of that dwelling is let to a person who has with a sending authority any such connection as is specified in subsection (2) of this section,

the sending authority in question shall pay to the receiving authority for each of the ten years commencing with the date on which the dwelling or the said other dwelling is first let to such a person a contribution of twelve pounds.

(2) The said connection is that the said person—

(a) immediately before the said dwelling was let to him—

(i) occupied a dwelling managed by the sending authority in question under the Housing Acts 1957 to 1965; or

(ii) occupied a dwelling in an area which that sending authority have declared to be a clearance area or on any land which they have determined to purchase under section 43 of the Housing Act 1957 or any premises in respect of which they have made a demolition order or closing order under Part II of that Act; or

(iii) was on that sending authority’s list of persons to be offered, when opportunity arose, tenancies of dwellings managed by them under the said Acts of 1957 to 1965; or

(b) was nominated by the sending authority in question as a person to be offered a tenancy in the area of the receiving authority; or

(c) was selected from a list maintained by the sending authority in question of persons available for employment in the area of the receiving authority; or

1957 c. 56.

(d) is included in any class of persons defined by agreement between the sending authority in question and the receiving authority or, in default of such agreement, by the Minister as being a class for whom dwellings in the area of the receiving authority may be provided as part of the development referred to in section 8(1)(a) of this Act.

(3) Where the sending authority in question are the council of a London borough or the Common Council of the City of London any contribution under this section shall be payable, and any agreement with the receiving authority under subsection (2)(d) of this section shall be made, by the Greater London Council.

(4) Where a contribution is payable under this section as a result of a subsidy paid in respect of any dwelling provided by a housing association in pursuance of authorised arrangements made with a local authority, that authority shall pay to the housing association by way of annual grant an amount not less than the contribution.

(5) Any amount received by a local authority under this section shall be included in the sums required by paragraph 1 of Schedule 5 to the Housing (Financial Provisions) Act 1958 to be carried to the credit of the Housing Revenue Account, except in a case where, under subsection (4) of this section, the local authority are required to make an annual grant in respect of the dwelling in question. 1958 c. 42.

Subsidies for expensive sites

10.—(1) If any approved dwelling is provided on a site which is approved for the purposes of this section by the Minister and the net cost of which exceeds four thousand pounds per acre, then in respect of the same proportion of the area of that site as the proportion of the cost of acquiring that site which was apportioned to the dwelling for the purposes of any subsidy payable under section 2 of this Act the Minister shall pay for each of the sixty years beginning with the financial year in which the dwelling was completed a subsidy at the following rate, that is to say—

- (a) thirty-four pounds per acre for every thousand pounds or part of a thousand pounds by which the net cost of the site per acre exceeds four thousand pounds but does not exceed fifty thousand pounds; and
- (b) forty pounds per acre for every thousand pounds or part of a thousand pounds by which the net cost of the site per acre exceeds fifty thousand pounds,

but not exceeding the limit mentioned in subsection (2) of this section, except if and so far as the Minister so determines on the

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ground that otherwise the cost to the recipient authority of providing dwellings on the site would, in the opinion of the Minister, be unduly high in the circumstances of the case.

(2) The said limit is such amount as would, together with so much of any subsidy payable under section 2 of this Act as is referable to the net cost of the site, be equal to seventy-five per cent. of so much of the following amount as is so referable, that is to say, an amount equal to twice the amount of such an instalment as is mentioned in subsection (2) of that section when calculated at such rate of interest specified under subsection (3) of that section as is applicable to the financial year in which the dwelling was completed and to the recipient authority providing the dwelling.

(3) For the purposes of this section, any amount by which the net cost of a site exceeds ten thousand pounds per acre shall be disregarded unless, by reference to such area including the whole or part of the site as the Minister considers appropriate for assessing residential density and after the completion of the dwellings to be provided on the site or that part thereof, either—

- (a) the average number per acre of the dwellings in that area will be not less than thirty-five ; or
- (b) the average number per acre of persons for whom sleeping accommodation will be available in dwellings in that area will be not less than seventy ;

(4) For the purposes of this section the net cost of a site shall be taken to be—

- (a) where subsection (5) of this section does not apply, the cost of the site as ascertained in accordance with Schedule 1 to this Act ; and
- (b) where that subsection applies, that cost as reduced under that subsection.

(5) Where any works of construction or any works carried out for the purpose of making a site suitable for the provision of dwellings would fall to be taken into account in ascertaining its cost in accordance with Schedule 1 to this Act, the Minister may determine that that cost shall be taken to be reduced by such amount as is in his opinion fairly attributable to those works.

11.—(1) Where it appears to the Minister that any land which on or after 25th November 1965 has been acquired by a local authority under the Housing Acts 1957 to 1965 or appropriated by a local authority for the purposes of Part V of the Housing Act 1957 is likely to become a site or part of a site approved for the purposes of section 10 of this Act, then if the net cost of that site as ascertained for the purposes of that

Advances on account of expensive site subsidies. 1957 c. 56.

section would exceed twenty thousand pounds per acre the Minister may make to the local authority advances in respect of that land of amounts not exceeding for any financial year ninety per cent. of what appears to him to be the amount of any subsidy that may become payable for any financial year under the said section 10 in respect of the site or, as the case may be, a proportionate part thereof.

(2) Where any such advances have been made to a local authority in respect of any land, then—

- (a) if a subsidy becomes payable for any year under section 10 of this Act in respect of a site including the whole or part of that land, the amount of that subsidy shall be reduced by one-sixtieth of the aggregate amount of the advances, except where the advances have become recoverable under paragraph (c) of this subsection ;
- (b) if such subsidies become payable but cease when the number thereof is less than sixty the Minister may recover from the local authority an amount arrived at by multiplying one-sixtieth of the aggregate amount of the advances by the number by which the subsidies fall short of sixty ;
- (c) if the Minister is satisfied that no subsidy under that section will become payable to the local authority in respect of a site comprising that land or any part thereof, or that no such subsidy will become payable within a reasonable time, the Minister may recover the amount of the advances from the local authority.

(3) Any amount recoverable from a local authority under subsection (2) of this section may, without prejudice to any other method of recovery, be recovered by deduction from any exchequer payment due to the authority.

(4) For the purposes of this section any land acquired by a local authority in pursuance of a compulsory purchase order shall be deemed to have been acquired by them at the date of the order and any other land at the date of the contract in pursuance of which it was acquired.

Subsidies for certain conversions or improvements

12.—(1) The provisions of this section shall have effect where arrangements have been made after the passing of this Act by a local authority with a housing association under section 121 of the Housing Act 1957 (which relates to arrangements for the provision of dwellings by a housing association by means of the conversion of buildings or for the improvement of dwellings by a housing association) in a case where, on the completion

Subsidies for conversions or improvements by housing associations.
1957 c. 56.

PART I of the carrying out of the arrangements, the local authority certify to the Minister in such form as he may direct that, in the case of each building or dwelling to which the arrangements relate—

- (a) an estate or interest in the building or dwelling has been acquired by the housing association with a view to entering into, or for the purpose of giving effect to, the arrangements ; and
- (b) the dwelling or dwellings resulting from the carrying out of the arrangements have been made available by the housing association for letting.

(2) Subject to subsections (3) and (5) of this section, the Minister shall pay for each of the twenty years beginning with the financial year in which the carrying out of the arrangements is completed a subsidy equal to three-eighths of the annual loan charges referable to the amount certified by the local authority in such form as the Minister may direct to be the aggregate of—

- (a) the amount appearing to the local authority to be the cost likely to be incurred by the housing association for the purpose of the execution of any works of conversion or improvement required for carrying out the arrangements ; and
- (b) any expense incurred by the housing association in acquiring an estate or interest in a building or dwelling with a view to entering into, or for the purpose of giving effect to, the arrangements ;

and for the purposes of this subsection the annual loan charge referable to any amount shall be the annual sum which, in the opinion of the Minister, would fall to be provided by the housing association for the payment of interest on, and the repayment of, a loan of the amount so certified repayable over that period of twenty years.

(3) The Minister shall disregard for the purposes of subsection (2) of this section any sum by which the aggregate referred to in that subsection exceeds the equivalent of two thousand pounds for each dwelling resulting from the carrying out of the arrangements unless in any case he is satisfied that in all the circumstances of the case there is good reason for allowing a higher aggregate.

(4) The Minister may by order provide, as respects dwellings resulting from arrangements made after the coming into force of the order, for subsection (3) of this section to have effect as if for the reference to two thousand pounds there were substituted a reference to such higher or lower amount as may

be specified in the order; and any such order shall be made by statutory instrument and—

PART I

- (a) may vary or revoke any previous order under this subsection; and
- (b) shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

(5) No subsidy shall be payable under this section unless, on the completion of the carrying out of the arrangements, the local authority certify in such form as the Minister may direct that in their opinion the dwelling or dwellings resulting from the carrying out of the arrangements—

- (a) will provide satisfactory housing accommodation for such period, and
- (b) conform with such requirements with respect to construction and physical conditions and the provision of services and amenities,

as may for the time being be specified for the purposes of this section by the Minister.

(6) Any subsidy under this section shall be paid to the local authority who shall pay to the housing association by way of annual grant an amount not less than the subsidy.

(7) Where, in the case of any arrangements under section 121 of the Housing Act 1957 by a local authority with a housing association, a subsidy is payable under this section— 1957 c. 56.

- (a) no contribution shall be made to the local authority under section 12 of the Housing (Financial Provisions) Act 1958 in respect of those arrangements; and 1958 c. 42.
- (b) no grant shall be made to the housing association under section 30 of the said Act of 1958 or under section 4 of the House Purchase and Housing Act 1959 in connection with any dwelling in connection with which the subsidy is paid. 1959 c. 33.

(8) In this section, the expression “improvement” includes alteration, enlargement or repair.

Reduction, etc. of subsidies

13.—(1) The Minister may by order direct that, while the order remains in force, such subsidies payable under this Part of this Act or such contributions under section 9 thereof as may be specified in the order—

Power to abolish or reduce subsidies and contributions under Part I.

- (a) shall cease to be payable; or
- (b) shall be reduced to such rate or amount as may be specified in the order; or

PART I

(c) shall be payable for such reduced number of years as may be so specified,

either in all cases or only in cases where they are payable by reference to dwellings of such description or in such area as may be specified in the order.

(2) Subject to subsection (4) of this section, an order under this section—

(a) so far as it relates to subsidies or contributions payable by reference to dwellings provided as mentioned in paragraph (a) or (b) of section 1(2) of this Act, shall apply only in relation to dwellings the tender or estimate for the erection of which was accepted, or the cost or estimated cost of the erection of which was approved, by a formal resolution passed on or after a date specified in the order ; and

(b) so far as it relates to subsidies or contributions payable by reference to dwellings provided in pursuance of any such arrangements as are mentioned in paragraph (c) of the said section 1(2), shall apply only in relation to dwellings provided in pursuance of arrangements made on or after that date ; and

(c) so far as it relates to subsidies under section 12 of this Act, shall apply only in relation to such arrangements as are mentioned in that section made on or after that date.

(3) An order under this section shall be made by statutory instrument and—

(a) shall not be made unless a draft thereof has been approved by a resolution of the Commons House of Parliament ; and

(b) shall not specify a date earlier than the laying of the draft ; and

(c) may be varied or revoked by a subsequent order under this section as respects any period falling after the coming into force of that subsequent order ;

and before laying such a draft the Minister shall consult with such associations of local authorities as appear to him to be concerned and with any local authority with whom consultation appears to him to be desirable.

(4) Subsections (2) and (3)(b) of this section shall not apply to an order made more than ten years after the passing of this Act, and accordingly such an order may affect subsidies and contributions payable by reference to dwellings completed before as well as after the making of the order.

14.—(1) The provisions of this section shall have effect with respect to annual subsidies, and the enactments mentioned in Part I of Schedule 4 to this Act are hereby repealed to the extent specified in the third column of that Part, without prejudice however, to any power exercisable under those enactments with respect to any event occurring before the commencement of this Act.

PART I
Power to
reduce,
discontinue or
transfer
subsidies.

(2) In this section—

- (a) the expression “annual subsidy” means any payment falling to be made by the Minister under the provisions specified in Schedule 2 to this Act ;
- (b) the expression “the subsidised unit” means the dwelling, hostel or other land in relation to which an annual subsidy is payable, whether it is payable in respect of it or its site or in respect of land comprising it or in respect of the cost of any dwellings, or of any works in connection with any dwellings, or of the acquisition of any land, comprising it.

(3) The Minister may, in any of the circumstances mentioned in subsection (5) of this section, reduce the amount of an annual subsidy or suspend or discontinue the payment of an annual subsidy or part thereof.

(4) Where an annual subsidy is payable to a local authority in relation to a subsidised unit in relation to which an annual grant is payable by the local authority to a development corporation or housing association, then, if the amount of the annual subsidy is reduced or payment of it or part of it is suspended or discontinued under this section, the local authority may reduce the annual grant to a corresponding or any lesser extent or suspend the payment thereof or of a corresponding part thereof for a corresponding period or discontinue the payment thereof, or of a corresponding part thereof, as the case may be.

(5) The circumstances referred to in subsection (3) of this section are—

- (a) that the annual subsidy is payable to a local authority and the Minister is satisfied that the authority have failed to discharge any of their duties under the Housing Acts 1957 to 1965 ;
- (b) that the subsidised unit was provided by a development corporation or housing association in pursuance of authorised arrangements made with a local authority or by a housing association in pursuance of special arrangements made with the Minister, and the Minister is satisfied that the corporation or association have made default in giving effect to the terms of any such arrangements ;

PART I

- (c) that the annual subsidy is payable subject to any conditions and the Minister is satisfied that any of those conditions has not been complied with ;
- (d) that the subsidised unit has been converted, demolished or destroyed ;
- (e) that the subsidised unit is not fit to be used, or is not being used, for the purpose for which it was intended ;
- (f) that the subsidised unit has been sold or has been leased for a term certain exceeding seven years ;
- 1952 c. 54. (g) that, not being a case where section 14 of the Town Development Act 1952 (assignment of subsidies) applies, the subsidised unit has been transferred, whether by sale or otherwise.

(6) Where the Minister's power under subsection (3) of this section to discontinue the payment of the whole or part of an annual subsidy payable to a recipient authority becomes exercisable in the circumstances mentioned in subsection (5)(f) or (g) of this section and the subsidised unit has become vested in or has been leased to another recipient authority, then if the Minister exercises that power he may make to that other authority any such payment as he would otherwise have made to the first-mentioned authority if the conditions (if any) subject to which the annual subsidy was payable had been complied with.

(7) In this section the expression "recipient authority" includes the council of a county.

Increase of grants for hostels

Increase of grants for hostels.

1958 c. 42.

15. Section 15 of the Housing (Financial Provisions) Act 1958 (grants for hostels) shall have effect, in its application to any building provided or converted after the commencement of this Act, as if for the words "five pounds" there were substituted the words "fifteen pounds".

New towns

Payments for certain dwellings in new towns.

16. As respects any approved dwellings provided by the Commission for the New Towns, the Minister may make to the Commission, in addition to any payments under the foregoing provisions of this Part of this Act, such grant by way of annual payments (not exceeding twelve pounds for any one year in respect of any one dwelling) as he may with the concurrence of the Treasury determine.

Power of Minister to recover certain contributions.

17.—(1) In the case of each new town the Minister may designate a local authority, or each of two or more local authorities, to be a sending authority in relation to that town for the purposes of this section ; and if in the case of any approved dwelling

provided in that town by the development corporation therefor or by the Commission for the New Towns—

PART I

- (a) the Minister makes a grant by way of annual payments to the development corporation by virtue of section 42(2) of the New Towns Act 1965 or, as the case may be, to the Commission by virtue of section 16 of this Act; and
- (b) either that dwelling or another becoming available as the result of the provision of that dwelling is let to a person who has with a sending authority any such connection as is specified in paragraph (a), (b) or (c) of section 9(2) of this Act (the reference in the said paragraph (b) or (c) to the area of the receiving authority being construed for the purposes of this section as a reference to the new town),

then, in respect of each of the ten years following the completion of that dwelling, the Minister shall be entitled to recover in respect of that dwelling from the sending authority in question (or, where that authority are the council of a London borough or the Common Council of the City of London, from the Greater London Council) such sum not exceeding twelve pounds as the Minister may determine.

(2) Where the grant such as is mentioned in paragraph (a) of the foregoing subsection is by way of annual payments for a lesser number of years than ten, that subsection shall have effect as if for the reference to ten years there were substituted a reference to that lesser number of years.

(3) Any sums received by the Minister under subsection (1) of this section shall be paid into the Exchequer.

18.—(1) The Commission for the New Towns and any development corporation may, with the consent of the Minister, contribute such sums as the Minister, with the concurrence of the Treasury, may determine towards expenditure on the provision of housing accommodation incurred or to be incurred by any local authority within whose area the Commission or, as the case may be, that corporation are providing such accommodation.

Contributions
between
authorities
concerned
with new
towns.

(2) A local authority may make such contributions as the Minister may approve towards the expenditure incurred by the Commission for the New Towns or a development corporation in the provision of housing accommodation.

Supplemental

19. Where any dwelling or other land has been acquired by the creation or transfer of a lease, or where a right to use land as a site for dwellings has been acquired without the

Interests
other than
freehold.

PART I

acquisition of the land itself under arrangements involving periodical payments by the person acquiring the right, the expenses incurred in connection with the acquisition shall be taken for the purposes of this Part of this Act to include such sum as the Minister may determine to be the capital equivalent of the rent payable under the lease or, as the case may be, of the periodical payments payable under those arrangements.

Dwellings
acquired after
completion.

20. In relation to a dwelling which is acquired by a recipient authority after its completion references in this Part of this Act to the erection or completion of any dwelling shall be construed as references to its acquisition by the recipient authority.

Interpretation
of Part I.

21.—(1) In this Part of this Act, the following expressions have the following meanings respectively, that is to say—

“approved dwelling” has the meaning assigned by section 1(1) of this Act;

1957 c. 56.

“authorised arrangements” means arrangements under section 120 of the Housing Act 1957 or under that section as applied by section 125 of that Act;

“block of flats” of a given number of storeys means a building containing flats which consists of that number of storeys exclusive of any storey constructed for use for purposes other than those of a dwelling; and for the purposes of this definition a building which consists of a different number of storeys in different parts thereof shall be treated as if each of those parts were a separate building, any question as to the division of any building into such parts, or as to the number of storeys of which any such part consists, or as to the number of flats contained in any such part, being determined by the Minister;

1965 c. 59.

“development corporation” means a development corporation established under the New Towns Act 1965 or any enactment replaced by that Act;

“dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouses and appurtenances belonging to or usually enjoyed with that building or part; but a building or part which, in the opinion of the Minister, is designed for permanent use as a single dwelling shall be treated as a single dwelling for the purposes of this Act notwithstanding that it is temporarily divided into two or more parts which are occupied or intended to be occupied as separate dwellings;

“exchequer payment” has the same meaning as in section 58(2) of the Housing (Financial Provisions) Act 1958 ; PART I
1958 c. 42.

“flat” means a separate and self-contained set of premises, whether or not on the same floor, constructed for use for the purposes of a dwelling and forming part of a building from some other part of which it is divided horizontally ;

“housing association” has the same meaning as in the Housing Act 1957 ; 1957 c. 56.

“local authority” means any authority who are a local authority for the purposes of any provision of the Housing Act 1957 ;

“the Minister”—

(a) in the application of this Part of this Act to Wales and Monmouthshire, except for the purposes of the making of an order under section 2(2), 12(4) or 13 of this Act extending to an area falling outside as well as to an area falling within Wales and Monmouthshire, means the Secretary of State for Wales ;

(b) subject to paragraph (a) of this definition, means the Minister of Housing and Local Government ;

“new town” has the same meaning as for the purposes of the New Towns Act 1965. 1965 c. 59.

(2) References in this Part of this Act to special arrangements made by a housing association with the Minister are references to arrangements which the Minister may have made with a housing association for the provision of dwellings with a view to their approval under this Act or any Act passed before this Act.

(3) References in this Part of this Act to the acquisition of a site or of land shall include references to the acquisition of a right to use land as a site for the provision of dwellings without acquiring the land itself.

22. The enactments specified in Schedule 3 to this Act shall have effect subject to the amendments and modifications specified in relation to those enactments respectively in that Schedule. Minor amendments and modifications of enactments.

23.—(1) The enactments specified in Part II of Schedule 4 to this Act are hereby repealed to the extent specified in the third column of that Part as respects any dwelling falling within paragraph (a) or (b), or approved for the purposes of this Part of this Act by virtue of paragraph (c) or (d), of section 1(3) of this Act. Repeals consequential on Part I.

PART I
1958 c. 42.

(2) The repeal effected by section 14(1) of, and Part I of Schedule 4 to, this Act of section 20 of the Housing (Financial Provisions) Act 1958 (in which the conditions set out in Schedule 2 to that Act are referred to as well as the power to substitute other conditions) shall not affect the application of those conditions or the exercise of that power.

PART II

ASSISTANCE FOR HOUSE PURCHASE AND IMPROVEMENT

Right to opt
for subsidy
for certain
loans in
connection
with
dwellings.

24.—(1) The provisions of this section shall have effect where a person borrows, or two or more persons borrow jointly, from a qualifying lender on the security of a freehold or leasehold estate of the borrower or of one or more of the borrowers (including an estate held jointly or in common by the borrower or one or more of the borrowers and one or more other persons) in land in Great Britain and—

- (a) application for the loan is made on or after 1st April 1968; and
- (b) the loan is for or in connection with, or is made with a view to the repayment by means thereof of the amount outstanding on a previous loan for or in connection with, one or more of the following purposes, that is to say—
 - (i) acquiring, or acquiring a site for, or constructing, or
 - (ii) providing by the conversion of a building on that land, or
 - (iii) altering, enlarging, repairing or otherwise improving,
 a dwelling on that land; and
- (c) the contract requiring repayment of the loan (hereafter in this Part of this Act referred to as the “repayment contract”) includes provision for the making by the borrower to the lender of periodical payments consisting wholly or partly of payments of interest.

(2) The borrower or borrowers may by notice in writing to the lender in such form as the Minister may direct (hereafter in this Part of this Act referred to as an “option notice”) elect that the loan shall be subsidised in accordance with this Part of this Act; and as respects the period, if any, for which, in accordance with subsection (3) of this section, the option notice has effect—

(a) the lender shall—

- (i) treat the borrower, in pursuance of a scheme made by the Minister for the purpose in accordance with section 29(1) of this Act, as having paid at such times and by such instalments as may be determined

under the scheme sums not in fact paid by him of an aggregate amount determined in accordance with section 28 of this Act towards the amounts from time to time due from him under the repayment contract ; and

(ii) be entitled to receive from time to time from the Minister, subject to any directions of the Minister under section 29(2) of this Act, payments equal in the aggregate to the aggregate amount aforesaid ;

(b) notwithstanding anything in the Income Tax Acts, the borrower—

(i) shall not, in computing his total income, be entitled to a deduction in respect of any amount payable by way of interest under the repayment contract ;

(ii) shall not be entitled to relief from income tax in respect of any such interest ;

(iii) shall be neither permitted nor required to make any deduction of income tax from any such payment of interest ;

(c) for the purposes of income tax and corporation tax, any payment received by the lender under paragraph (a)(ii) of this subsection shall be treated as an annual amount chargeable to tax under Case III of Schedule D.

(3) Subject to subsections (4) and (5) of this section, an option notice in respect of a loan shall be of no effect unless the following conditions are satisfied, that is to say—

(a) that notice in writing of intention to give the option notice was given to the lender at the time when application for the loan was made or by such later time as the lender may in that particular case allow ; and

(b) that the option notice was signed not later than the date when a repayment contract in respect of the loan was first entered into ; and

(c) that the borrower (and, in the case of joint borrowers, each of them) has signed and delivered to the lender a declaration that the person signing the declaration is ordinarily resident in the United Kingdom and the land in question will be used wholly or partly for the purposes of a dwelling to be occupied wholly or partly as his or her residence by a specified person, being the borrower (or, in the case of joint borrowers, one of them) or the spouse or a child (whether legitimate, adopted or illegitimate) over the age of sixteen or a step-child over that age or a parent of the borrower

PART II

(or, in the case of joint borrowers, of one of them), so, however, that such a declaration shall not constitute notice to the lender of any interest in that land which may be subsequently acquired by any person other than the borrower,

but subject to the said subsection (5) and to the foregoing provisions of this subsection an option notice shall have effect for the period beginning with the date of its signing and ending with whichever of the following events first occurs, namely—

- (i) the satisfaction of the borrower's debt to the lender ;
- (ii) the realisation of the security on the interest in land in question, whether or not the borrower's debt is fully satisfied thereby ;
- (iii) the said interest's ceasing to be security for the loan ;
- (iv) the vesting of the rights and obligations under the repayment contract of the borrower (or, in the case of joint borrowers, of both or all of them) in some other person who has become beneficially entitled to the interest in land in question ;
- (v) the vesting of the lender's rights under the repayment contract in some other person, so, however, that, if at the expiration of the period of three months beginning with the date of that vesting that other person is a qualifying lender, the option notice shall not cease to have effect by virtue of this paragraph and that notice and the provisions of this Part of this Act shall be treated as having continued to have effect during that period as if that other person were a qualifying lender notwithstanding that at any time during that period he was not so ;
- (vi) if the number of the periodical payments referred to in subsection (1)(c) of this section is not fixed by or ascertainable under the repayment contract, the expiration of thirty years from the beginning of the period for which the option notice has had effect.

(4) The Minister may from time to time direct that, in such cases or class of cases as may be specified in the direction, being cases where the borrower is entitled to the interest in land in question as trustee for a person who is under the age of twenty-one, an option notice shall, if the qualifying lender in question so agrees, have effect if, instead of the condition specified in subsection (3)(c) of this section, there is satisfied such other condition as may be specified in the direction.

(5) The Minister may from time to time direct that, in such circumstances or in such cases or class of cases as may be specified in the direction, an option notice shall, if the qualifying lender in question so agrees, have effect notwithstanding that

the conditions specified in subsection (3)(a) and (b) of this section are not satisfied ; but the period for which an option notice has effect by virtue of this subsection shall not begin—

- (a) if the lender is a building society whose financial year ends on a date not earlier than 30th September, until 1st April next after the end of the financial year of the society in which the option notice is signed ; or
- (b) in any other case, until 1st April falling between three and fifteen months after the date of the signing of the option notice,

except where the lender agrees to its beginning on an earlier 1st April falling after the date of the signing of the option notice.

(6) The provisions of this Part of this Act shall have effect with respect to any loan notwithstanding any provision with respect to the making of loans by the lender in question contained in, or in any instrument made under, any other enactment.

25.—(1) The provisions of this section shall have effect where a person has borrowed, or two or more persons have borrowed jointly, as mentioned in section 24(1) of this Act except that the application for the loan has been made before 1st April 1968 or except that both—

Right for persons borrowing or applying for loans before 1st April 1968 to opt for subsidy.

- (a) the application has been so made, and
- (b) the principal sum outstanding in respect of the loan is treated between the borrower and lender as including the amount of a further advance or re-advance made before 1st April 1968 on the same security as the loan but not itself satisfying the requirements of paragraph (b) of the said section 24(1).

(2) If the repayment contract in respect of the loan has been entered into before 1st September 1967, then, subject to subsection (5) of this section, subsections (2) to (6) of the said section 24 shall apply in relation to the loan as if in subsection (3) of that section—

- (a) paragraph (a) were omitted ;
- (b) for the reference in paragraph (b) to the date there mentioned there were substituted a reference—
 - (i) if the lender is a building society whose financial year ends on a date not earlier than 30th September, to that date in 1967 ; or
 - (ii) in any other case, to 31st December 1967 ;
 and
- (c) the date specified as the beginning of the period for which the option notice has effect were 1st April 1968.

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(3) If the application for the loan has been made before 1st September 1967 but the repayment contract has been entered into on or after that date, then, subject to subsection (5) of this section, subsections (2) to (6) of the said section 24 shall apply in relation to the loan as if in subsection (3) of that section—

- (a) paragraph (a) were omitted ;
- (b) for the reference in paragraph (b) to the date there mentioned there were substituted a reference to that date or the appropriate date referred to in subsection (2)(b)(i) or (ii) of this section, whichever is the later ; and
- (c) the date specified as the beginning of the period for which the option notice has effect were the date of the signing of the option notice or 1st April 1968, whichever is the later.

(4) If the application for the loan has been made on or after 1st September 1967 and before 1st April 1968, then, subject to subsection (5) of this section, subsections (2) to (6) of the said section 24 shall apply in relation to the loan as if in subsection (3) of that section the date specified as the beginning of the period for which the option notice has effect were the date of the signing of that notice or 1st April 1968, whichever is the later.

(5) An option notice given by virtue of subsection (2), (3) or (4) of this section shall not have effect if, between the signing of that notice and 1st April 1968, any event occurs such as is mentioned in any of paragraphs (i) to (v) of section 24(3) of this Act.

Extension of right to opt for subsidy to certain other cases.

26.—(1) Where, after a person has borrowed, or two or more persons have borrowed jointly, as mentioned in section 24(1) or 25(1) of this Act, the rights and obligations under the repayment contract of the borrower (or, in the case of joint borrowers, of both or all of them) become or have become vested in some other person or persons who has or have become beneficially entitled to the interest in land in question, then, whether or not an option notice has had effect in respect of the loan, subsections (2) to (6) of the said section 24 shall, subject to subsection (3) of this section, apply in relation to the loan as if—

- (a) for any reference in those subsections to the borrower or borrowers there were substituted a reference to that other person or those other persons ; and
- (b) in subsection (3) of that section—
 - (i) paragraph (a) were omitted ;
 - (ii) for the reference in paragraph (b) to the date there mentioned there were substituted a reference to the date of the vesting or the appropriate date

referred to in section 25(2)(b)(i) or (ii) of this Act, whichever is the later ; and

(iii) the date specified as the beginning of the period for which the option notice has effect were the date of the vesting or 1st April 1968, whichever is the later.

(2) Where, after a person has borrowed, or two or more persons have borrowed jointly, as mentioned in section 24(1) or 25(1) of this Act, the rights and obligations under the repayment contract of the borrower (or, in the case of joint borrowers, of both or all of them) become or have become vested in some other person or persons not beneficially entitled to the interest in land in question and no option notice has had effect in respect of the loan—

(a) the Minister may exercise his powers to give a direction under subsection (5) of the said section 24, and

(b) thereupon subsections (2) to (6) of that section shall, subject to subsection (3) of this section, apply in relation to the loan,

as if for any reference in the said subsections (2) to (6) to the borrower or borrowers there were substituted a reference to that other person or those other persons and, except for the purposes of subsection (4) of the said section 24, as if the reference in the said subsection (5) to the conditions specified in subsection (3)(a) and (b) of the said section 24 included a reference to the condition specified in subsection (3)(c) of that section.

(3) An option notice given by virtue of subsection (1) or (2) of this section, if signed before 1st April 1968, shall not have effect if, between the signing and 1st April 1968, any event occurs such as is mentioned in any of paragraphs (i) to (v) of section 24(3) of this Act.

(4) In relation to a case where a housing association for the time being approved for the purposes of section 43 of the Finance Act 1963 borrows or has borrowed from a qualifying lender on the security of a freehold or leasehold estate of that association in land in Great Britain, the Minister shall by regulations provide that this Part of this Act shall have effect with such adaptations and modifications of the provisions (other than section 24(2)(b) and (c), but including section 32(2)) thereof appearing to the Minister to be appropriate or expedient, and subject to such special conditions appearing to the Minister to be necessary or expedient, as may be prescribed by the regulations ; and—

(a) in relation to such a housing association, the said section 24(2)(b) shall have effect as if—

(i) the reference therein to the Income Tax Acts included a reference to the Corporation Tax Acts ; and

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(ii) in sub-paragraph (ii) thereof, for the reference to income tax there were substituted a reference to corporation tax ; and

- (b) without prejudice to the provisions of the said section 24(2)(b), as respects any period for which an option notice given by such a housing association has effect in respect of any loan, subsection (1)(b) of the said section 43 shall not apply to any interest payable under the repayment contract in respect of the loan ;

but if at any time while an option notice given by such a housing association has effect, the requirements of paragraph 2 of Schedule 10 to the said Act of 1963 are not satisfied as respects that association, the Minister may by notice in writing to the association declare that option notice to be of no effect as from the date of the giving of the Minister's notice.

(5) Where—

1957 c. 56.

- (a) within the meaning of section 104 of the Housing Act 1957, a local authority in England or Wales sell or lease a house under subsection (1) of that section in pursuance of an agreement whereby the purchase price or a premium is paid by instalments ; or

1966 c. 49.

- (b) under section 145 (1)(d) of the Housing (Scotland) Act 1966, a local authority in Scotland sell a house in pursuance of an agreement whereby the purchase price is paid by instalments ; or
- (c) a development corporation or the Commission for the New Towns sell or lease a house in pursuance of such an agreement as is mentioned in paragraph (a) of this subsection,

then, subject to such modifications and adaptations, if any, appearing to the Minister to be necessary for the purpose as the Minister may by regulations prescribe, the provisions of this Part of this Act shall apply in like manner as if the purchaser or lessee had borrowed the purchase price or premium from the seller or lessor acting as a qualifying lender on the security of a like freehold or leasehold estate in that house of the purchaser or lessee as that which he is to acquire by virtue of the sale or lease.

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

Qualifying lenders.

27.—(1) Qualifying lenders for the purposes of any provision of this Part of this Act shall be any of the following bodies

lending in pursuance of powers apart from this Part of this Act, namely—

PART II

(a) local authorities, that is to say—

(i) in England and Wales, councils of counties, boroughs and urban or rural districts, the Greater London Council, the Common Council of the City of London and the Council of the Isles of Scilly ;

(ii) in Scotland, county councils and town councils ;

(b) building societies designated under section 1 of the House Purchase and Housing Act 1959 ;

1959 c. 33.

(c) such bodies of such of the following descriptions as the Minister may by order prescribe for the purposes of the provision in question, namely—

(i) building societies not designated as aforesaid ;

(ii) insurance companies ;

(iii) friendly societies ;

(d) development corporations ;

(e) the Commission for the New Towns,

and for the purposes of section 26(4) of this Act shall include any of the following lending as aforesaid, namely, the Housing Corporation, the Minister of Housing and Local Government, the Secretary of State for Wales and the Secretary of State for Scotland.

(2) The power to make orders under subsection (1) of this section shall be exercisable by statutory instrument, and any such order may vary or revoke any previous order under that subsection ; but—

(a) no such order with respect to a building society or friendly society shall be made except after consultation with the Chief Registrar of Friendly Societies ;

(b) no such order with respect to an insurance company shall be made except after consultation with the Board of Trade ;

(c) no such order removing any such society or company as aforesaid from the list of qualifying lenders shall be made except—

(i) on the application of the society or company ;
or

(ii) where the society or company has ceased to exist ; or

(iii) where the removal is in the opinion of the Minister expedient in the public interest ;

and the removal of any body from the list of qualifying lenders shall not affect any right or obligation of any person under this

PART II Part of this Act in connection with any loan if an option notice in respect thereof had effect immediately before the date on which the removal takes effect.

Aggregate amount of subsidy under Part II.

28.—(1) Subject to subsection (2) of this section, in the case of any loan subsidised under this Part of this Act, the aggregate amount at any time of the sums referred to in section 24(2)(a)(i) of this Act shall be the difference, if any, between—

- (a) the aggregate sum which, apart from the provisions of this Part of this Act, would have become due from the borrower up to that time during the period for which the option notice in respect of the loan has had effect by way of interest on the amount from time to time outstanding by way of capital in connection with the loan if that interest had been calculated in the manner and at the rate per annum which would have been applicable from time to time under the repayment contract ; and
- (b) what that aggregate sum would have been if that interest had been calculated at whichever of the following rates per annum is the higher, that is to say—
 - (i) a rate per cent. two per cent. lower than that which would have been applicable as aforesaid ; or
 - (ii) four per cent.

(2) Where all the periodical payments by the borrower to the lender in connection with any loan, so far as they are in respect of interest, are in respect of interest on the whole of the capital sum lent, or where any part of any such periodical payment, so far as it is in respect of interest, is in respect of interest on a part of the capital outstanding of which, under the repayment contract, no repayment is required to be made by that periodical payment, then, in relation to any such periodical payment or, as the case may be, any such part of a periodical payment, the references in paragraph (b)(i) of subsection (1) of this section to two per cent. and in paragraph (b)(ii) of that subsection to four per cent. shall be construed as references respectively to one and three-quarters per cent. and four and one-quarter per cent.

Schemes, directions, etc.

29.—(1) Before making any scheme for the purposes of section 24(2)(a)(i) of this Act, the Minister shall consult with such qualifying lenders or bodies representative of qualifying lenders of any description as may appear to him appropriate ; and—

- (a) different schemes may be made for different cases or classes of case ;
- (b) any such scheme may be varied or revoked by a subsequent scheme ;
- (c) any such scheme may include provision for any dispute between a borrower and a lender as to the effect of

any such scheme with respect to the loan in question to be referred to and determined by the Minister ;
 and where an option notice has effect in respect of any loan, the lender shall supply the borrower, not later than the date when the option notice first has effect or such later date as the Minister may in any particular class of cases direct, with a statement in writing in such form as the Minister may direct of the effect of the appropriate scheme.

(2) No direction shall be given for the purposes of sub-paragraph (ii) of section 24(2)(a) of this Act except after such consultation as aforesaid and with the approval of the Treasury ; and such directions—

- (a) shall make provision as to the method and time of payments under the said sub-paragraph (ii) ; and
- (b) may impose such conditions as to claims, records, certificates, audit, the provision of information by qualifying lenders to the Minister or the Commissioners of Inland Revenue or other matters as may appear to the Minister to be necessary or expedient.

(3) In addition to his powers to give directions as to the form of an option notice or of the statement referred to in subsection (1) of this section, the Minister may from time to time give directions as to the form of any other document for use in connection with this Part of this Act.

30.—(1) The Minister may, with the approval of the Treasury, enter into arrangements with any insurance company whereby, in the case of any loan to which the arrangements relate, being a loan by a qualifying lender to a person other than a housing association made on or after such date as the Minister of Housing and Local Government, the Secretary of State for Wales and the Secretary of State for Scotland acting jointly may by order made by statutory instrument appoint in the case of which—

Guarantee of advances in excess of normal amount.

- (a) an option notice has been given and has come into effect ; and
- (b) the lender has agreed to advance a sum exceeding what would otherwise have been advanced subject to a third party approved by the lender guaranteeing to indemnify the lender against loss by reason of that agreement or, where the lender is an insurance company, subject to the borrower making to the company a single special payment of a specified amount ; and
- (c) the insurance company, at the request of the borrower, and with the approval of the lender, proposes to give that guarantee, or, as the case may be, the borrower proposes to make that special payment,

PART II

the Minister agrees with the insurance company to reimburse to the company one half of any sum paid by the company in pursuance of the guarantee, or, as the case may be, of any loss suffered by the company as lender by reason of their said agreement with the borrower, and the company agrees with the Minister to reduce by such amount as the Minister and the company may agree to be appropriate the sum which would otherwise be required to be paid by or on behalf of the borrower to the company in respect of the grant of the guarantee, or, as the case may be, by way of the single special payment aforesaid.

1962 c. 37.

(2) In section 33(1) of the Building Societies Act 1962 (which provides for the making of advances for the payment of certain premiums), the reference to an appropriate policy of life assurance shall be construed as including a reference to a guarantee by an insurance company given in pursuance of arrangements under this section; and section 26(3) of that Act (which restricts the amount of an advance in the case of certain guarantees given in pursuance of a continuing arrangement) shall not apply to a guarantee given in pursuance of arrangements under this section.

(3) In this section references to an insurance company shall be construed as including references to a recognised housing society as defined by paragraph 10 of Schedule 4 to the Building Societies Act 1962.

Penalty
for false
statements,
etc.

31.—(1) Any person who for the purpose of procuring for himself or another person any benefit under this Part of this Act makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular shall be liable on summary conviction to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both.

(2) Where an offence under subsection (1) of this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(3) No proceedings for an offence under the said subsection (1) shall be instituted in England or Wales except by or with the consent of the Minister of Housing and Local Government, the Secretary of State for Wales or the Director of Public Prosecutions.

(4) Proceedings for such an offence by a body corporate may (without prejudice to any jurisdiction exercisable apart from

this subsection) be taken against the body at any place at which the body has a place of business. PART II

(5) Section 104 of the Magistrates' Courts Act 1952 and section 23 of the Summary Jurisdiction (Scotland) Act 1954 (which require summary proceedings to be commenced within six months from the commission of the offence) shall apply to offences under the said subsection (1) with the substitution of a reference to three years for each reference to six months: 1952 c. 55.
1954 c. 48.

Provided that this subsection shall not enable an information to be tried in England and Wales or proceedings to be heard in Scotland where the information was laid or the proceedings were commenced more than twelve months after evidence sufficient in the opinion of an appropriate authority to justify them came to his knowledge; and for this purpose a certificate of an appropriate authority as to the date on which such evidence came to his knowledge and that he is the appropriate authority whose knowledge is relevant shall be conclusive evidence.

(6) In subsection (5) of this section, the expression "appropriate authority" means the Minister of Housing and Local Government, the Secretary of State for Wales or the Secretary of State for Scotland or, in the case of proceedings which are brought by or with the consent of the Director of Public Prosecutions or, in Scotland, are not preceded by a report of the facts made by one of the Ministers aforesaid to the Lord Advocate, means the Director of Public Prosecutions or the Lord Advocate as the case may be.

32.—(1) In this Part of this Act, the following expressions have the following meanings respectively, that is to say— Interpretation
of Part II.

"building society" has the same meaning as in the Building Societies Act 1962; 1962 c. 37.

"development corporation" means a development corporation established under the New Towns Act 1946 or the New Towns Act 1965; 1946 c. 68.
1965 c. 59.

"friendly society" means a registered society or branch within the meaning of the Friendly Societies Act 1896; 1896 c. 25.

"housing association" has the same meaning as for the purposes of section 43 of the Finance Act 1963; 1963 c. 25.

"insurance company" means an insurance company to which the Insurance Companies Act 1958 applies, and, except in section 30 of this Act, includes a company which is not such an insurance company but whose business consists only of business which is complementary to insurance business of the classes carried on 1958 c. 72.

PART II

by one or more such insurance companies and every member of which is either—

(a) such an insurance company to whose business its business is so complementary ; or

(b) a company which is not such an insurance company but which, for the purposes of paragraph 24 of Schedule 8 to the Companies Act 1948, is a wholly owned subsidiary of a company such as is mentioned in paragraph (a) of this definition ; or

(c) a nominee of a company such as is mentioned in paragraph (a) or (b) of this definition.

1948 c. 38.

(2) Subject to any regulations under section 26(4) of this Act, any reference in any provision of this Part of this Act to the Minister shall, according as the qualifying lenders concerned in any particular exercise of any function of the Minister under that provision consist of local authorities in, or other bodies having their registered, head or chief offices in, one only, or both of any two, or each of all three, of England, Wales and Scotland be construed, as the case may require, as a reference to such one, or to such two acting jointly, as may be appropriate, or to all three acting jointly, of the Minister of Housing and Local Government, the Secretary of State for Wales and the Secretary of State for Scotland ; and for the purposes of this subsection Monmouthshire shall be deemed to form part of Wales.

(3) In the application of this Part of this Act to Scotland—

(a) any reference therein to a freehold or leasehold estate shall be construed as a reference to an interest in land ;

(b) any reference therein to a loan upon the security of such an estate as aforesaid or other like reference shall be construed as a reference to a loan upon a heritable security within the meaning of the Building Societies Act 1962.

1962 c. 37.

PART III**GENERAL****Expenses.**

33. There shall be defrayed out of moneys provided by Parliament—

(a) any payment made under Part I or II of this Act by the Minister of Housing and Local Government or the Secretary of State for Wales ;

(b) any payment made under the said Part II by the Secretary of State for Scotland ;

(c) any increase attributable to any of the provisions of this Act in the sums payable out of moneys so provided under any other Act.

- 34.—**(1) This Act may be cited as the Housing Subsidies Act 1967. PART III
Short title,
construction
of references,
and extent.
- (2) Save where the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended by or under any other enactment, including any enactment contained in this Act.
- (3) Part I of this Act does not extend to Scotland.
- (4) This Act does not extend to Northern Ireland.

SCHEDULES**SCHEDULE 1****DETERMINATION OF COST OF SITE**

Sections 3, 10.

1. For the purposes of sections 3 and 10 of this Act the cost of a site shall be taken to be—

- (a) if the site was acquired by a local authority under any enactment relating to housing or by a housing association, the expenses incurred by the authority or association in connection with the acquisition ;
- (b) in any other case, such amount as the Minister may determine, having regard to the purposes for which the site was acquired, the expenses incurred in connection with the acquisition, the time elapsed since the acquisition and the use made of the site before its appropriation or use for housing purposes ;

but if it appears to the Minister that any building or part of a building erected or to be erected on the site is designed for use otherwise than as housing accommodation, or that any works constructed or to be constructed on the site are designed for purposes other than the provision of such accommodation, the cost of the site shall be deemed to be reduced by so much thereof as, in the opinion of the Minister, may fairly be apportioned to that building or part of a building or to those works.

2. For the purposes of the said sections 3 and 10, any question—

- (a) as to what land is to be treated as constituting a particular site ; or
- (b) as to how much of any expenses incurred in connection with the acquisition of any land is to be attributed to any site forming part only of the land.

shall be determined by the Minister.

3. For the purposes of any determination under paragraph 2(a) of this Schedule—

- (a) where two areas of land are separated from each other by a street only, the two areas may, if the Minister thinks proper, be deemed to constitute one site ; and
- (b) where land not used as a street is bounded by land so used, then, if the Minister thinks fit, half the width of that street or twenty feet of that width, whichever is the less, may be treated as part of any site comprising the first-mentioned land.

4. In this Schedule—

“building” includes any land appertaining to a building and any land appropriated for the purposes of a building which has not been erected ; and

“street” includes a public highway and any court, alley, passage or square, whether a thoroughfare or not,

and references to expenses incurred in connection with the acquisition of a site or of land of which a site forms part shall be construed

as including references to such amount as the Minister may determine SCH. 1 to be the value of any other land given in exchange for the whole or part of the site or of the land of which the site forms part.

SCHEDULE 2

Section 14(2).

PROVISIONS AUTHORISING PAYMENT OF ANNUAL SUBSIDIES

The Housing, Town Planning, &c. Act 1919

(9 & 10 Geo. 5. c. 35)

Sections 7 and 19.

The Housing, &c. Act 1923

(13 & 14 Geo. 5. c. 24)

Sections 1 and 3, including those sections as extended, with amendments, by the Housing (Financial Provisions) Act 1924.

The Housing Act 1930

(20 & 21 Geo. 5. c. 39)

Sections 26 and 29.

The Housing Act 1936

(26 Geo. 5. & 1 Edw. 8. c. 51)

Sections 94, 105, 106 and 108.

The Housing (Financial Provisions) Act 1938

(1 & 2 Geo. 6. c. 16)

Sections 1, 2 and 9.

The Housing (Financial and Miscellaneous Provisions) Act 1946

(9 & 10 Geo. 6. c. 48)

Sections 1, 10, 11 and 15.

The New Towns Act 1946

(9 & 10 Geo. 6. c. 68)

Section 8.

The Housing Act 1949

(12, 13 and 14 Geo. 6. c. 60)

Sections 40 and 42.

The Town Development Act 1952

(15 & 16 Geo. 6. & 1 Eliz. 2. c. 54)

Sections 2(2)(a) and 10(1)(a).

The Requisitioned Houses and Housing (Amendment) Act 1955

(3 & 4 Eliz. 2. c. 24)

Section 11.

The Housing Subsidies Act 1956

(4 & 5 Eliz. 2. c. 33)

Sections 3 and 6.

The Housing (Financial Provisions) Act 1958

(6 & 7 Eliz. 2. c. 42)

Sections 3, 4, 7, 15, 19(3), 21, 22, 46(5) and 48(3).

The New Towns Act 1959

(7 & 8 Eliz. 2. c. 62)

Section 4 and Schedule 2, paragraph 4(1), (2).

The Housing Act 1961

(9 & 10 Eliz. 2. c. 65)

Sections 3, 4, 8(2) and 9(3).

The Housing Act 1964

(1964 c. 56)

Section 92(2).

- SCH. 2 **The New Towns Act 1965**
 (1965 c. 59)
 Section 41(2) and Schedule 10, paragraph 4.
This Act
 Sections 2, 4, 5, 6, 7, 8, 10, 12 and 14(6).

Section 22.

SCHEDULE 3**APPLICATION AND AMENDMENT OF ENACTMENTS**

- 1952 c. 54. 1. In sections 3(2)(c), 8(1)(f) and 14(1) of the Town Development Act 1952 references to exchequer contributions within the meaning of the Housing (Financial and Miscellaneous Provisions) Act 1946 shall include references to subsidies under Part I of this Act.
- 1946 c. 48.
- 1957 c. 56. 2. In section 181 of the Housing Act 1957 references to that Act shall include references to section 14 of this Act.
- 1958 c. 42. 3. In the proviso to section 17(2) of the Housing (Financial Provisions) Act 1958 the reference to an annual grant under section 1 of that Act shall include a reference to an annual grant under section 1(5) of this Act.
4. In section 24 of the said Act of 1958 references to section 18 of that Act shall include references to section 14 of this Act.
5. In section 25 of the said Act of 1958 references to sections 1 to 9 of that Act shall include references to Part I of this Act.
6. Section 28 of the said Act of 1958 (time and manner of payment) shall extend to payments made by the Minister under Part I of this Act to a local authority.
7. Section 57 of the said Act of 1958 (Isles of Scilly) shall apply in relation to Part I of this Act as it applies in relation to the provisions specified in subsection (3) of that section.
8. Any payment made by the Minister under Part I of this Act to a local authority, except a subsidy payable in a case where the local authority are required by section 1(5) or 12(6) of this Act to make an annual grant and except any payment in respect of a hostel, shall be included in the definition of "exchequer payment" in section 58(2) of the said Act of 1958.
- 1959 c. 53. 9. In the definition of "grant-aided function" in section 57(1) of the Town and Country Planning Act 1959 the reference to an exchequer subsidy under the said Act of 1958 shall include a reference to a subsidy under Part I of this Act.
- 1961 c. 65. 10. For the purposes of section 4(2)(a) of the Housing Act 1961, the Minister may, in any case in which it appears to him proper so to do, disregard any amounts carried to the credit of a local authority's Housing Revenue Account under section 52(2) of the said Act of 1958.
- 1964 c. 56. 11. In sections 92(2) and 94(2) of the Housing Act 1964 references to the authority who provided a house shall include, and be deemed always to have included, references to the authority to whom a house belongs.

12. Paragraph 2 of Schedule 13 to the General Rate Act 1967 shall have effect as if—

SCH. 3
1967 c. 9.

- (a) Part I of this Act were included among the enactments mentioned in sub-paragraph (1)(a) of that paragraph ; and
- (b) section 12 of this Act were included among the enactments mentioned in sub-paragraph (1)(c) of that paragraph.

SCHEDULE 4

Sections 14(1),
23.

ENACTMENTS REPEALED

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ENACTMENTS REPLACED BY SECTION 14

Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 6 & 1 Eliz. 2. c. 54.	The Town Development Act 1952.	In section 3, subsections (2) and (3) so far as they relate to contributions in respect of expenses of the kind mentioned in section 2(2)(a) of that Act.
3 & 4 Eliz. 2. c. 24.	The Requisitioned Houses and Housing (Amendment) Act 1955.	In section 11(4), the words from the beginning to " to be so used ".
6 & 7 Eliz. 2. c. 42.	The Housing (Financial Provisions) Act 1958.	In section 15, the words "subject to the provisions of section 22 of this Act" in both places where they occur. Section 18, so far as it relates to annual subsidies as defined in section 14 of this Act. Sections 19 to 22. Section 48(3). In Schedule 3, paragraph 9.
7 & 8 Eliz. 2. c. 62.	The New Towns Act 1959.	Section 4(3). Section 12(1).
9 & 10 Eliz. 2. c. 65.	The Housing Act 1961.	Section 8. In section 9, the proviso to subsection (2), subsection (3) and, in subsection (4), the words " section 22 and ".
1965 c. 59.	The New Towns Act 1965.	In Schedule 2, paragraphs 5, 13 and 14. In Schedule 10, in paragraph 4, sub-paragraph (2) and, in sub-paragraph (4) the words "(2) or ".

SCH. 4

PART II

ENACTMENTS REPEALED AS RESPECTS CERTAIN
DWELLINGS BY S. 23(1)

Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 6 & 1 Eliz. 2. c. 54.	The Town Development Act 1952.	In section 2, subsection (2)(a) and, in subsection (3), the words from "towards annual" to "subsection, or".
4 & 5 Eliz. 2. c. 33.	The Housing Subsidies Act 1956.	Section 9.
7 & 8 Eliz. 2. c. 62.	The New Towns Act 1959.	Section 4(1) and (4).
9 & 10 Eliz. 2. c. 65.	The Housing Act 1961.	Sections 1 to 6, 10 and 11. Schedule 1.
1963 c. 33.	The London Government Act 1963.	In Schedule 8, paragraph 17.



Road Safety Act 1967

1967 CHAPTER 30

An Act to make further provision with respect to persons driving or being in charge of motor vehicles after consuming alcohol or taking drugs and with respect to goods vehicles and to empower constables to arrest persons suspected of driving or attempting to drive while disqualified. [10th May 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:—

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DRIVING, ETC., WITH AN UNDUE PROPORTION OF ALCOHOL IN THE BLOOD

1.—(1) If a person drives or attempts to drive a motor vehicle on a road or other public place, having consumed alcohol in such a quantity that the proportion thereof in his blood, as ascertained from a laboratory test for which he subsequently provides a specimen under section 3 of this Act, exceeds the prescribed limit at the time he provides the specimen, he shall be liable—

Driving or being in charge with blood-alcohol concentration above the prescribed limit.

- (a) on summary conviction, to a fine not exceeding £100 or to imprisonment for a term not exceeding four months or both or, in the case of a second or subsequent conviction, to a fine not exceeding £100 or to imprisonment for a term not exceeding six months or both;
- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.

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(2) Without prejudice to the foregoing subsection, if a person is in charge of a motor vehicle on a road or other public place having consumed alcohol as aforesaid, he shall be liable—

- (a) on summary conviction, to a fine not exceeding £100 or imprisonment for a term not exceeding four months or both;
- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding twelve months or both.

(3) A person shall not be convicted under this section of being in charge of a motor vehicle if he proves that at the material time the circumstances were such that there was no likelihood of his driving it so long as there was any probability of his having alcohol in his blood in a proportion exceeding the prescribed limit.

(4) In determining for the purposes of the last foregoing subsection the likelihood of a person's driving a motor vehicle when he is injured or the vehicle is damaged, the jury, in the case of proceedings on indictment, may be directed to disregard, and the court in any other case may disregard, the fact that he had been injured or that the vehicle had been damaged.

(5) Section 6(2)(ii) of the principal Act (which includes as an ingredient of a defence on a prosecution of being in charge of a motor vehicle the need to prove that the accused had not driven the vehicle between becoming impaired and the material time) shall cease to have effect.

Breath tests.

2.—(1) A constable in uniform may require any person driving or attempting to drive a motor vehicle on a road or other public place to provide a specimen of breath for a breath test there or nearby, if the constable has reasonable cause—

- (a) to suspect him of having alcohol in his body; or
- (b) to suspect him of having committed a traffic offence while the vehicle was in motion:

Provided that no requirement may be made by virtue of paragraph (b) of this subsection unless it is made as soon as reasonably practicable after the commission of the traffic offence.

(2) If an accident occurs owing to the presence of a motor vehicle on a road or other public place, a constable in uniform may require any person who he has reasonable cause to believe was driving or attempting to drive the vehicle at the time of the accident to provide a specimen of breath for a breath test—

- (a) except while that person is at a hospital as a patient, either at or near the place where the requirement is

made or, if the constable thinks fit, at a police station specified by the constable ;

(b) in the said excepted case, at the hospital ;

but a person shall not be required to provide such a specimen while at a hospital as a patient if the medical practitioner in immediate charge of his case is not first notified of the proposal to make the requirement or objects to the provision of a specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient.

(3) A person who, without reasonable excuse, fails to provide a specimen of breath for a breath test under either of the two foregoing subsections shall be liable on summary conviction to a fine not exceeding £50.

(4) If it appears to a constable in consequence of a breath test carried out by him on any person under subsection (1) or (2) of this section that the device by means of which the test is carried out indicates that the proportion of alcohol in that person's blood exceeds the prescribed limit, the constable may arrest that person without warrant except while that person is at a hospital as a patient.

(5) If a person required by a constable under subsection (1) or (2) of this section to provide a specimen of breath for a breath test fails to do so and the constable has reasonable cause to suspect him of having alcohol in his body, the constable may arrest him without warrant except while he is at a hospital as a patient.

(6) The two last foregoing subsections shall not be construed as prejudicing the provisions of section 6(4) of the principal Act (arrest of persons driving or being in charge when their ability to drive properly is impaired through drink or drugs).

(7) A person arrested under this section or under the said section 6(4) shall, while at a police station, be given an opportunity to provide a specimen of breath for a breath test there.

(8) In this section "traffic offence" means an offence under any provision of the Road Traffic Acts 1960 to 1967 or of the Road Transport Lighting Act 1957.

1957 c. 51.

3.—(1) A person who has been arrested under the last foregoing section or section 6(4) of the principal Act may, while at a police station, be required by a constable to provide a specimen for a laboratory test (which may be a specimen of blood or of urine), if he has previously been given an opportunity to provide a specimen of breath for a breath test at that station under subsection (7) of the last foregoing section, and either—

Laboratory tests.

(a) it appears to a constable in consequence of the breath test that the device by means of which the test is

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carried out indicates that the proportion of alcohol in his blood exceeds the prescribed limit ; or

- (b) when given the opportunity to provide that specimen, he fails to do so.

(2) A person while at a hospital as a patient may be required by a constable to provide at the hospital a specimen for a laboratory test—

- (a) if it appears to a constable in consequence of a breath test carried out on that person under section 2(2) of this Act that the device by means of which the test is carried out indicates that the proportion of alcohol in his blood exceeds the prescribed limit ; or

- (b) if that person has been required, whether at the hospital or elsewhere, to provide a specimen of breath for a breath test, but fails to do so and a constable has reasonable cause to suspect him of having alcohol in his body ;

but a person shall not be required to provide a specimen for a laboratory test under this subsection if the medical practitioner in immediate charge of his case is not first notified of the proposal to make the requirement or objects to the provision of a specimen on the ground that its provision, the requirement to provide it or a warning under subsection (10) of this section would be prejudicial to the proper care or treatment of the patient.

(3) A person who, without reasonable excuse, fails to provide a specimen for a laboratory test in pursuance of a requirement imposed under this section shall be guilty of an offence, and—

- (a) if it is shown that at the relevant time he was driving or attempting to drive a motor vehicle on a road or other public place, he shall be liable to be proceeded against and punished as if the offence charged were an offence under section 1(1) of this Act ; and

- (b) in any other case, if it is shown that at that time he was in charge of a motor vehicle on a road or other public place, he shall be liable to be proceeded against and punished as if the offence charged were an offence under section 1(2) of this Act.

(4) In the last foregoing subsection “ the relevant time ” means—

- (a) in relation to a person required under section 2(1) of this Act to provide a specimen of breath for a breath test, the time when he was so required ;

- (b) in relation to a person required under section 2(2) of this Act to provide such a specimen, the time of the accident ;

(c) in relation to a person arrested under section 6(4) of the principal Act, the time of his arrest.

(5) So much of section 2(1) of the 1962 Act (evidence on charge of unfitness to drive) as relates to the provision of a specimen of breath shall cease to have effect, but save as aforesaid nothing in the foregoing provisions of this section shall affect the provisions of the said section 2(1).

(6) A person shall not be treated for the purposes of section 2(1) of the 1962 Act or subsection (3) of this section as failing to provide a specimen unless—

(a) he is first requested to provide a specimen of blood, but refuses to do so ;

(b) he is then requested to provide two specimens of urine within one hour of the request, but fails to provide them within the hour or refuses at any time within the hour to provide them ; and

(c) he is again requested to provide a specimen of blood, but refuses to do so.

(7) The first specimen of urine provided in pursuance of a request under paragraph (b) of the last foregoing subsection shall be disregarded for the purposes of section 2 of the 1962 Act and section 1 of this Act.

(8) Subsections (2) to (7) of the said section 2 (ancillary provisions about evidence of fitness to drive) shall apply in relation to proceedings for an offence under section 1 of this Act as they apply in relation to proceedings for an offence under section 6 of the principal Act (driving or being in charge of a motor vehicle while the ability to drive properly is impaired through drink or drugs), but, in its application to proceedings for an offence under the said section 1, the said subsection (2) shall have effect as if the words from “and in the case” to “the specimen” were omitted.

(9) For the purposes of any proceedings for an offence under section 6 of the principal Act or section 1 of this Act a certificate purporting to be signed by a medical practitioner that he took a specimen of blood from a person with his consent shall be evidence of the matters so certified, and of the qualifications of the medical practitioner, and the proviso to subsection (2) and subsection (3) of section 2 of the 1962 Act shall apply in relation to a certificate under this subsection and the medical practitioner who signed it as they apply in relation to a certificate under the said subsection (2) and the person who signed that certificate.

(10) A constable shall on requiring any person under this section to provide a specimen for a laboratory test warn him that failure to provide a specimen of blood or urine may make

PART I

him liable to imprisonment, a fine and disqualification, and, if the constable fails to do so, the court before which that person is charged with an offence under section 1 of this Act or this section may direct an acquittal or dismiss the charge, as the case may require.

Detention of persons while affected by alcohol.

4. Any person required to provide a specimen for a laboratory test under section 3(1) of this Act may thereafter be detained at the police station until he provides a specimen of breath for a breath test and it appears to a constable that the device by means of which the test is carried out indicates that the proportion of alcohol in that person's blood does not exceed the prescribed limit.

Consequences of conviction of certain offences of driving or being in charge.

5.—(1) A person convicted of any of the following offences, that is to say, an offence under section 6(1) of the principal Act (driving a vehicle while the ability to drive properly is impaired), an offence under section 1(1) of this Act and an offence under section 3(3) of this Act which is punishable by virtue of paragraph (a) of the said subsection (3), shall be treated for the purposes of determining his liability to punishment on a subsequent conviction of any other of those offences as having been convicted of that other offence.

(2) For the purposes of sections 5 and 7 of the 1962 Act (disqualification for holding a licence and endorsement of licences)—

- (a) an offence under section 1(1) of this Act or an offence under section 3(3) of this Act which is punishable by virtue of paragraph (a) of the said subsection (3) shall be treated as if it were an offence under section 6(1) of the principal Act and accordingly as if it were an offence specified in Part I of Schedule 1 to the 1962 Act (offences involving obligatory disqualification); and
- (b) any other offence under the said section 1 or 3 shall be treated as if it were an offence under section 6(2) of the principal Act and accordingly as if it were an offence specified in Part II of the said Schedule 1 (offences involving discretionary disqualification).

Application of Part I to the Crown.

6.—(1) This Part of this Act shall apply to vehicles and persons in the public service of the Crown and shall, in its application to persons subject to service discipline, apply outside as well as within Great Britain and have effect as if—

- (a) references to a constable included references to a member of the provost staff ;
- (b) references to a hospital included references to a naval, military or air force unit or establishment at which

medical or surgical treatment is provided for persons subject to service discipline ;

- (c) references to a police station included references to a naval, military or air force unit or establishment ;
- (d) references to proceedings for an offence under any enactment included references to proceedings for the corresponding service offence ;
- (e) references to the court included a reference to any naval, military or air force authority ;
- (f) in section 2(1) the reference to a traffic offence included a reference to the corresponding service offence ; and
- (g) in section 3(10) the reference to disqualification were omitted and for the reference to directing an acquittal there were substituted a reference to finding the person in question not guilty without further proceeding with the case.

(2) In relation to persons for the time being subject to service discipline the power of arrest conferred on a constable by section 6(4) of the principal Act (arrest of persons driving or being in charge when their ability to drive properly is impaired) shall also be exercisable by a member of the provost staff and shall be so exercisable outside as well as within Great Britain.

(3) In this section—

“ corresponding service offence ”, in relation to an offence under any enactment, means an offence under section 42 of the Naval Discipline Act 1957 or an offence against section 70 of the Army Act 1955 or section 70 of the Air Force Act 1955, committed by an act or omission which is punishable under that enactment or would be so punishable if committed in Great Britain ; 1957 c. 53.
1955 c. 18.
1955 c. 19.

“ member of the provost staff ” means a provost officer or any person legally exercising authority under or on behalf of a provost officer ;

“ persons subject to service discipline ” means persons subject to the said Act of 1957, to military law or to air force law and other persons to whom section 42 of the said Act of 1957 or section 70 of either of the said Acts of 1955 for the time being applies ; and

“ provost officer ” means a person who is a provost officer within the meaning of the said Act of 1957 or either of the said Acts of 1955.

PART I
Interpretation
of Part I.

7.—(1) In this Part of this Act, except so far as the context otherwise requires—

“breath test” means a test for the purpose of obtaining an indication of the proportion of alcohol in a person’s blood carried out, by means of a device of a type approved for the purpose of such a test by the Secretary of State, on a specimen of breath provided by that person ;

“disqualification” means disqualification for holding or obtaining a licence to drive a motor vehicle granted under Part II of the principal Act ;

“fail”, in relation to providing a specimen, includes refuse and “failure” shall be construed accordingly ;

“hospital” means an institution which provides medical or surgical treatment for in-patients or out-patients ;

“laboratory test” means the analysis of a specimen provided for the purpose ;

“the prescribed limit” means 80 milligrammes of alcohol in 100 millilitres of blood or such other proportion as may be prescribed by regulations made by statutory instrument by the Minister.

(2) A person shall be treated for the purposes of this Part of this Act as providing a specimen of blood if, but only if, he consents to the specimen being taken by a medical practitioner and it is so taken and shall be treated for those purposes as providing it at the time it is so taken.

(3) References in this Part of this Act to providing a specimen of breath for a breath test are references to providing a specimen thereof in sufficient quantity to enable that test to be carried out.

(4) For the purposes of this Part of this Act 107 milligrammes of alcohol in 100 millilitres of urine shall be treated as equivalent to 80 milligrammes of alcohol in 100 millilitres of blood, and the power conferred by subsection (1) of this section to prescribe some other proportion of alcohol in the blood shall include power to prescribe a proportion of alcohol in urine which is to be treated as equivalent to the prescribed proportion of alcohol in the blood.

(5) The Minister shall not make any regulations under subsection (1) of this section unless a draft of the regulations has been approved by both Houses of Parliament.

PART II

GOODS VEHICLES

Special provisions as to weights for and testing of goods vehicles

8.—(1) The power of the Minister to make regulations under section 64 of the principal Act (regulations as to the construction and use of motor vehicles and trailers, including, among other things, regulations about their maximum weight, laden and unladen, and the particulars to be marked on them) shall, as respects goods vehicles, include power to make regulations—

Extension of powers to regulate the construction and use of goods vehicles.

- (a) prescribing other descriptions of weight which are not to be exceeded in the case of such vehicles ;
- (b) providing for the marking on such vehicles of weights of any description or other particulars by means of plates (of any material) fixed thereto ;
- (c) providing for the circumstances in which any particulars which are to be marked on such vehicles are to be so marked ;
- (d) providing that weights of any description or other particulars which are to be marked on particular goods vehicles may be determined in accordance with regulations under the next following section.

(2) In framing regulations under the said section 64 prescribing a weight of any description which is not to be exceeded in the case of goods vehicles of a class for which a manufacturer's certificate or Minister's approval certificate may be issued under section 10 of this Act the Minister shall have regard to the design weight of the like description determined by virtue of the said section 10 for vehicles of that class and shall secure that the first-mentioned weight shall not exceed the design weight.

(3) Any particulars required to be marked on a goods vehicle in pursuance of regulations under the said section 64 by means of a plate are hereafter in this Act referred to as plated particulars and any weights required to be so marked are hereafter in this Act referred to as plated weights.

(4) The mention of any matter in subsection (1) of this section shall not be construed as derogating from the powers exercisable by the Minister under the said section 64 apart from that subsection.

(5) Section 64(3) of the principal Act (exemption of certain vehicles from requirements of new regulations about the construction or weight of vehicles) shall not apply in relation to regulations made with respect to any description of weight of goods vehicles, other than their maximum unladen weight, or in relation to regulations made by virtue of subsection (1) of this section.

PART II
Determination
of plated
weights and
other
particulars,
and goods
vehicle tests.

9.—(1) The Minister may by regulations make provision for the examination of goods vehicles of any prescribed class for the purpose of selecting or otherwise determining plated weights or other plated particulars for goods vehicles of that class or for the purpose of ascertaining whether any prescribed construction and use requirements (whether relating to plated particulars or not) are complied with in the case of goods vehicles of that class, or for both purposes, and in particular—

- (a) for the determination, according to criteria or by methods prescribed by or determined under the regulations, of the plated particulars for a goods vehicle (including its plated weights), on an examination of the vehicle for the purpose, and for the issue on such an examination, except as provided by regulations made by virtue of paragraph (c) of this subsection, of a certificate (hereafter in this Act referred to as a “plating certificate”) specifying those particulars;
- (b) for the issue, for a goods vehicle which is found on an examination for the purpose to comply with the prescribed construction and use requirements, of a certificate (hereafter in this Act referred to as “a goods vehicle test certificate”) stating that the vehicle does so comply; and
- (c) for the refusal of a goods vehicle test certificate for a goods vehicle which is so found not to comply with those requirements and for requiring a written notification to be given of any such refusal and of the grounds of the refusal, and for the refusal of a plating certificate where a goods vehicle test certificate is refused.

References in the foregoing provisions of this subsection to construction and use requirements shall be construed, in relation to an examination of a vehicle solely for the purpose of ascertaining whether it complies with any such requirements, as references to such of those requirements as are applicable to the vehicle at the time of the test and, in relation to an examination of a vehicle both for that purpose and for the purpose of determining its plated particulars, as references to such of those requirements as will be applicable to the vehicle if a plating certificate is issued for it.

(2) In the following provisions of this Act “examination for plating” means an examination under regulations under this section for the purpose of determining plated particulars for a goods vehicle and “goods vehicle test” means an examination under any such regulations for the purpose of ascertaining whether any prescribed construction and use requirements are complied with in the case of a goods vehicle.

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(3) Any person aggrieved by a determination made on an examination under the regulations by the person in charge of the examination may appeal to an area mechanical engineer appointed by the Minister to act for the traffic area in which the original examination was made, and on the appeal the area mechanical engineer shall cause the vehicle to be re-examined and make such determination in the matter as he thinks fit.

(4) A person aggrieved by the determination of an area mechanical engineer under the last foregoing subsection may appeal to the Minister and on the appeal the Minister shall cause the vehicle to be re-examined by an officer appointed by him for the purpose and shall make such determination on the basis of the re-examination as he thinks fit.

(5) Regulations under this section may make the like provision in relation to a determination on an appeal under subsection (3) or (4) of this section as they make in relation to a determination on an examination under the regulations.

(6) Without prejudice to the generality of subsection (1) of this section, regulations under this section may—

(a) require or authorise goods vehicles to which the regulations apply to be submitted for examination under the regulations and, in particular—

(i) require any such vehicle to be submitted for a goods vehicle test at periodical intervals ; and

(ii) require or authorise any such vehicle to be submitted for re-examination on the making of any prescribed alteration to it or its equipment and, for the purpose of determining whether any such re-examination is necessary, require any such alteration to be notified to the Minister ;

(b) authorise any examination under the regulations to be carried out by or under the direction of a goods vehicle examiner ;

(c) prescribe the conditions subject to which vehicles will be accepted for such examination and, without prejudice to the foregoing—

(i) authorise any person by whom an examination of the vehicle under the regulations or subsections (3) and (4) of this section is carried out to drive the vehicle, whether on a road or elsewhere ; and

(ii) require that a driver of a vehicle examined thereunder is, except so far as permitted to be absent by the person carrying out the examination, present throughout the whole of the examination

PART II

and drives the vehicle when directed to do so, and operates the controls in accordance with any directions given to him, by that person ;

- (d) require the plating certificate for any vehicle to which the regulations apply to specify any alteration to the vehicle or its equipment which is required by the regulations to be notified to the Minister ;
- (e) authorise the amendment of a plating certificate or the issue of a different plating certificate on the re-examination of any vehicle ;
- (f) provide for the period of validity of goods vehicle test certificates ;
- (g) specify the manner in which, and the time before or within which, applications may be made for the examination of vehicles under the regulations or appeals may be brought under subsection (3) or (4) of this section, and the information to be supplied and documents to be produced on any such application, examination or appeal ;
- (h) make provision as to the fees to be paid on any such application or appeal and as to the repayment of the whole or part of any fee paid on such an appeal where it appears to the Minister that there were substantial grounds for contesting the whole or part of the determination appealed from ;
- (i) make provision as to the form of, and particulars to be contained in, plating certificates and goods vehicle test certificates and notifications of the refusal of the latter certificates ;
- (j) provide for the issue of replacements for plates marked with plated particulars, plating certificates and goods vehicle test certificates which have been lost or defaced and for the payment of a fee for their issue ;
- (k) exempt prescribed classes of vehicles from all or any of the provisions of the regulations either generally or in prescribed circumstances ;
- (l) make different provision for different cases.

(7) Without prejudice to any regulations made by virtue of subsection (6)(c) of this section, the Minister may give directions with respect to the manner in which examinations under regulations under this section or under subsection (3) or (4) of this section are to be carried out.

(8) Any person who contravenes a requirement of regulations under this section imposed by virtue of subsection (6)(c)(ii) thereof, being a contravention which is declared by the regulations to be an offence, shall be liable on summary conviction to a fine not exceeding £50.

(9) Section 65 of the principal Act (vehicle tests) shall not apply to goods vehicles which are required by regulations under this section to be submitted for a goods vehicle test.

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Approval of new types of goods vehicles

10.—(1) Without prejudice to section 64 of the principal Act, the Minister may by regulations prescribe requirements (hereinafter referred to as “type approval requirements”) with respect to the design, construction, equipment and marking of goods vehicles of any class, being requirements which are applicable before, whether or not they are applicable after, vehicles of that class are used on a road.

Approval of design, construction, etc., of goods vehicles.

(2) Regulations under this section may provide for the determination, according to criteria or by methods prescribed by or determined under the regulations, of weights of any description which in the opinion of the Minister should not be exceeded in the case of goods vehicles of any class.

(3) In this Act—

(a) references to design weights shall be construed as references to weights determined by virtue of the last foregoing subsection; and

(b) “the relevant aspects of design, construction, equipment and marking”, in relation to any vehicle, means those aspects of design, construction, equipment and marking which are subject to the type approval requirements or which were used as criteria in determining design weights for that vehicle.

(4) Where the Minister is satisfied on application made to him by the manufacturer of a goods vehicle of a class to which regulations under this section apply and after examination of the vehicle—

(a) that the vehicle complies with the relevant type approval requirements; and

(b) that adequate arrangements have been made to secure that other vehicles purporting to conform with that vehicle in the relevant aspects of design, construction, equipment and marking will so conform in all respects or with such variations as may be permitted;

he may approve that vehicle as a type vehicle and, if so, shall issue a certificate (hereafter in this Act referred to as a “type approval certificate”) stating that the vehicle complies with the relevant type approval requirements and specifying the permitted variations from the type vehicle and the design weights for vehicles so conforming in all respects and for vehicles so conforming with any such variations.

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In the following provisions of this section and in the next following section "conform" means conform in all respects or with any permitted variation.

(5) A manufacturer of a type vehicle in respect of which a type approval certificate is in force may issue, in respect of each goods vehicle manufactured by him which conforms with the type vehicle in such of the relevant aspects of design, construction, equipment and marking as are mentioned in the type approval certificate, a certificate (hereafter in this Act referred to as a "manufacturer's certificate") stating that it does so conform and specifying the design weights for the vehicle, and shall in such cases as may be prescribed specify in the certificate one or more of the plated weights for the vehicle.

(6) Where a manufacturer issues a manufacturer's certificate for a vehicle, the Minister shall, on an application made by any person containing such information as he may require with respect to the proposed circumstances of operation of the vehicle and on production of that certificate, specify in the certificate any plated weights for the vehicle not so specified by the manufacturer.

(7) Where a manufacturer issues a manufacturer's certificate for a vehicle then—

- (a) if he is required by subsection (5) of this section to specify any plated weights for the vehicle in the certificate, he shall mark those weights on the vehicle by means of a plate fixed to it;
- (b) in any other case the Minister shall on an application for the purpose secure that those weights are so marked.

(8) Where the Minister is satisfied, on application made to him by any person in respect of a goods vehicle of a class to which regulations under this section apply and after examination of the vehicle, that the vehicle complies with the relevant type approval requirements and the Minister has sufficient information to enable the plated weights to be ascertained for the vehicle he may issue a certificate (hereafter in this Act referred to as a "Minister's approval certificate") stating that the vehicle complies with those requirements and specifying its design weights and plated weights and, where he issues such a certificate, shall secure that the plated weights are marked on the vehicle by means of a plate fixed to it.

(9) Subject to the provisions of the next following subsection, a type approval certificate may be issued for a type vehicle where the Minister is satisfied that one or more, but not all, of the

relevant type approval requirements are complied with in the case of that vehicle, and—

- (a) a further type approval certificate may be issued by virtue of this subsection on the application of any person who manufactures any part of the vehicle or by whom the vehicle is finally assembled, and references in this section and the next following section to a manufacturer shall be construed accordingly ;
 - (b) any manufacturer's certificate issued in consequence of any type approval certificate issued by virtue of this subsection shall relate only to the requirement or requirements to which that type approval certificate relates ;
 - (c) where a manufacturer's certificate issued in respect of a vehicle relates to one or more, but not all, of the relevant type approval requirements, the Minister may issue in respect of that vehicle a Minister's approval certificate relating to one or more of the other relevant type approval requirements.
- (10) The first type approval certificate issued for a type vehicle by virtue of the last foregoing subsection shall specify the design weights for conforming vehicles, and accordingly—
- (a) so much of subsections (4), (5), (6) and (7) of this section as requires the Minister or a manufacturer to specify in any certificate under this section the design weights or plated weights for a vehicle or as requires the Minister or a manufacturer to mark or secure the marking of the plated weights on a vehicle shall not apply to a subsequent type approval certificate issued by virtue of the last foregoing subsection or to the manufacturer's certificates issued in consequence of such a type approval certificate ;
 - (b) so much of subsection (8) of this section as requires the Minister to specify in any certificate issued by him the design weights and plated weights for a vehicle or to secure that the plated weights are marked on a vehicle shall not apply to a Minister's approval certificate issued by virtue of the last foregoing subsection.
- (11) Where a Minister's approval certificate is given as respects an imported goods vehicle and the Minister is satisfied on the application of the importer of the vehicle and after the consideration of such evidence as he thinks necessary that any other goods vehicle imported by the importer conforms with the first mentioned vehicle as respects the relevant aspects of design, construction, equipment and marking, the Minister may issue a Minister's approval certificate in respect of that other vehicle without examining it and, where he issues such a certificate,

PART II shall specify the plated weights which are to be marked on the other vehicle.

(12) The last foregoing subsection shall apply in relation to goods vehicles brought into Great Britain from Northern Ireland as it applies in relation to imported goods vehicles, and references in that subsection to the importer shall be construed accordingly.

(13) Where the Minister determines on an application under this section not to issue a type approval certificate or a Minister's approval certificate in respect of a goods vehicle, he shall give to the applicant a written notification of the determination, stating the grounds on which it is based.

Supplemental provisions as to type approval and other certificates.

11.—(1) A type approval certificate may be issued subject to conditions with respect to—

- (a) the inspection by officers of the Minister of vehicles purporting to conform with the type vehicle in the relevant aspects of design, construction, equipment and marking and of parts of such vehicles and their equipment, and the entry of premises where they are manufactured, and
- (b) the notification by the manufacturer of differences of design, construction, equipment or marking (other than permitted variations) between any such vehicles and the type vehicle which might affect the type approval requirements or the criteria for determining the design weights of those vehicles.

(2) The Minister may by regulations require that prescribed alterations in any of the relevant aspects of design, construction, equipment or marking or any such aspect which affects the plated weight made to any vehicle for which a manufacturer's certificate or a Minister's approval certificate is issued shall, subject to any exemption granted under the next following subsection, be notified to the Minister.

(3) The Minister may by notice in writing given to the manufacturer of goods vehicles or to the owner of a vehicle for which a Minister's approval certificate is issued—

- (a) direct that any specified alteration in any of the said aspects to a vehicle to which the direction relates shall be notified to the Minister ;
- (b) exempt a vehicle to which the notice relates from all or any of the requirements of regulations under the last foregoing subsection, subject to compliance with any conditions specified in the notice.

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(4) Without prejudice to the provisions of section 13 of this Act, the Minister may by regulations require that a manufacturer's certificate or Minister's approval certificate issued for any vehicle shall specify the regulations if any applicable to the vehicle under subsection (2) of this section at the time of the issue of the certificate, any additional alteration to that vehicle required by any direction under the last foregoing subsection to be notified to the Minister and any exemption applicable to that vehicle under that subsection.

(5) A manufacturer's certificate or Minister's approval certificate specifying any plated weights shall be treated for the purposes of the provisions of this Act and any regulations thereunder relating to plating certificates (except section 9(3) of this Act) as a plating certificate.

(6) If it appears to the Minister that there has been a breach of a condition subject to which a type approval certificate has been granted or if he ceases to be satisfied as to any other matter relevant to a type approval certificate, he may cancel or suspend the certificate, but the cancellation or suspension shall not affect the validity of any manufacturer's certificate previously issued in consequence of the type approval certificate.

(7) Where the Minister cancels or suspends a certificate in pursuance of this section, he shall give a written notification of that fact to the holder of the certificate stating the grounds for the cancellation or suspension.

12.—(1) A person aggrieved by a determination made on Appeals behalf of the Minister with respect to a type approval certificate, a manufacturer's certificate or a Minister's approval certificate under the two last foregoing sections, including any determination with respect to design weights or plated weights, may within the prescribed time and in the prescribed manner appeal to the Minister, and on the appeal the Minister—

- (a) shall have the like powers and duties as he has on an original application for a type approval or a Minister's approval certificate or in respect of the plated weights to be included in a manufacturer's certificate ;
- (b) may hold an inquiry in connection therewith ; and
- (c) may appoint an assessor for the purpose of assisting him with the appeal or any such inquiry.

(2) Section 249 of the principal Act (general provisions as to inquiries under that Act) shall apply to an inquiry held by the Minister under this section as it applies to inquiries held by him under that Act.

PART II
Supplementary
provisions.

13.—(1) The Minister may make regulations for the purposes of the three last foregoing sections and, without prejudice to the generality of the foregoing, any such regulations—

- (a) may provide for the examination of any vehicle in respect of which a manufacturer's certificate or a Minister's approval certificate is in force in the event of an alteration being made to the vehicle which is notifiable by virtue of section 11(2) or (3) of this Act and, in particular, may empower a goods vehicle examiner to require the vehicle to be examined at a testing station provided under this Part of this Act ;**
- (b) may authorise the suspension or amendment of a manufacturer's certificate or a Minister's approval certificate on an examination of any vehicle in pursuance of regulations made by virtue of the foregoing paragraph ;**
- (c) shall give a right of appeal to any person aggrieved by a determination on any such examination and for that purpose may apply section 9(3) and (4) of this Act ;**
- (d) may contain the like provisions with respect to any such examination and any appeal brought by virtue of the last foregoing paragraph as may be contained in regulations made by virtue of paragraphs (b), (c), (g) and (h) of section 9(6) of this Act in relation to the examinations and appeals there mentioned ;**
- (e) may provide for charging a fee on the making of an application for a type approval certificate or Minister's approval certificate ;**
- (f) may make provision as to the form of, and particulars to be contained in, manufacturers' certificates, and provide for the supply by the Minister of forms for such certificates ;**
- (g) may provide for the issue of replacements for plates fixed to vehicles under section 10 of this Act, manufacturers' certificates and Minister's approval certificates which have been lost or defaced and provide for the payment of a fee for their issue ;**
- (h) may require persons empowered by section 10 of this Act to issue manufacturers' certificates to keep records of manufacturers' certificates issued by them and of the vehicles in respect of which such certificates are issued and may authorise the inspection of such records by such persons and in such circumstances as may be prescribed ;**
- (i) may make different provision for different cases.**

(2) Without prejudice to any regulations made by virtue of section 9(6)(c) of this Act, as applied by this section, the Minister may give directions with respect to the manner in which examinations to which such regulations apply are to be carried out.

(3) Where an agreement entered into between Her Majesty's Government and the Government of a country outside Great Britain provides for the recognition in Great Britain of arrangements under the law of that country with respect to the approval of the design, construction, equipment or marking of goods vehicles of any description manufactured in that country, the Minister may make regulations—

- (a) applying, with such adaptations and modifications as he thinks fit, all or any of the provisions of the three last foregoing sections and of regulations under subsection (1) of this section, so far as relating to type approval certificates and manufacturers' certificates, to goods vehicles of that description manufactured in that country;
- (b) providing that a certificate issued under any such provision as so applied shall be treated for the purposes of any other provisions of this Act prescribed by the regulations as a type approval certificate or as a manufacturer's certificate;
- (c) providing for the cancellation or suspension (subject to any savings prescribed by the regulations) of any such certificate in the event of the agreement ceasing to be in force or being modified.

(4) Where regulations under subsection (1) of this section impose the like requirement as may be imposed by regulations made by virtue of section 9(6)(c)(ii) of this Act, section 9(8) of this Act shall apply in relation to a contravention of that requirement as it applies in relation to a contravention of a requirement imposed by virtue of the said subsection (6)(c)(ii).

(5) In the three last foregoing sections and this section "goods vehicle" includes a vehicle which is a chassis for, or will otherwise form part of, a vehicle which when completed will be a goods vehicle.

Obligation to have relevant certificates

14.—(1) If any person at any time on or after the relevant date uses on a road, or causes or permits to be so used, a goods vehicle of a class required by regulations under section 9 of this Act to have been submitted for examination for plating and at that time there is no plating certificate in force for the vehicle, he shall be guilty of an offence.

Use of goods vehicles without the relevant certificates.

In this subsection "relevant date", in relation to any goods vehicle, means the date by which it is so required to be submitted for examination for plating.

PART II

(2) If any person at any time on or after the relevant date uses on a road, or causes or permits to be so used, a goods vehicle of a class required by regulations under section 9 of this Act to have been submitted for a goods vehicle test and at that time there is no goods vehicle test certificate in force for the vehicle, he shall be guilty of an offence.

In this subsection "the relevant date", in relation to any goods vehicle, means the date by which it is so required to be submitted for its first goods vehicle test.

(3) If any person at any time on or after the day appointed by regulations made by the Minister in relation to goods vehicles of a prescribed class, being vehicles to which type approval requirements prescribed by those regulations apply, uses on a road, or causes or permits to be so used, a goods vehicle of that class and it does not appear from one or more certificates then in force under section 10 of this Act that the vehicle complies with those requirements, he shall be guilty of an offence.

(4) Different days may be appointed under the last foregoing subsection in relation to different classes of vehicles.

(5) If a plating certificate has been issued for a goods vehicle to which subsection (1) or (3) of this section applies, but does not specify a maximum laden weight for the vehicle together with any trailer which may be drawn by it, any person who on or after the relevant date within the meaning of the said subsection (1) or, as the case may be, the day appointed under the said subsection (3) uses the vehicle on a road for drawing a trailer, or causes or permits it to be so used, shall be guilty of an offence.

(6) Any person who uses on a road, or causes or permits to be so used, a goods vehicle when an alteration has been made to the vehicle or its equipment which is required by regulations under section 9 or regulations or directions under section 11 to be, but has not been, notified to the Minister shall be guilty of an offence.

(7) In any proceedings for an offence under the last foregoing subsection, it shall be a defence to prove—

- (a) if the proceedings relate to an alteration required to be so notified by regulations under section 9 of this Act, that the alteration was not specified in the relevant plating certificate in accordance with regulations under that section ;
- (b) if the proceedings relate to an alteration required to be so notified by regulations or directions under section 11 of this Act, that the regulations were not, or, as the case may be, the alteration was not, specified in the

CORRECTION

Page 835, line 41 (Subsection 11 of section 14)

For “(3)”

Read “(2)”

CORRECTION
Page 835, line 41 (Subsection 11 of section 14)
For "(3)"
Read "(2)"

relevant manufacturer's certificate or Minister's approval certificate in accordance with regulations under section 11(4) of this Act.

(8) The Minister may by regulations—

- (a) exempt from all or any of the foregoing provisions of this section the use of goods vehicles for such purposes or in such an area as may be prescribed; and
- (b) exempt any class of goods vehicles from the provisions of subsection (5) of this section.

(9) The Minister may by regulations provide that where application is made for a licence under the Vehicles (Excise) Act 1962 for any motor vehicle, being a goods vehicle to which subsection (2) or (3) of this section applies, the licence shall not be granted unless—

- (a) on any application, after the relevant date within the meaning of the said subsection (2), for a licence for a vehicle to which that subsection applies, there is produced evidence that an effective goods vehicle test certificate is in force for the vehicle;
- (b) on the first application, after the day appointed by regulations made by virtue of the said subsection (3), for a licence for a vehicle of any class to which those regulations apply, there is produced evidence that there is or are one or more certificates in force for the vehicle under section 10 of this Act from which it appears that the vehicle complies with all the relevant type approval requirements prescribed by those regulations;

or unless the prescribed declaration is made 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 or in an area prescribed under the last foregoing subsection.

In paragraph (a) of this subsection "effective goods vehicle test certificate" means, in relation to an application for a licence for a vehicle, a goods vehicle test certificate relating to the vehicle which will be in force on the date on which the licence is to come into force.

(10) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £50.

(11) Section 66 of the principal Act (obligatory test certificates) shall not apply to any goods vehicle to which subsection (3) of this section applies.

15.—(1) If any person at any time on or after the day appointed by regulations under subsection (3) of the last foregoing section sells, supplies or offers to sell or supply a goods vehicle of a class to which those regulations apply and it does

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not appear from one or more certificates in force at that time under section 10 of this Act that the vehicle complies with all the relevant type approval requirements prescribed by those regulations, he shall be liable on summary conviction to a fine not exceeding £100.

(2) A person shall not be convicted of an offence under this section in respect of the sale, supply or offer of a vehicle if he proves—

- (a) that it was sold, supplied or offered, as the case may be, for export from Great Britain ;
- (b) that he had reasonable cause to believe that it would not be used on a road in Great Britain or would not be so used until it had been certified as aforesaid ; or
- (c) that he had reasonable cause to believe that it would only be used for purposes or in an area prescribed by the Minister under section 14(8) of this Act.

(3) Nothing in subsection (1) of this section shall affect the validity of a contract or any rights arising under or in relation to a contract.

Defective goods vehicles

Power to prohibit the driving of unfit goods vehicles.

16.—(1) If on any inspection of a goods vehicle under section 183 of the principal Act (inspection for securing proper maintenance) or on an examination of such a vehicle under regulations under section 9 or 13 of this Act it appears to a goods vehicle examiner that the vehicle, owing to any defects therein, is, or is likely to become, unfit for service, he may prohibit the driving of the vehicle on a road either absolutely or for a specified purpose.

(2) Where an examiner prohibits the driving of a vehicle under subsection (1) of this section, he shall forthwith give notice in writing of the prohibition to the person in charge of the vehicle at the time of the inspection, specifying the defects which occasioned the prohibition, stating whether the prohibition is on all driving of the vehicle or driving it for a specified purpose (and if the latter specifying the purpose) and stating whether the prohibition is to come into force immediately or at the end of a specified period.

(3) A prohibition under subsection (1) of this section with respect to any vehicle shall, subject to any exemption granted under subsection (5) of this section, come into force as soon as notice thereof has been given under the last foregoing subsection, if in the opinion of the examiner the defects in the vehicle are such that driving it, or driving it for any purpose specified in the notice, will create an immediate risk to public safety, and the prohibition shall thereafter continue in force until it is removed under section 185 of the principal Act (removal of prohibitions when vehicles are fit for service).

(4) In any other case a prohibition under subsection (1) of this section shall, unless previously removed as aforesaid and subject to any exemption under the next following subsection, come into force at such time not later than ten days from the date of the inspection as seems appropriate to the examiner having regard to all the circumstances, and shall thereafter continue in force until it is so removed.

(5) Where a notice has been given under subsection (2) of this section any examiner may grant an exemption in writing for the use of the vehicle in such manner, subject to such conditions and for such purpose as may be specified in the exemption.

(6) Where any such notice has been given an examiner may by endorsement on the notice vary its terms and, in particular, alter the time at which the prohibition is to come into force or suspend it if it has come in force.

(7) Where a goods vehicle has been weighed in pursuance of a requirement imposed under section 224 of the principal Act (weighing of goods vehicles) and it appears to a goods vehicle examiner, to a person authorised with the consent of the Minister to act for the purposes of this subsection by a highway authority other than the Minister or the Secretary of State or to a police constable authorised to act for those purposes by or on behalf of a chief officer of police—

(a) that the limit imposed by construction and use requirements with respect to any description of weight which is applicable to that vehicle has been exceeded ; and

(b) that as a result there would be an immediate risk to public safety if it were used on a road,

the person to whom it so appears may, whether or not a notice is given under subsection (2) of this section, give notice in writing to the person in charge of the vehicle prohibiting the driving of the vehicle on a road until that weight is reduced to that limit.

(8) On giving a notice under subsection (2) or (7) of this section to a person in charge of a vehicle, the person giving the notice shall as soon as practicable take steps to bring the contents of the notice to the attention—

(a) of the owner of the vehicle if he was not in charge of it at the time when the notice was given ; and

(b) in the case of an authorised vehicle within the meaning of Part IV of the principal Act, of the licensing authority by whom the carrier's licence (within the meaning of the said Part IV) was granted for the vehicle.

(9) A person who drives a goods vehicle on a road, or causes or permits a goods vehicle to be so driven, in contravention of a

PART II prohibition under this section, shall be liable on summary conviction to a fine not exceeding £50.

(10) The Minister may by regulations exempt from the last foregoing subsection the use of goods vehicles for such purposes as may be prescribed.

(11) A goods vehicle examiner shall, in exercising his functions under this section, act under the general directions of the Minister and, without prejudice to the foregoing, shall, in exercising his functions under subsection (5) of this section, act in accordance with any directions given by the Minister with respect to the exercise of those functions in any particular case.

Miscellaneous amendments relating to the fitness of goods vehicles.

17.—(1) A goods vehicle examiner or a police constable in uniform may at any time require any person in charge of a stationary goods vehicle on a road to proceed with the vehicle for the purpose of having it inspected under section 183 of the principal Act to any place where an inspection can be suitably carried out (not being more than one mile from the place where the requirement is made); and if a person in charge of a goods vehicle refuses or neglects to comply with any such requirement, he shall be liable on summary conviction to a fine not exceeding £50.

(2) The last foregoing section shall be in lieu of section 184 of the principal Act (which makes provision corresponding thereto), and—

(a) a prohibition under the said section 184 in force immediately before the day appointed for the coming into operation of the last foregoing section shall continue to have effect as if it had come into force under subsection (3) of the last foregoing section; and

(b) a prohibition which has been imposed under the said section 184, but has not come into force before that day, shall, unless previously withdrawn or removed, come into force on the expiration of the period specified in the notice and have effect as if it had come into force under subsection (4) of the last foregoing section.

Operators' inspections

Operators' duty to inspect, and keep records of inspections of, goods vehicles.

18.—(1) The Minister may make regulations requiring the operator for the time being of a goods vehicle to which the regulations apply to secure—

(a) the carrying out by a suitably qualified person (including the operator if so qualified) of an inspection of the vehicle for the purpose of ascertaining whether the construction and use requirements with respect to any

prescribed matters, being requirements applicable to the vehicle, are complied with ;

- (b) the making and authentication of records of such matters relating to any such inspection as may be prescribed, including records of the action taken to remedy any defects discovered on the inspection ;

and providing for the preservation of such records for a prescribed period not exceeding fifteen months and their custody and production during that period.

(2) Regulations under this section may—

- (a) apply to all goods vehicles or to goods vehicles of such classes as may be prescribed ;
- (b) require the inspection of goods vehicles under the regulations to be carried out at such times, or before the happening of such events, as may be prescribed ;
- (c) make different provision for different cases.

(3) Any person who contravenes any provision of regulations under this section shall be liable on summary conviction to a fine not exceeding £50.

(4) The principal Act shall have effect as if any reference to a conviction mentioned in Schedule 14 thereto (convictions which are a ground for objecting to the grant of certain carriers' licences or for the revocation, suspension or curtailment of carriers' licences) included a reference to a conviction of an offence under this section.

(5) In this section "the operator", in relation to a goods vehicle, means the person to whom it belongs or the hirer thereof under a hire-purchase agreement, except where he has let it on hire (otherwise than by way of hire-purchase) or lent it to any other person and in the said excepted case means a person of a class prescribed by regulations under this section in relation to any particular class of goods vehicles or, subject to any such regulations, that other person.

(6) In any proceedings for a contravention of construction and use requirements or of regulations under this section, any record purporting to be made and authenticated in accordance with regulations under this section shall be evidence (and in Scotland sufficient evidence) of the matters stated in the record and of its due authentication.

Heavy goods vehicle drivers' licences

19.—(1) For section 192(1) of the principal Act (requirement for drivers of heavy goods vehicles to hold a licence under Part V of that Act) there shall be substituted the following subsection:—

Licensing of drivers of heavy goods vehicles.

"(1) On and after the appointed day a person shall not drive a heavy goods vehicle of any class on a road unless

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he is licensed under this Part of this Act to drive a heavy goods vehicle of that class, and a person shall not employ another person to drive a heavy goods vehicle of any class on a road unless that other person is so licensed to drive a heavy goods vehicle of that class ”.

(2) Subject to the transitional provisions contained in Schedule 15 to the principal Act, the licensing authority shall not grant a full licence to drive a heavy goods vehicle of any class unless he is satisfied that the applicant for the licence—

- (a) has at some time during the period of ten years ending on the date of the coming into force of the licence passed the prescribed test of competence to drive vehicles of that class ; or
- (b) has within that period held a full licence authorising the driving of vehicles of that class.

(3) Where in pursuance of section 193(4) of the principal Act (suspension or revocation of licences under Part V of that Act) the licensing authority revokes such a licence, the authority may—

- (a) order the holder to be disqualified indefinitely or for such period as the authority thinks fit for holding or obtaining a licence under the said Part V ; or
- (b) if the licence is a full licence and it appears to the authority that, owing to the conduct or physical disability of the holder of the licence, it is expedient to require him to comply with the prescribed conditions applicable to provisional licences under the said Part V until he passes the prescribed test of competence to drive heavy goods vehicles of any class, order him to be disqualified for holding or obtaining a full licence until he has, since the date of the order, passed such a test.

(4) Where the holder of a licence under the said Part V is disqualified under paragraph (a) of the last foregoing subsection, the licensing authority for the traffic area where he resides may, in such circumstances as may be prescribed, remove the disqualification, but so long as the disqualification continues in force a licence under the said Part V shall not be granted to him and any such licence obtained by him shall be of no effect.

(5) Where the holder of a full licence is disqualified under subsection (3)(b) of this section a licensing authority shall not thereafter grant him a full licence to drive a heavy goods vehicle of any class unless satisfied that he has since the disqualification passed the prescribed test of competence to drive vehicles of that class, and until he passes that test any full licence obtained by him shall be of no effect.

(6) If the Minister certifies that satisfactory provision is made by the law of Northern Ireland for the issue of licences specifically to drive heavy goods vehicles, it shall be lawful for the holder of such a licence (hereafter in this Part of this Act referred to as a Northern Ireland licence) to drive, and be employed in driving, on a road in Great Britain heavy goods vehicles of any class which he is authorised by that licence to drive, notwithstanding that he is not the holder of a licence under Part V of the principal Act.

(7) While a certificate is in force under the last foregoing subsection, the licensing authority may, notwithstanding anything in subsection (2) of this section, grant a full licence to drive a heavy goods vehicle of any class to an applicant resident in Great Britain if he is satisfied that the applicant has, within the period of ten years ending on the date of the coming into force of the licence, held a Northern Ireland licence to drive any heavy goods vehicle of that class corresponding to a full licence and not being a licence granted under an enactment of the Parliament of Northern Ireland in consequence of a dispensation from passing a test of competence to drive by reason of the applicant's residence outside the United Kingdom.

(8) A licensing authority prescribed by regulations under the next following section may exercise as respects Great Britain the like power of suspending or revoking any Northern Ireland licence and of making an order under subsection (3) of this section as is conferred in relation to a licence under Part V of the principal Act by section 193(4) of that Act and the said subsection (3) on the licensing authority for the traffic area in which the last-named licence was granted, and the provisions of the said section 193(4) (except the provision relating to the duration of licences) and of the said subsection (3) shall have effect accordingly.

(9) A holder of a Northern Ireland licence who feels aggrieved by the suspension or revocation of the licence or the ordering of disqualification by virtue of the last foregoing subsection shall have the like right to require the reconsideration of the matter and the like right of appeal as are conferred by section 195 of the principal Act, except that the matter shall be reconsidered by the prescribed licensing authority, and—

- (a) an appeal brought by virtue of this subsection shall, if the appellant is not resident in Great Britain, lie to a magistrates' court or sheriff prescribed by regulations under the next following section; and
- (b) the provisions of subsection (2) of the said section 195 shall have effect accordingly.

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1955 c. 27
(N.I.)

(10) At any time when no certificate is in force under subsection (6) of this section a person resident in Northern Ireland who is temporarily in Great Britain and holds a driving licence issued in Northern Ireland under Part II of the Road Traffic Act (Northern Ireland) 1955 to drive heavy goods vehicles of any description may during a period of twelve months from the date of his last entry into Great Britain drive, and be employed in driving, on a road in Great Britain a heavy goods vehicle of that description brought temporarily into Great Britain notwithstanding that he is not the holder of a licence under Part V of the principal Act.

Supplemental
provisions.

20.—(1) The Minister may make regulations for the purpose of carrying the provisions of Part V of the principal Act and the last foregoing section into effect and, without prejudice to the generality of the foregoing, may—

- (a) make provision with respect to tests of competence to drive heavy goods vehicles and, in particular, the nature of such tests, the qualifications, selection, appointment and removal of the persons by whom they may be conducted, and evidence of the results of the tests ;
- (b) require applicants for such tests or for licences under the said Part V (whether full or provisional) to have such qualifications, experience and knowledge (including, in the case of applicants for licences, qualifications with respect to health and driving conduct) as may be prescribed ;
- (c) require a person submitting himself for a test to produce for the purposes of the test a vehicle of the class in respect of which he is to be tested, loaded or unloaded according as may be prescribed, and, in the case of a loaded vehicle, impose requirements about its loading ;
- (d) restrict the issue of provisional licences under the said Part V, in the case of prescribed classes of applicants or in prescribed circumstances, to such classes of vehicle as may be prescribed ;
- (e) provide that a full licence to drive a heavy goods vehicle of a particular class shall also be treated for the purposes of the said Part V as a provisional licence to drive heavy goods vehicles of another prescribed class ;
- (f) make provision for preventing a person holding more than one licence and for facilitating the identification of licence holders ;
- (g) make provision with respect to applications for and the issue of licences under the said Part V ;

- (h) make provision with respect to the custody and production of any licence under the said Part V or any Northern Ireland licence or any licence under Part II of the Road Traffic Act (Northern Ireland) 1955 to 1955 c. 27 drive heavy goods vehicles of any description, and (N.I.) require the return to a prescribed licensing authority of any such licence which has expired or been suspended or revoked ;
- (i) require the payment of a fee of a prescribed amount by a person who applies for a test and provide for the repayment of any such fee in the prescribed circumstances ;
- (j) provide that a person submitting himself for, but failing to pass, a test shall not be eligible to submit himself for another test before the expiration of a prescribed period, except under an order made by a court or sheriff under subsection (3) of this section ;
- (k) provide for the issue of a new licence in place of a licence lost or defaced on payment of the prescribed fee ;

and different provision may be made by the regulations for different cases.

(2) Any person who contravenes a provision of regulations under this section, a contravention of which is declared by the regulations to be an offence, shall be liable on summary conviction to a fine not exceeding £20.

(3) A magistrates' court acting for the petty sessions area in which a person who has submitted himself for a test of competence to drive resides, or if he resides in Scotland the sheriff within whose jurisdiction he resides, may on the application of that person determine whether the test was properly conducted in accordance with the regulations and, if it appears to the court or sheriff that the test was not so conducted, the court or sheriff may order that the applicant shall be eligible to submit himself to another test before the expiration of the period prescribed for the purposes of subsection (1)(j) of this section, and may order that any fee payable by the applicant in respect of the test shall not be paid or, if it has been paid, shall be repaid.

(4) No appeal shall lie under section 195 of the principal Act (right of appeal against refusal, suspension or revocation of a licence under Part V of that Act) 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.

(5) In section 194(3) of the principal Act (duration of provisional licences) for the reference to three months there shall

PART II be substituted a reference to six months ; but that subsection shall not apply to a licence treated as a provisional licence by virtue of subsection (1)(e) of this section.

(6) The Minister may by regulations provide that Part V of the principal Act shall not apply to heavy goods vehicles of such classes as may be prescribed either generally or in such circumstances as may be prescribed.

Common tests of competence to drive for the purposes of Parts II and V of the principal Act.

21. The Minister may by regulations provide that a person who passes a test of competence to drive heavy goods vehicles of any prescribed class for the purpose of obtaining a full licence shall, in such circumstances as may be prescribed, be treated as having passed a test of competence to drive prescribed under section 99(2) of the principal Act for any prescribed class or description of motor vehicle.

Interpretation of three last foregoing sections.

22. In the three last foregoing sections 'full licence' means a licence under Part V of the principal Act other than a provisional licence, and other expressions used in those sections and in the said Part V shall have the same meanings in those sections as they have in the said Part V.

Miscellaneous and general

Weighing of goods vehicles.

23.—(1) The Minister may exercise the powers conferred by section 261(1) of the principal Act (power of highway authority to provide, erect, maintain and operate weighbridges and other machines for weighing vehicles and to join in, or contribute to the cost of, doing so) whether or not in his capacity as highway authority, but may provide, erect, maintain and operate any such machine on a road for which he is not the highway authority only with the consent of the highway authority, and accordingly the presence of any such machine on a road in consequence of the exercise of those powers by virtue of this section (as in any other case) shall not be taken to be an obstruction of the road.

(2) In section 224(4) of the principal Act (power of examiners and certifying officers to require goods vehicles to be weighed) after the words "Part IV thereof" there shall be inserted the words "or any of the Minister's officers authorised by him in that behalf".

Power to provide testing stations.

24. The Minister may provide and maintain stations where examinations of goods vehicles under this Part of this Act or regulations thereunder, or inspections of goods vehicles for the purposes of section 185 of the principal Act (removal of prohibition of use of goods vehicles when fit for service again), may be carried out and may provide and maintain the apparatus for carrying out such examinations.

25.—(1) The maximum fine which may be imposed on summary conviction under section 64(2) of the principal Act for using, or causing or permitting the use of, a goods vehicle— PART II
Miscellaneous offences.

- (a) so as to cause, or to be likely to cause, danger by the condition of the vehicle or its parts or accessories, the number of passengers carried by it, or the weight, distribution, packing or adjustment of its load ; or
- (b) in breach of a construction and use requirement as to brakes, steering gear, tyres or any description of weight ;

shall, in the case of an offence committed after the passing of this Act, be £200 instead of £50.

(2) Any person who—

- (a) in supplying information or producing documents for the purposes either of section 10, 11, 12 or 14 of this Act or of regulations made under section 9 or 13 thereof makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular, or produces, furnishes, sends or otherwise makes use of a document which he knows to be false in a material particular or recklessly produces, furnishes, sends or otherwise makes use of a document which is false in a material particular ; or
- (b) wilfully makes a false entry in any record required to be made or kept by regulations under section 18 of this Act or, with intent to deceive, makes use of any such entry which he knows to be false ;

shall be liable on summary conviction to a fine not exceeding £100 or imprisonment for a term not exceeding four months or both.

(3) If there is fixed to a goods vehicle a plate containing plated weights of any description determined for that vehicle by virtue of section 9 of this Act or specified in a certificate therefor under section 10(5), (6), (8) or (11) of this Act, the vehicle shall not, while it is used on a road, be marked with any other weights, except other plated weights, other weights required or authorised to be marked on the vehicle by regulations under section 64 of the principal Act or weights so authorised for the purposes of this section by regulations made by the Minister and marked in the prescribed manner ; and in the event of a contravention of the foregoing provision the owner of the vehicle shall be liable on summary conviction to a fine not exceeding £50.

PART II
Provisions as to
proceedings for
certain offences
in connection
with goods
vehicles

26.—(1) If in any proceedings for an offence under section 64(2) of the principal Act (use of vehicles in contravention of construction and use regulations) any question arises as to a weight of any description specified in the plating certificate for a goods vehicle, and a weight of that description is marked on the vehicle, it shall be assumed, unless the contrary is proved, that the weight marked on the vehicle is the weight so specified.

(2) If in any proceedings for an offence under this Part of this Act or for a contravention of construction and use requirements any question arises as to the date of manufacture of a goods vehicle, a date purporting to be such a date and marked on the vehicle in pursuance of regulations under this Part of this Act or of construction and use requirements shall be evidence, and in Scotland sufficient evidence, that the vehicle was manufactured on the date so marked.

(3) If in any proceedings for the offence of driving a goods vehicle on a road, or causing or permitting a goods vehicle to be so driven, in contravention of a prohibition under section 16(7) of this Act any question arises whether a weight of any description has been reduced to a limit imposed by construction and use requirements, the burden of proof shall lie on the accused.

(4) In any proceedings for an offence under section 64(2) of the principal Act in which a contravention is alleged of a construction and use requirement as to any description of weight applicable to a goods vehicle, it shall be a defence to prove either—

- (a) that at the time when the vehicle was being used on the road it was proceeding to a weighbridge which was the nearest available one to the place where the loading of the vehicle was completed for the purpose of being weighed, or was proceeding from a weighbridge after being weighed to the nearest point at which it was reasonably practicable to reduce the weight to the relevant limit, without causing an obstruction on any road ; or
- (b) in a case where the limit of that weight was not exceeded by more than five per cent, that that limit was not exceeded at the time the loading of the vehicle was originally completed and that since that time no person has made any addition to the load.

(5) If in any proceedings in Scotland for an offence under the Road Traffic Acts 1960 to 1967 any question arises as to a weight of any description in relation to a goods vehicle, a certificate purporting to be signed by an inspector of weights and measures and certifying the accuracy of a weighbridge or other machine for weighing vehicles shall be sufficient evidence

of the facts stated therein, and where the inspector is called as a witness his evidence shall be sufficient evidence of the aforesaid facts.

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In this subsection "inspector of weights and measures" has the same meaning as in the Weights and Measures Act 1963, 1963 c. 31. except that it includes a chief inspector within the meaning of that Act.

27. A motor vehicle for which, by virtue of section 14(9) of this Act, an excise licence may not be granted for the time being shall not be chargeable with duty under the Vehicles (Excise) Act 1962 by reason of its use on a public road within the meaning of that Act—

Exemption from vehicles excise duty on goods vehicles undergoing tests.

- (a) for the purpose of submitting it by previous arrangement for, or bringing it away from, an examination under regulations under section 9 or 13(1)(a) of this Act or an examination for the purposes of section 10 or 12 thereof ; or
- (b) in the course of any such examination for the purpose of taking it to, or bringing it away from, any place where a part of the examination is to be or, as the case may be, has been carried out, or of carrying out any part of the examination, the person so using it being a goods vehicle examiner or a person carrying out the examination under his direction or a person driving the vehicle in pursuance of a requirement to do so under the regulations ; or
- (c) where a goods vehicle test certificate, type approval certificate or Minister's approval certificate is refused on such an examination, for the purpose of delivering it by previous arrangement at, or bringing it away from, a place where work is to be or has been done on it to remedy the defects on the ground of which the certificate was refused or to alter the vehicle in some aspect of design, construction, equipment or marking on account of which the certificate was refused.

1962 c. 13.

28.—(1) Any expenses incurred by the Minister under this Part of this Act shall be defrayed out of moneys provided by Parliament. Expenses.

(2) Any fees received by the Minister in pursuance of regulations under this Part of this Act shall be paid into the Exchequer.

29.—(1) In this Part of this Act, except so far as the context otherwise requires— Supplemental.

"construction and use requirements" means requirements, whether applicable generally or at specified times or

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1957 c. 51.

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 1962 Act ;

“contravention”, in relation to any requirement, prohibition or provision, includes a failure to comply with the requirement, prohibition or provision, and “contravenes” shall be construed accordingly ;

“drive” has the same meaning as in Part IV of the principal Act ;

“goods vehicle” has the same meaning as in Part IV of the principal Act ;

“goods vehicle examiner” means an examiner appointed under section 183 of the principal Act or a certifying officer appointed under Part III of that Act ;

“prescribed” means prescribed by regulations made by the Minister ;

“traffic area” has the same meaning as in Part III of the principal Act.

(2) Any definition or description of a class of goods vehicles or heavy goods vehicles (within the meaning of Part V of the principal Act) for the purposes of any regulations under this Part of this Act or any enactment thereby amended may be framed by reference to any characteristics of such vehicles or to any other circumstances whatsoever, and any reference to such a class in this Part of this Act or any enactment thereby amended shall be construed accordingly.

1962 c. 13.

(3) This Part of this Act, except sections 16 to 22, shall apply to persons in the public service of the Crown, to goods vehicles in the public service of the Crown which are registered or liable to be registered under the Vehicles (Excise) Act 1962, and to trailers in the public service of the Crown while drawn by goods vehicles (whether or not in the public service of the Crown) which are required to be so registered, but shall so apply subject to the following modifications:—

(a) examinations of such vehicles in pursuance of regulations under section 9 or 13(1)(a) of this Act may be made by or under the direction of examiners authorised by the Minister for the purpose instead of by or under the directions of goods vehicle examiners ;

(b) section 9(3) of this Act shall not apply to the determination of an examiner so authorised on any such examination, but any person aggrieved by such a determination may appeal to the Minister and on the appeal the Minister shall cause the vehicle to be

re-examined by an officer appointed by him for the purpose and may make such determination on the basis of the re-examination as he thinks fit.

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(4) Part V of the principal Act and sections 19 to 22 of this Act shall apply to persons and goods vehicles in the public service of the Crown, but the function of issuing licences under the said Part V to persons subject to the Naval Discipline Act 1957, to military law or to air force law to drive such vehicles and of revoking and suspending such licences shall be exercisable by the prescribed licensing authority; and references in the said Part V and those sections to a licensing authority shall be construed accordingly. 1957 c. 53.

(5) Section 250(5) of the principal Act (responsibility for offences in connection with Crown vehicles) shall apply in relation to an offence under this Part of this Act as it applies to an offence under that Act.

(6) 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 Part of 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.

PART III

GENERAL

30. A constable in uniform may arrest without warrant any person driving or attempting to drive a motor vehicle on a road whom he has reasonable cause to suspect of being disqualified for holding or obtaining a licence granted under Part II of the principal Act. Arrest without warrant of persons driving while disqualified.

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

“the Minister” means the Minister of Transport;

“the principal Act” means the Road Traffic Act 1960;

“the 1962 Act” means the Road Traffic Act 1962;

and other expressions used in the principal Act and this Act have the same meanings in this Act as they have in that Act.

General provisions as to interpretation etc. 1960 c. 16. 1962 c. 59.

(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.

PART III
Minor and consequential amendments and repeals.

32.—(1) The enactments mentioned in Schedule 1 to this Act shall have effect subject to the amendments therein specified, being minor amendments and amendments consequential on the foregoing provisions of this Act.

(2) The enactments mentioned in Schedule 2 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.

Short title, citation, commencement and extent.
 1960 c. 51.
 1960 c. 63.
 1960 c. 69.
 1964 c. 45.

33.—(1) This Act may be cited as the Road Safety Act 1967.

(2) The principal Act, the Road Traffic (Amendment) Act 1960, the Road Traffic and Roads Improvement Act 1960, the Road Traffic (Driving of Motor Cycles) Act 1960, the 1962 Act, the Road Traffic Act 1964 and this Act may be cited together as the Road Traffic Acts 1960 to 1967.

(3) Part I and sections 16 and 17 of this Act, and any other provision of this Act amending or repealing section 6, 184, 185 or 232 of, or paragraph 2 of Schedule 14 to, the principal 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 as provided by section 6, does not extend to Northern Ireland.

SCHEDULES

SCHEDULE 1

Section 32(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

THE PRINCIPAL ACT

1. In section 6(2), for the words from the beginning to “not driving the vehicle)” there shall be substituted the words “Without prejudice to the foregoing subsection, a person who, when in charge of a motor vehicle which is on a road or other public place”.

2. In section 6(3), after the words “under this section” there shall be inserted the words “or under section 1 or 3 of the Road Safety Act 1967.”

3. In section 185(1), for the reference to section 184 there shall be substituted a reference to section 16 of this Act.

4. In section 193(4), the reference to conduct shall include a reference to conduct in Northern Ireland.

5. In section 194(1), for the reference to a test under section 193(2) there shall be substituted a reference to the prescribed test of competence to drive.

6. In section 195(1) after the word “thereon” there shall be inserted the words “or the ordering of disqualification under section 19(3) of the Road Safety Act 1967”.

7. In section 199(1), in the definition of “prescribed”, the reference to regulations shall be construed as a reference to regulations under section 20 of this Act.

8.—(1) The documents which a police constable may require to be produced for examination under section 226(1) shall include, in relation to a goods vehicle the use of which on the road without a plating certificate, goods vehicle test certificate or one or more certificates in force under section 10 of this Act is an offence under section 14(1), (2) or (3) of this Act, any such certificate issued in respect of that vehicle or any trailer drawn by it.

(2) The said section 226(1), in so far as it provides for the production of any certificate mentioned in the foregoing subparagraph, shall apply to a person in connection with a goods vehicle so mentioned notwithstanding that he or the driver is or was at any material time in the public service of the Crown.

9. In section 232(1)(a), the reference to Part I of the principal Act shall include references to Part I and sections 14, 16(9) and 17(1) of this Act.

10. The documents and other things to which section 233 applies shall include—

- (a) any plating certificate, goods vehicle test certificate, manufacturer’s certificate or Minister’s approval certificate;

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(b) any plate containing plated particulars or containing other particulars required to be marked on a goods vehicle by section 10 of this Act or regulations thereunder; and

(c) any records required to be kept by virtue of section 18 of this Act.

11. In section 236, the references to a test certificate shall include references to a manufacturer's certificate.

12.—(1) In section 237, any reference to an offence committed under the provisions therein mentioned shall include a reference to an offence under section 25(2) of this Act.

(2) In section 237(2), after paragraph (d) there shall be inserted the following words:—

“ or

(e) to plating certificates, goods vehicle test certificates, manufacturer's certificates or Minister's approval certificates as defined by section 10 of the Road Safety Act 1967, or

(f) to plates containing plated particulars as defined by section 8 of that Act or containing other particulars required to be marked on goods vehicles by section 10 of that Act or regulations thereunder, or

(g) to records required to be kept by virtue of section 18 of that Act.”

13. In section 240, the reference to an offence against the provisions of the principal Act shall include a reference to an offence under this Act.

14. In section 246(1), the reference to a contravention of the provisions of the principal Act shall include a reference to a contravention of the provisions of this Act and the reference to section 6 of the principal Act shall be construed as including a reference to sections 1 and 3 of this Act.

15. In section 247, the references to offences under the foregoing provisions of the principal Act and the reference in subsection (2) to offences under that Act shall include references to offences under this Act.

16. In section 250, any reference to a provision of the principal Act shall be construed as a reference to that provision as amended by this Act.

17. In section 254, after the word “thereto”, there shall be inserted the words “and for the purposes of Part I of the Road Safety Act 1967.”

18. In section 255, the reference to the principal Act shall be construed as including a reference to Part II of this Act.

19. For paragraph 2 of Schedule 14 to the principal Act there shall be substituted the following paragraph:—

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“2. A prohibition of the use or driving of an authorised vehicle under section 184 of this Act or section 16 of the Road Safety Act 1967, or a conviction of an offence under subsection (9) of the said section 16.”

20.—(1) In paragraph 1 of Schedule 15 for the words “the year ending on the first mentioned day” there shall be substituted the words “the year ending on the day specified in that behalf in the order”.

(2) A person shall not be entitled to a licence to drive a vehicle of any class under the said paragraph 1 unless during the period or periods mentioned in that paragraph he has held a licence under Part II of the principal Act (other than a provisional licence) to drive vehicles of that class.

(3) The Minister may by regulations restrict the class of vehicles for the driving of which a licence is to be granted under the said paragraph 1 by reference to the class of vehicle which the applicant for the licence was driving during the said period or periods.

(4) For the reference in the said paragraph 1 to section 193(2) of the principal Act there shall be substituted a reference to section 19(2) of this Act.

(5) Paragraph 2 of the said Schedule 15 shall cease to have effect.

(6) In paragraph 3 of that Schedule, after the words “granted under Part II of this Act” there shall be inserted the words “other than a provisional licence”.

THE 1962 ACT

21. A copy of a certificate required by the proviso to section 2(2) to be served on the accused or of a notice required by that proviso to be served on the prosecutor may either be personally served on the accused or the prosecutor (as the case may be) or sent to him by registered post or the recorded delivery service.

22. In section 38, the reference to an offence under the principal Act shall include a reference to an offence under this Act.

Section 32(2).

SCHEDULE 2

REPEALS

Chapter	Short Title	Extent
8 & 9 Eliz. 2. c. 16.	The Road Traffic Act 1960.	<p>In section 6(2), the words from " and (ii) " onwards.</p> <p>Section 184.</p> <p>In section 185(1), the words " which has come into operation ", and in section 185(4), the words " withdraws or " and " withdrawal or ".</p> <p>Section 193(2) and (3).</p> <p>Section 197.</p> <p>In section 198, the words from " and shall " onwards.</p> <p>In section 199(1), the definition of " regulations ".</p> <p>In section 232(1)(b), the words " or subsection (5) of section one hundred and eighty-four of this Act ".</p> <p>In Schedule 15, paragraph 2.</p>
10 & 11 Eliz. 2. c. 59.	The Road Traffic Act 1962.	<p>In section 2(1), the words " or measurement " in both places where they occur and the words " or breath ".</p> <p>Section 2(6).</p>



Commonwealth Settlement Act 1967

1967 CHAPTER 31

An Act to extend the period for which the Secretary of State may make contributions under schemes agreed under section 1 of the Empire Settlement Act 1922.

[10th May 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. Section 1(1) of the Empire Settlement Act 1937 (which, as amended by the Commonwealth Settlement Act 1962, prolongs until 31st May 1967 the period authorised by section 1 of the Empire Settlement Act 1922 for the continuance of the liability of the Secretary of State under any scheme agreed under the last-mentioned Act) shall have effect as if for the reference to 31st May 1967 there were substituted a reference to 31st May 1972.

Extension of period during which contributions may be made. 1937 c. 18. 1962 c. 17. 1922 c. 13.

2.—(1) This Act may be cited as the Commonwealth Settlement Act 1967, and this Act and the Empire Settlement Acts 1922 and 1937 may be cited together as the Commonwealth Settlement Acts 1922 to 1967.

Short title, citation and repeals.

(2) The Commonwealth Settlement Act 1962 and, in section 1(4) of the Empire Settlement Act 1922, the proviso (which was superseded by the proviso to section 1(1) of the Empire Settlement Act 1937) are hereby repealed.



Development of Inventions Act 1967

1967 CHAPTER 32

An Act to consolidate the Development of Inventions Act 1948, the Development of Inventions Act 1954 and the Development of Inventions Act 1965.

[10th May 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:—

The National Research Development Corporation

Constitution.

1.—(1) There shall continue to be a body corporate called the National Research Development Corporation (in this Act referred to as “the Corporation”).

(2) The Corporation shall consist of a chairman and a managing director appointed by the Minister of Technology (in this Act referred to as “the Minister”), and such number of other members so appointed, not being less than four or more than twelve, as the Minister may from time to time determine.

(3) The members of the Corporation shall be appointed from among persons appearing to the Minister qualified as having had experience, and shown capacity, in matters relating to science, technology, industry, finance, administration or the acquisition and disposal of rights in inventions.

(4) The provisions of the Schedule to this Act shall have effect with respect to the remuneration of members of the Corporation out of the funds of the Corporation, as to the appointment and tenure and vacation of office of the said members, and otherwise in relation to the Corporation.

2.—(1) The Corporation shall have the following functions, Functions. that is to say—

- (a) securing, where the public interest so requires, the development or exploitation of inventions resulting from public research, and of any other invention as to which it appears to the Corporation that it is not being developed or exploited or sufficiently developed or exploited ;
- (b) acquiring, holding, disposing of and granting rights (whether gratuitously or for consideration) in connection with inventions resulting from public research and, where the public interest so requires, in connection with inventions resulting from other sources ;
- (c) promoting and assisting, where the public interest so requires, research for satisfying specific practical requirements brought to the knowledge of the Corporation where they are of opinion that the research is likely to lead to an invention ; and
- (d) assisting, where the public interest so requires, the continuation of research where it appears to the Corporation that the research has resulted in any discovery such that the continuation of the research may lead to inventions of practical importance.

(2) In the exercise of their functions under paragraph (a), (c) or (d) of subsection (1) of this section the Corporation shall have power, subject to the provisions of this Act, to carry on any activity the carrying on of which appears to the Corporation to be requisite, advantageous or convenient for or in connection with the exercise of their said functions, and in particular may carry on, or promote or facilitate the carrying on by other persons of, any business.

(3) The activities which may be carried on by the Corporation under the last foregoing subsection shall include promoting and assisting research where in the opinion of the Corporation the results of the research are likely to further the development or exploitation of inventions to which the Corporation's functions extend or to enhance the value of such inventions.

(4) The Corporation shall, except where it appears to them that special circumstances otherwise require, exercise their function of securing the exploitation of any invention by entrusting the exploitation thereof, on terms appearing to the Corporation to be appropriate, to persons engaged in the industry concerned.

(5) In this section " public research " means research carried out by a Government department or other public body or

any other research in respect of which financial assistance is provided out of public funds.

General directions.

3.—(1) The Minister may, after consultation with the Corporation, give to them directions of a general character as to the exercise of their functions, and the Corporation shall comply with any such directions.

(2) It is hereby declared that the power to give directions to the Corporation under the foregoing subsection includes power to vary or revoke a previous direction so given.

Matters requiring Ministerial approval.

4.—(1) Subject to the provisions of this section, the approval of the Minister shall be requisite for the exercise by the Corporation of any of the following activities, that is to say—

- (a) the carrying out by the Corporation, or the entering by the Corporation into any agreement for the carrying out on their behalf, of any project for the making of goods, the construction of works or the provision of services, or the setting up by the Corporation of any company or other organisation for carrying out any such project ;
- (b) the provision of financial assistance to any person undertaking the development or exploitation of any invention ;
- (c) the acquisition of, or of any interest in, any undertaking ;

and for the exercise by the Corporation of the functions conferred on them by section 2(1)(c) and (d) of this Act.

(2) Notwithstanding paragraphs (a) or (b) of subsection (1) of this section, the approval of the Minister shall not be requisite—

- (a) by virtue of the said paragraph (a), for anything done only by way of experiment or trial, or
- (b) by virtue of the said paragraph (b), for the giving of assistance to a person in any year where the amount of that assistance together with any other assistance given to him by the Corporation in that year (less, where that other assistance took the form of a loan, any repayment made by him) does not exceed £1,000.

(3) The approval of the Minister may be given for the purposes of this section either as respects any particular case or as respects any class of cases and subject to such conditions and limitations as the Minister thinks fit.

Financial provisions

5.—(1) The Corporation shall so exercise their functions as to secure, in so far as can be done consistently with the fulfilment of their purposes, that the return to them from their activities shall be sufficient to meet their outgoings on revenue account, taking one year with another. Financial duty.

(2) Nothing in the foregoing subsection shall be taken as preventing the Corporation from exercising their functions so that the return to them from their activities exceeds their outgoings on revenue account.

(3) Any surplus on revenue account shall be applied by the Corporation in such manner as the Minister, with the approval of the Treasury, and after consultation with the Corporation, may direct; and any such direction may require the whole or any part of the surplus to be paid into the Exchequer.

6.—(1) With the approval of the Minister given, with the consent of the Treasury, either generally or as respects the particular case, the Corporation may borrow temporarily, whether by way of overdraft or otherwise, sums required by them for meeting any of their obligations or discharging any of their functions: Temporary borrowing.

Provided that the aggregate amount outstanding of any sums borrowed under this section shall not at any time exceed £250,000.

(2) A person lending money to the Corporation shall not be bound to inquire whether the borrowing is within the power of the Corporation.

7.—(1) The Minister with the consent of the Treasury may out of moneys provided by Parliament make advances to the Corporation within the limit specified in the next following subsection. Exchequer advances.

(2) The aggregate amount outstanding in respect of any advances made under this section shall not at any time exceed £25 million.

(3) The Corporation shall make to the Minister at such times and in such manner as the Minister may with the approval of the Treasury direct—

- (a) payments of such amounts as the Minister may with the like approval direct in or towards repayment of advances made to the Corporation under this section; and
- (b) payments of interest on any sums for the time being outstanding in respect of such advances at such rate as the Minister may with the like approval direct.

(4) Different rates of interest may be directed under this section as respects different advances and as respects interest for different periods.

(5) Sums received by the Minister under this section shall be paid into the Exchequer.

(6) The Minister shall lay before each House of Parliament a statement of any payment due from the Corporation under this section which is not duly paid to him as required thereunder.

Remission
of liability
to repay
advances.

8.—(1) This section applies where—

- (a) the Corporation have written down, or propose to write down, the value in their books of any asset which in the opinion of the Minister represents expenditure incurred by the Corporation exclusively for or in connection with the development of an invention or expenditure incurred by the Corporation under section 2(1)(c) or (d) of this Act, and
- (b) the Corporation apply to the Minister for relief under this section in respect of their liability to repay an advance under section 7 of this Act, being an advance which in the opinion of the Minister was used to defray all or any part of the expenditure represented by the asset.

(2) If the Minister with the consent of the Treasury so directs, the Corporation's liability up to the amount specified in the direction, but not exceeding the amount written down, shall be extinguished from the date as on which the value of the asset is so written down.

(3) The extinction under subsection (2) of this section of any liability shall not affect the obligation of the Corporation to pay interest under section 7(3)(b) of this Act on the extinguished debt in respect of any period or part of a period before the date on which the liability is extinguished.

(4) No account shall be taken of the extinction of a liability under subsection (2) of this section for the purposes of section 7(2) of this Act.

(5) If at any time after the giving of a direction under subsection (2) of this section it appears to the Minister that in consequence of a change in circumstances since the giving of the direction the value of the asset has increased, he may direct that all or any part of the liability extinguished shall revive, and where a direction is given under this subsection interest shall become payable by the Corporation under section 7(3)(b) of this Act for any period after the direction takes effect ;

and it shall be the duty of the Corporation to give the Minister such information as he may from time to time require for the purpose of enabling him to exercise his powers under this subsection.

(6) At or before the time when the Corporation make an application under this section they shall submit to the Minister a statement setting out the grounds on which the application is made.

(7) References in this section to the writing down of the value of an asset include references to writing off the whole of the value of an asset.

(8) This section applies to assets written down, and liabilities incurred, before or after the passing of this Act.

9.—(1) The Minister may with the consent of the Treasury give relief in respect of interest due under section 7(3)(b) of this Act in respect of any advance, being interest in respect of the whole or any part of the period of eight years beginning with the making of the advance. Relief from interest on advances.

(2) The Minister shall give effect to any decision to give relief of any amount under this section by making a grant of that amount to the Corporation out of moneys provided by Parliament, and the grant shall be used to meet the Corporation's liability to pay interest.

(3) This section shall apply in relation to advances made before or after the passing of this Act, and in relation to interest falling due before or after the passing of this Act.

10.—(1) The Corporation shall establish a reserve, applicable to the purposes of the Corporation at such times and in such manner as the Corporation may, subject to the provisions of this section, determine. Establishment of reserve.

(2) The management of the reserve and the sums to be carried from time to time to the reserve shall, subject as aforesaid, be as the Corporation may determine.

(3) The power of the Minister to give directions to the Corporation under section 3 of this Act shall extend to the giving to them, with the approval of the Treasury, of directions as to any matter relating to the establishment or management of the reserve, the carrying of sums thereto, or the application thereof to the purposes of the Corporation, notwithstanding that the directions may be of a specific character.

Miscellaneous and supplementary

Projects
sponsored by
Government
departments.

11.—(1) Where in the exercise of their functions the Corporation carry out any project in response to representations made by any Government department other than the Post Office that it is in the public interest that the project should be carried out, the Minister in charge of the department may with the consent of the Treasury make to the Corporation out of moneys provided by Parliament—

- (a) payments to meet all or any part of the expenditure (including overhead expenditure) incurred by the Corporation in carrying out the project and payments by way of fees to the Corporation for carrying out the project, or
- (b) payments in respect of any loss arising in the carrying out of the project.

(2) Any Minister may with the consent of the Treasury undertake to make at a future time any payment which he has power to make under the foregoing subsection.

(3) Except with the approval of the Minister of Technology, the Corporation shall not enter into arrangements with the Minister in charge of a Government department (other than the Minister of Technology) to carry out any project in the exercise of their functions under section 2 of this Act, being arrangements under which the Minister in charge of the Government department concerned undertakes to make any payment to the Corporation of the kind described in paragraph (a) or (b) of subsection (1) of this section.

(4) Where a Government department requests the Corporation to enter into arrangements for carrying out any project, being arrangements under which any such payment as aforesaid is to be made, then for the purposes of section 2(1)(a), (c) and (d) of this Act a representation made to the Corporation by the Government department—

- (a) that it is in the public interest that the project should be carried out, or
- (b) both that it is in the public interest that the project should be carried out and that the relevant invention is not being developed or exploited or sufficiently developed or exploited, or, as the case may be, that the requirements in the said section 2(1)(c) or (d) are fulfilled as respects the relevant research,

shall be conclusive, but that shall not of itself impose a duty on the Corporation to carry out the project.

12.—(1) The Corporation shall keep proper accounts and proper records in relation to the accounts, and shall prepare in respect of each financial year of the Corporation (which shall be a year ending on 31st March) a statement of accounts in such form as the Minister may with the approval of the Treasury direct. Accounts and audit.

(2) The accounts of the Corporation shall be audited by auditors to be appointed annually by the Minister.

(3) A person shall not be qualified to be so appointed unless he is a member of one or more of the following bodies—

The Institute of Chartered Accountants in England and Wales ;

The Institute of Chartered Accountants of Scotland ;

The Association of Certified and Corporate Accountants ;

The Institute of Chartered Accountants in Ireland ;

Any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 c. 38. 1948 by the Board of Trade ;

but a Scottish firm may be so appointed if each of the partners is qualified to be so appointed.

(4) So soon as the accounts of the Corporation for any financial year thereof have been audited, the Corporation shall send to the Minister a copy of the statement of accounts prepared in respect of that year together with a copy of any report made by the auditors on the statement or on the accounts.

(5) On receipt by the Minister under the last foregoing subsection of the Corporation's copy of their statement of accounts he shall send a copy of the statement (with a copy of any accompanying report by the auditors) to the Comptroller and Auditor General.

(6) The Comptroller and Auditor General shall examine every statement and report sent to him under the last foregoing subsection, and may inspect the accounts to which the statement relates and any records relating thereto, and shall certify the statement and lay a copy of it together with his report thereon before Parliament.

13.—(1) The Corporation shall furnish the Minister with such information concerning the property and activities of the Corporation as the Minister may from time to time require. Information and annual report.

(2) The Corporation shall as soon as possible after the end of each financial year of the Corporation make a general report to the Minister as to the exercise by the Corporation of their functions during that year, and the report for any year shall

set out any direction given to the Corporation under section 3 of this Act during that year unless the Minister has notified to the Corporation his opinion that it would be against the national interest so to do.

(3) The Corporation's annual report under this section shall record any application made by the Corporation under section 8 of this Act in the financial year to which the report relates, and include a statement in a form approved by the Minister showing the grounds on which the application is made; and if the application was granted in whole or part the report shall record that fact and include particulars of the manner in which the application was granted.

(4) The Corporation's report shall also record any direction given by the Minister under section 8(5) of this Act in the financial year to which the report relates.

(5) The Minister shall lay a copy of every report of the Corporation before Parliament.

Powers of
Parliament
of Northern
Ireland.

14. Nothing in this Act shall operate to preclude the Parliament of Northern Ireland from enacting legislation for purposes similar to the purposes of this Act.

Short title,
interpretation,
repeals,
savings and
commence-
ment.

15.—(1) This Act may be cited as the Development of Inventions Act 1967.

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

“the Corporation” means the National Research Development Corporation;

“invention” includes any new process or new technique and shall be construed without regard to whether or not a patent has been or could be granted;

“the Minister” means the Minister of Technology.

1948 c. 60.
1954 c. 20.
1965 c. 21.

(3) The Development of Inventions Act 1948, the Development of Inventions Act 1954 and the Development of Inventions Act 1965 are hereby repealed.

(4) Any approval, consent or direction given, any appointment made or any other thing done under or by virtue of any provision of the said Acts shall be deemed for the purposes of this Act to have been given, made or done under or by virtue of the corresponding provision of this Act; and anything begun under any provision of those Acts may be continued under the corresponding provision of this Act.

(5) Without prejudice to the last foregoing subsection, any provision of this Act relating to anything done, or required or authorised to be done, under, or by reference to, that provision

or any other provision of this Act shall have effect as if any reference to that provision or to that other provision, as the case may be, included a reference to the corresponding provision of any Act repealed by this Act.

(6) So much of any document as refers expressly or by implication to any enactment repealed by this Act shall, if and so far as the context permits, be construed as a reference to this Act or the corresponding enactment therein.

(7) Nothing in this section shall be construed as affecting the general application of section 38 of the Interpretation Act 1889 with regard to the effect of repeals. 1889 c. 63.

(8) This Act shall come into force at the expiration of the period of one month beginning with the day on which it is passed.

Section 1.

SCHEDULE

THE NATIONAL RESEARCH DEVELOPMENT CORPORATION

1. The Corporation shall have a common seal.
- 2.—(1) The Minister shall have power, exercisable by statutory instrument, to make regulations with respect to—
 - (a) the appointment of the members of the Corporation and their tenure and vacation of office ;
 - (b) the execution of instruments and the proof of documents purporting to be executed, issued or signed by the Corporation or a member or officer thereof.
 (2) Subject to the provisions of regulations under sub-paragraph (1) of this paragraph, the Corporation shall have power to regulate their own procedure, including the manner in which matters subject to the determination of the Corporation are to be determined by or on behalf of the Corporation.
 (3) Regulations made under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.
3. The validity of any proceeding of the Corporation shall not be affected by any vacancy among the members thereof or by any defect in the appointment of a member thereof.
4. The Corporation shall—
 - (a) pay to each member of the Corporation other than the managing director, in respect of the member's office as such, such remuneration and allowances as the Minister may with the consent of the Treasury determine, and to the chairman, in respect of his office as such, such remuneration and allowances (in addition to any remuneration and allowances to which he may be entitled in respect of his office as a member) and to the managing director such salary and allowances, as the Minister may with the like consent determine ; and
 - (b) as regards any member in whose case the Minister may with the consent of the Treasury determine to make provision for the payment on his death or retirement of a pension, gratuity, or other like benefit, pay or provide for the payment of such pension, gratuity or other like benefit to him or to others by reference to his service as the Minister may with the like consent determine.
5. If any member of the Corporation, other than the chairman or the managing director, is employed about the affairs of the Corporation otherwise than as a member thereof, the Corporation may pay to that member such remuneration and allowances (in addition to any remuneration or allowances to which he may be entitled in respect of his office as a member) as the Corporation may determine.
6. The Corporation shall—
 - (a) pay to their officers, servants and agents such remuneration as the Corporation may determine ; and

(b) as regards any officer, servants or agents in whose case it may be determined by the Corporation with the approval of the Minister to make provision for the payment on their death or retirement of pensions, gratuities or other like benefits, pay, or provide for the payment of, such pensions, gratuities or other like benefits to them or to others by reference to their service as may be so determined.

SCH.

7. Provision for pensions, gratuities or other like benefits under this Schedule may be made either by contributory or by non-contributory arrangements or partly by the one and partly by the other.

8. Without prejudice to the provisions of section 2(2) of this Act, the Corporation shall have power to do any thing and to enter into any transaction which in their opinion is calculated to facilitate the proper discharge of their functions or is incidental or conducive thereto:

Provided that—

- (a) the borrowing powers of the Corporation shall not extend beyond the powers expressly conferred by the provisions of this Act in that behalf ;
- (b) the provisions of this paragraph shall not affect the provisions of this Act as to the giving of directions to the Corporation.

9. It is hereby declared that nothing in this Act exempts the Corporation from liability to any tax, duty, rate, levy or other charge whatsoever, whether general or local.



Air Corporations Act 1967

1967 CHAPTER 33

An Act to consolidate, with certain exceptions, the provisions of the Air Corporations Acts 1949 to 1966.
[10th May 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:—

Constitution and functions of the corporations

The Air
Corporations.

1.—(1) There shall continue to be two corporations known as the British Overseas Airways Corporation and the British European Airways Corporation.

(2) The corporations mentioned in the preceding subsection are hereinafter referred to as “the corporations”.

Constitution.

2.—(1) Each of the corporations shall consist of a chairman, a deputy chairman and such number of other members as the Board of Trade (hereinafter referred to as “the Board”) may from time to time determine:

Provided that—

(a) the total number of members of each corporation shall not be less than five nor more than eleven;

(b) two deputy chairmen of the British Overseas Airways Corporation may be appointed.

(2) The members of each of the corporations shall be appointed by the Board, who shall also appoint the chairman and deputy chairman or deputy chairmen of each corporation from among its members.

(3) The supplementary provisions contained in Schedule 1 to this Act shall have effect in relation to each of the corporations.

3.—(1) Each of the corporations shall, subject to the provisions of this Act, have power to provide air transport services and to carry out all other forms of aerial work, and may provide such services and carry out such work, whether on charter terms or otherwise, in any part of the world; and it shall be the duty of each of the corporations to exercise those powers so as to secure that the air services which they may provide are developed to the best advantage, and, in particular, to exercise those powers so as to secure that the services provided by the corporation are provided at reasonable charges. **Functions.**

(2) Each of the corporations shall have power, subject as hereinafter provided, to do anything which is calculated to facilitate the discharge of their functions under the preceding subsection, or of any other functions conferred or imposed on the corporation by or under this Act, or is incidental or conducive to the discharge of any such functions.

(3) The Board may, by an order relating to either of the corporations, define the powers conferred upon the corporation by the preceding provisions of this section so far as they think it desirable so to do for the purpose of securing that the public are properly informed as to the general nature and scope of the activities in which the corporation may engage; but nothing in any such order shall prejudice the generality of the powers conferred by the preceding provisions of this section.

Save as may be expressly provided by an order made under this subsection, neither of the corporations shall have power to manufacture air-frames or aero-engines or airscrews.

(4) Without prejudice to the generality of the powers conferred by the preceding provisions of this section, each of the corporations shall in particular have power, subject as hereinafter provided—

- (a) to acquire any undertaking constituted for the purpose of providing air transport services or of engaging in any other activities of a kind which the corporation have power to carry on, or to acquire, hold or have any shares or stock in, or any financial interest in, any such undertaking;
- (b) to promote the formation of any such undertaking as is mentioned in the preceding paragraph; and
- (c) to lend money to, or enter into guarantees for the benefit of, any such undertaking as aforesaid.

(5) The Board may, by an order relating to either of the corporations, limit the powers of the corporation to such extent as they think desirable in the public interest, by providing that any power of the corporation specified in the order shall not be exercisable except in accordance with a general or special authority given by the Board.

(6) Any statutory instrument containing an order made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

General directions.

4. The Board may, after consultation with either of the corporations, give to that corporation directions of a general character as to the exercise and performance by that corporation of their functions in relation to matters appearing to the Board to affect the national interest; and the corporation concerned shall give effect to any such directions.

Use of aircraft registered in Her Majesty's dominions.

5. Without prejudice to their general duty to comply with directions given by the Board under this Act, each of the corporations shall in particular comply with such directions as may from time to time be given by the Board, after consultation with the corporation, for securing that, to such extent and in such cases as may be specified in the directions, aircraft used by the corporation in connection with any service operated by them shall be registered in some part of Her Majesty's dominions.

Corporations not to be exempt from taxation, etc.

6.—(1) It is hereby declared that nothing in this Act exempts either of the corporations from liability for any tax, duty, rate, levy or other charge whatsoever, whether general or local.

(2) It is hereby declared that no provision of this Act conferring any power or imposing any duty upon either of the corporations authorises the disregard by the corporation of any rule of law, whether having effect by virtue of any enactment or otherwise.

General financial provisions

Borrowing powers.

7.—(1) Subject to the limits imposed by sections 16 and 22 of this Act, each of the corporations, with the consent of the Board and the approval of the Treasury, or in accordance with the terms of any general authority issued by the Board with the approval of the Treasury, may borrow temporarily, by way of overdraft or otherwise, such sums as the corporation may require for meeting their obligations or discharging their functions.

(2) Subject to those limits, each of the corporations may borrow from the Board, or, with the consent of the Board

and the approval of the Treasury, may borrow by the issue of stock, such sums as the corporation may require for all or any of the following purposes, that is to say—

- (a) the provision of working capital ;
- (b) the promotion of other undertakings, the acquisition of other undertakings or of shares or stock in other undertakings, and the making of loans to, and the fulfilment of guarantees given for the benefit of, other undertakings ;
- (c) the redemption of any stock which the corporation are required or entitled to redeem ; and
- (d) any other expenditure properly chargeable to capital account, including the repayment of any money borrowed by the corporation for defraying expenditure properly so chargeable.

(3) Subject to those limits, each of the corporations may borrow, from such persons and on such terms as the Board may with the approval of the Treasury from time to time specify, any sums of foreign currency required by the corporation for defraying expenditure properly chargeable to capital account, including the repayment of any money borrowed by the corporation for defraying expenditure properly so chargeable.

8.—(1) The Board may with the approval of the Treasury ^{Exchequer} advance to either of the corporations any sums which, within ^{loans.} the limits imposed by sections 16 and 22 of this Act, the corporation have power to borrow under section 7(2) of this Act.

(2) Any advances made by the Board under this section shall be repaid to them at such times and by such methods, and interest thereon shall be paid to them at such rates and at such times, as they may with the approval of the Treasury from time to time direct.

(3) The Treasury may issue out of the Consolidated Fund to the Board such sums as are necessary to enable them to make advances under subsection (1) of this section.

(4) For the purpose of providing sums to be issued under the last preceding subsection, or of providing for the replacement of sums so issued, the Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act 1939 ; and ^{1939 c. 117.} any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act.

(5) Any sums received by the Board under subsection (2) of this section shall be paid into the Exchequer, and shall be

issued out of the Consolidated Fund at such times as the Treasury may direct, and shall be applied by the Treasury as follows, that is to say—

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

(6) The Board shall, in respect of each financial year, prepare, in such form and manner as the Treasury may direct, an account of sums issued to them under this section and of the sums to be paid into the Exchequer under subsection (5) of this section and of the disposal by them of those sums respectively, and shall send it to the Comptroller and Auditor General not later than the end of November following that financial year; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

1956 c. 54. (7) The reference in subsection (2) of this section to advances made by the Board under this section shall include a reference to advances made to the British European Airways Corporation under section 42 of the Finance Act 1956 (any direction given under that section having effect as if given under the said subsection (2)) and subsections (5) and (6) of this section shall have effect accordingly.

Stock.

9.—(1) Each of the corporations may create and issue any stock required for the purpose of exercising their powers under section 7(2) of this Act, and may also, with the consent of the Board and the approval of the Treasury, create and issue stock which is to be allotted as consideration for the acquisition of other undertakings or of shares or stock in other undertakings.

(2) Stock issued by either of the corporations and the interest thereon shall be charged on the undertaking and all property and revenues of that corporation.

1875 c. 83. (3) Subject to the provisions of this Act, the stock of each of the corporations shall be issued, transferred, dealt with and redeemed upon such terms and in accordance with such regulations as the Board, with the approval of the Treasury, may prescribe, and any such regulations may, in relation to any such stock, apply with or without modifications any provisions of the Local Loans Act 1875 or of any enactment relating to stock issued by a local authority.

(4) The approval of the Board shall be required for naming or changing the name of stock issued by the British Overseas Airways Corporation.

10.—(1) The Treasury may guarantee, in such manner and on such conditions as they think fit— Treasury
guarantees.

- (a) the redemption or repayment of, and the payment of any interest on, any stock issued, or temporary loan raised, by either of the corporations ;
- (b) the repayment of, and the payment of any interest on and any other charges in respect of, any loan raised by either of the corporations under section 7(3) of this Act ;
- (c) the payment by either of the corporations of any debt incurred by the corporation, being a debt which is to be discharged in foreign currency and is not a debt in respect of any such loan as is mentioned in the last preceding paragraph.

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

(3) The undertaking and all property and revenues of the corporation concerned shall be charged with the repayment of any sums so issued out of the Consolidated Fund, including interest thereon at such rates as the Treasury may determine ; and any such charge shall rank—

- (a) where the charge is a charge for the repayment of sums issued out of the Consolidated Fund in respect of stock, next after the principal and interest of the stock and any sums which the corporation are bound to set aside towards the redemption of the stock, and in priority to any other charge not existing at the date of the issue of the stock ;
- (b) where the charge is a charge for the repayment of sums issued out of the Consolidated Fund in respect of a temporary loan, next after the principal and interest of the loan (in so far as that principal or interest are charged upon the undertaking, property or revenues of the corporation), and in priority to any other charge not existing at the date of the raising of the loan ;
- (c) where the charge is a charge for the repayment of sums issued out of the Consolidated Fund in respect of a loan raised under section 7(3) of this Act, next after the principal and interest of the loan and other charges

in respect thereof (in so far as that principal or interest or those charges are charged upon the undertaking, property or revenues of the corporation), and in priority to any other charge not existing at the date of the raising of the loan ; and

- (d) where the charge is a charge for the repayment of sums issued out of the Consolidated Fund in respect of such a debt as is mentioned in subsection (1)(c) of this section, next after that debt (in so far as that debt is charged upon the undertaking, property or revenues of the corporation), and in priority to any other charge not existing at the date when the debt was incurred.

(4) Immediately after any guarantee is given under this section, the Treasury shall lay a statement of the guarantee before each House of Parliament.

(5) Where any sum is issued out of the Consolidated Fund under this section, the Treasury shall, as soon as possible after the end of each financial year beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged, lay before each House of Parliament an account of that sum and of any payments made, during the financial year to which the account relates, by way of repayment of that sum or by way of interest thereon.

Transfers of guaranteed stock to be free of stamp duty.

11. Where the payment of principal and interest on any stock issued by either of the corporations is guaranteed by the Treasury, transfers of the stock shall be exempt from all stamp duties.

Reserve funds.

12.—(1) Each of the corporations shall have a reserve fund.

(2) The management of the said fund, the sums to be carried from time to time to the credit thereof, and the application thereof, shall be as the corporation concerned may determine ;

Provided that—

- (a) subject to section 18 of this Act, no part of the said fund shall be applied otherwise than for the purposes of the corporation ; and
- (b) the power of the Board to give directions to the corporation shall extend to the giving to them, with the approval of the Treasury, of directions as to any matter relating to the establishment or management of the said fund, the carrying of sums to the credit thereof, or the application thereof, notwithstanding that the directions may be of a specific character.

13. Each of the corporations, in framing and carrying out proposals involving substantial outlay on capital account by the corporation, or by a subsidiary of the corporation, shall act on lines settled from time to time with the approval of the Board. Capital expenditure.

Financial provisions applying to B.O.A.C.

14.—(1) Subject to the limit imposed by section 16 of this Act, the Board may with the approval of the Treasury pay to the British Overseas Airways Corporation such sums as the Board think fit. Exchequer investment otherwise than by way of loan.

(2) In consideration of receiving sums under this section, the corporation shall, as respects each financial year, make to the Board out of any funds available for that purpose payments of such amount as may be proposed by the corporation and approved by the Board with the consent of the Treasury, or of such other amount as the Board may, with the approval of the Treasury and after consultation with the corporation, determine.

(3) The funds available for the purpose of making a payment under subsection (2) of this section shall be—

(a) any profits of the corporation for any financial year not earlier than the financial year ending on 31st March 1966, after deducting any sums out of those profits carried to the credit of the reserve fund of the corporation; and

(b) any sums standing to the credit of that fund other than any such sum which the Board may, with the approval of the Treasury and after consultation with the corporation, direct to be treated as if it were a sum which had been paid by the Board to the corporation under this section.

(4) Any sums required by the Board for making payments under this section shall be defrayed out of moneys provided by Parliament; and any sums received by the Board under subsection (2) of this section shall be paid into the Exchequer.

(5) The account required to be prepared by the Board under section 8(6) of this Act shall include particulars of any sums paid by them to the corporation under this section and of any sums to be paid into the Exchequer under subsection (4) of this section.

(6) In this section “profits” as respects any financial year means the excess of the revenue of the corporation for that year over the sums properly chargeable by them to revenue account for that year.

Sums treated as lent to, or invested in, corporation.

15. The sum of £31 million shall be deemed to have been borrowed by the British Overseas Airways Corporation from the Board on 1st April 1965 and to have been then advanced by the Board to the corporation under section 8 of this Act, and the sum of £35 million shall be deemed to have been paid by the Board to the corporation under section 14 of this Act.

Limit on borrowing by, and investment in, corporation.

16.—(1) Subject to the following provisions of this section, the aggregate of the following, that is to say—

- (a) the amount outstanding in respect of the principal of any moneys borrowed by the British Overseas Airways Corporation, including in such moneys the sum deemed to have been borrowed by the corporation by virtue of section 15 of this Act; and
- (b) any sums paid to the corporation under section 14 of this Act, including the sum deemed to have been so paid by virtue of the said section 15 but not any sum treated as so paid by virtue of subsection (3)(b) of the said section 14,

shall not at any time exceed £90 million, or such greater sum, not exceeding £120 million, as the Board may from time to time by order specify.

(2) An order under this section shall not be made unless a draft of the order has been approved by a resolution of the Commons House of Parliament.

(3) Nothing in this section shall prevent the corporation from borrowing in excess of the limit imposed by virtue of the preceding provisions of this section for the purpose of redeeming any stock of the corporation which they are required or entitled to redeem, or of paying off any loan.

Financial duty.

17.—(1) The Board shall from time to time determine with the approval of the Treasury and after consultation with the British Overseas Airways Corporation, as respects such period as the Board may so determine, the rate of return on net assets which the Board consider, having regard to their rights under section 14(2) of this Act, it is reasonable for the corporation to achieve in that period; and the Board may, with the like approval and after such consultation as aforesaid, vary a determination under this section in respect of any period by a further determination.

(2) In subsection (1) of this section the reference to the rate of return on net assets is a reference to the amount of profits for the period in question (as defined for the purposes of section 14 of this Act, but before deducting interest on moneys borrowed by the corporation) expressed as a percentage of the total assets of the corporation after deducting liabilities of a current nature.

(3) The Board shall give notice to the corporation of any determination under subsection (1) of this section.

(4) The corporation shall conduct their affairs during any period in respect of which a determination has been made under subsection (1) of this section with a view to achieving a rate of return in that period not less than that specified by the determination as for the time being in force.

(5) The corporation shall from time to time during any such period as aforesaid review the financial results of their operations during the preceding part of the period, and if it appears to the corporation that those results have been such that, unless special measures are taken, the corporation are unlikely to be able to perform their obligation under subsection (4) of this section, the corporation shall forthwith inform the Board of that fact and consider what special measures can be taken, and the corporation shall inform the Board of the special measures which they propose should be taken.

(6) The Board may by order—

(a) substitute for the duty imposed by subsection (4) of this section a financial duty expressed otherwise than by reference to a rate of return on net assets ; and

(b) for that purpose, direct that the preceding provisions of this section shall have effect subject to such modifications as may be specified in the order and make such other incidental and transitional provisions as appear to the Board to be necessary or expedient ;

but no such order shall be made unless a draft of the order has been approved by a resolution of each House of Parliament.

18.—(1) As from 31st March 1969 the Board's power under this Act to give directions to the British Overseas Airways Corporation as to the application of any sums standing to the credit of the corporation's reserve fund shall, notwithstanding paragraph (a) of the proviso to section 12(2) of this Act, include power to direct the payment of any such sum (not being a sum in respect of which a direction has been given under section 14(3)(b) of this Act) into the Exchequer if it appears to the Board, after consultation with the corporation, that that sum is surplus to the requirements of the corporation. Board's power in relation to reserves.

(2) The account required to be prepared by the Board under section 8(6) of this Act shall include particulars of any sums directed to be paid into the Exchequer under this section.

19.—(1) Subject to subsection (2) of this section, the provisions of sections 14, 17 and 18 of this Act, and of section 16(1) of this Act so far as it relates to the said section 14, shall continue in force until 31st March 1971 and then expire. Duration of ss. 14, 17 and 18.

(2) The Board may by order direct that the said provisions—

(a) shall continue in force permanently after the date on which they would otherwise expire ; or

(b) shall continue in force after that date for such period as may be specified in the order and then expire ;

but no such order shall be made unless a draft of the order has been approved by a resolution of each House of Parliament.

(3) Upon the expiry of the provisions mentioned in subsection (1) of this section—

(a) any sums which have been paid by the Board to the British Overseas Airways Corporation under section 14 of this Act, including any sums deemed to have been or treated as having been so paid by virtue of any of the preceding provisions of this Act, shall be deemed to have been borrowed by the corporation from the Board on the date of such expiry and to have been then advanced by the Board to the corporation under section 8 of this Act (but not so as to subject to the limit imposed by section 16(1) of this Act any sums in respect of which a direction may have been given under section 14(3)(b) of this Act) ;

(b) sections 20 and 21 of this Act shall apply to the corporation as they apply to the British European Airways Corporation ;

1889 c. 63.

and section 38(2) of the Interpretation Act 1889 (effect of repeals) shall apply as if the said provisions had been then repealed by another Act.

Financial provisions applying to B.E.A.

Financial
duty.

20. The British European Airways Corporation shall so conduct their affairs as to secure that their revenue is not less than sufficient for making provision for the meeting of charges properly chargeable to revenue, taking one year with another.

Application
of revenues.

21.—(1) Any excess of the revenue of the British European Airways Corporation for any financial year over the total sums properly chargeable by the corporation to revenue account for that year shall be applied by the corporation in such manner as the Board, with the approval of the Treasury and after consultation with the corporation, may direct ; and any such direction may require the whole or any part of any such moneys to be paid into the Exchequer if it appears to the Board, after such consultation as aforesaid, to be surplus to the requirements of the corporation.

(2) The account required to be prepared by the Board under section 8(6) of this Act shall include particulars of any sums directed to be paid into the Exchequer under this section.

22.—(1) Subject to the following provisions of this section, the aggregate amount outstanding in respect of the principal of any moneys borrowed by the British European Airways Corporation shall not at any time exceed £110 million, or such greater sum, not exceeding £125 million, as the Board may from time to time by order specify. Limit on borrowing.

(2) An order under this section shall not be made unless a draft of the order has been approved by a resolution of the Commons House of Parliament.

(3) Nothing in this section shall prevent the corporation from borrowing in excess of the limit imposed by virtue of the preceding provisions of this section for the purpose of redeeming any stock of the corporation which they are required or entitled to redeem, or of paying off any loan.

Staff, wages, pensions, etc.

23.—(1) It shall be the duty of each of the corporations, except in so far as the corporation are satisfied that adequate machinery exists for achieving the purposes of this subsection, to seek consultation with any organisation appearing to the corporation to be appropriate with a view to the conclusion between the corporation and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for— Terms and conditions of employment.

- (a) the settlement by negotiation of terms and conditions of employment of persons employed by the corporation, with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements ; and
- (b) the discussion of matters affecting the safety, health and welfare of persons employed by the corporation, and of other matters of mutual interest to the corporation and such persons, including efficiency in the operation of the corporation's services.

(2) Where either of the corporations conclude such an agreement as is mentioned in the preceding subsection, or any variation is made in such an agreement, the corporation concerned shall forthwith transmit particulars of the agreement or the variation to the Board and the Minister of Labour.

(3) In relation to any agreement affecting employment in Northern Ireland, the reference in the last preceding subsection

to the Minister of Labour shall be construed as including a reference to the Ministry of Health and Social Services for Northern Ireland.

Pensions.

24.—(1) In this section “relevant employees” means—

- (a) employees of either of the corporations (hereafter in this section referred to as “corporation employees”);
- (b) employees of any such undertaking as may be specified in regulations under this section, being—
 - (i) an undertaking which is a subsidiary of either of the corporations, or
 - (ii) any other undertaking which would be a subsidiary of one of the corporations if there were held by that corporation any share capital, or power to appoint directors, of the undertaking which is held (directly or indirectly) by the other corporation;
- (c) employees of the management trustees of the pension scheme established and maintained by virtue of regulations under this section;
- (d) employees of the board of trustees of the joint medical service of the corporations;

and “employing authority” means any of the corporations, undertakings or bodies of trustees mentioned in paragraphs (a) to (d) of this subsection.

(2) The Board shall by regulations provide for the establishment and maintenance of one or more pension schemes for the purpose of providing pensions and other similar benefits in respect of the service of corporation employees of such classes as may be specified in the regulations, and the Board shall by such regulations in particular provide for securing benefits in the case of injury or death.

(3) The Board may by regulations make, in respect of the service of relevant employees other than corporation employees, any provision which under the last preceding subsection they have power to make in respect of the service of corporation employees.

(4) Regulations made under this section may, for the purpose of providing funds from which benefits are to be paid, provide for the payment of contributions by the employing authority concerned or by employees of that authority, or both by that authority and by such employees, and may in particular provide for the payment of such contributions in respect of service as an employee of an employing authority before the coming into force of the regulations, and for the payment of benefits in respect of any such service.

(5) Regulations made under this section may make provision for securing that service with any undertaking other than an employing authority may, in such cases, upon such terms and subject to such conditions as may be specified in the regulations, be reckoned for the purposes of the payment of benefits under the regulations.

(6) Regulations made under this section may make provision for securing that where a relevant employee, being an employee in respect of whose service benefits are provided by a pension scheme established under this section, becomes—

- (a) a member of either of the corporations ; or
- (b) a director of any such undertaking as is mentioned in subsection (1)(b) of this section,

his service as such a member or director (whether before or after the passing of this Act) shall be treated for the purposes of the scheme as if it were service as an employee of the employing authority in whose employment he was when he became such a member or director.

(7) Before making—

- (a) any regulations under this section in respect of relevant employees other than corporation employees ; or
- (b) regulations by virtue of subsection (6)(b) of this section in respect of corporation employees,

the Board shall consult with each of the corporations and with any organisation representative of the employees to whom the regulations will relate which appears to the Board to be appropriate.

Accounts, reports and information

25.—(1) Each of the corporations shall keep proper accounts and proper records in relation thereto, and shall prepare in respect of each financial year a statement of accounts in such form as the Board may, with the approval of the Treasury, direct, being a form which shall conform with the best commercial standards and which shall distinguish between the provision of air transport facilities upon scheduled journeys, the provision of air transport facilities otherwise than upon such journeys, and the carrying out of aerial work which does not consist of the provision of air transport facilities. Accounts and audit.

(2) The statement of accounts prepared in respect of any financial year by each of the corporations shall contain such particulars with respect to any undertaking which at any time during that year was a subsidiary of the corporation as the Board may direct.

(3) The accounts of each of the corporations shall be audited by auditors appointed annually by the Board.

(4) As soon as the accounts of either of the corporations for any financial year have been audited, the corporation shall send to the Board a copy of the statement of accounts prepared by them for that year in accordance with this section, together with a copy of any report made by the auditors on that statement or on the accounts of the corporation.

(5) The Board shall lay a copy of every such statement and report before each House of Parliament.

Annual reports.

26.—(1) Each of the corporations shall, as soon as possible after the end of each financial year, make to the Board a report dealing with the operations of the corporation during that year.

(2) The Board shall lay a copy of every such report before each House of Parliament.

(3) The report for any year shall set out any direction given by the Board to the corporation under section 4 of this Act during that year unless the Board have notified to the corporation their opinion that it is against the national interest so to do.

Returns and information.

27.—(1) Each of the corporations shall at such times as the Board may from time to time determine, and in respect of any period so determined, submit to the Board—

- (a) a programme of the air transport services which the corporation propose to provide during that period and of the other activities in which the corporation propose to engage during that period ; and
- (b) an estimate of the receipts of the corporation during that period, and of the expenditure, whether on revenue account or on capital account, to be incurred by the corporation during that period.

(2) Without prejudice to their duties under the preceding provisions of this Act, each of the corporations shall provide the Board with such information relating to the property, financial position, activities or proposed activities of the corporation or of any subsidiary of the corporation as the Board may from time to time require :

Provided that no such requirement shall impose upon either of the corporations the duty of providing the Board with information which the corporation do not possess and cannot reasonably be expected to obtain.

(3) For the purpose of providing the Board with any information which they may require in accordance with the provisions of the last preceding subsection, each of the corporations shall permit any person authorised by the Board

in that behalf to inspect and make copies of the accounts, books, documents or papers of the corporation, and shall afford such explanation thereof as that person or the Board may reasonably require.

(4) In this section—

- (a) the expression “receipts” does not include any sum paid by the Board under section 14 of this Act; and
- (b) the expression “expenditure”, in relation to any estimate, includes any sum thereby proposed to be set aside or allocated for any purpose.

Special powers in case of emergency

28.—(1) In time of war whether actual or imminent, or Board's of great national emergency, the Board may by order require power in that the whole or any part of the undertaking of, or of any emergency. property or rights of, or under the control of, either of the corporations shall be placed at the disposal of the Board, or of such persons as may be provided by the order.

(2) So long as any such order is in force, a corporation shall comply with any directions which may be given to them by or under the direction of the Board.

(3) An order under this section may make, for the purposes of the order, such provision as an Order in Council under section 8 of the Civil Aviation Act 1949 may make for 1949 c. 67. the purpose of securing compliance with provisions thereof having effect by virtue of subsection (2)(b) of that section.

(4) Section 58 of the said Act of 1949 (which authorises any order under the enactments specified therein to provide for the detention of aircraft to secure compliance with the order) shall have effect as if any reference therein to an order under an enactment to which Part VI of that Act applies included a reference to an order made under this section, but this provision shall be without prejudice to the provisions of the last preceding subsection.

(5) Any person who suffers direct injury or loss owing to the operation of an order of the Board under this section shall be entitled to receive compensation from the Board, the amount thereof to be fixed, in default of agreement, by the appropriate tribunal; and the principles of the Land Compensation Act shall, with the necessary modifications, apply where possession is taken of any land.

(6) In this section—

- (a) in relation to England and Wales, “the appropriate tribunal” means the Lands Tribunal and “the Land

- 1961 c. 33. **Compensation Act” means the Land Compensation Act 1961 ;**
- (b) in relation to Scotland, “the appropriate tribunal” means the Lands Tribunal for Scotland, except that until the coming into force in Scotland of the Lands Tribunal Act 1949, it means an official arbiter appointed under section 2 of the Land Compensation (Scotland) Act 1963 (the arbiter being selected in accordance with rules made by the Reference Committee under the said section 2), and “the Land Compensation Act” means the said Act of 1963 ;
- 1949 c. 42.
- 1963 c. 51.
- (c) in relation to Northern Ireland, “the appropriate tribunal” means an official arbitrator appointed under section 1 of the Acquisition of Land (Assessment of Compensation) Act 1919 (the arbitrator being selected in accordance with rules made by the Reference Committee under the said section 1), and “the Land Compensation Act” means the said Act of 1919.
- 1919 c. 57.

(7) Any expense incurred by the Board in the exercise of their powers under this section shall be paid out of moneys provided by Parliament.

Transitory provisions

Undertakings merged with B.O.A.C.

29. The provisions of Schedule 2 to this Act shall have effect in relation to the matters there dealt with, being transitional matters arising out of the merger of the British South American Airways Corporation with the British Overseas Airways Corporation on 30th July 1949 and the transfer to the British Overseas Airways Corporation on 1st April 1940 of the undertakings of Imperial Airways Limited and British Airways Limited.

Superannuation schemes established by B.O.A.C. before 1st August 1946.

30.—(1) No person shall be a member of any pension, superannuation or other benefit fund or scheme established by the British Overseas Airways Corporation before 1st August 1946 for the benefit of persons employed by the corporation unless he was a member of that fund or scheme before that date.

(2) The Board may by regulations make such provision as they think necessary for enabling any person who is a member of any fund or scheme so established, or who is for the time being participating in any such scheme as is mentioned in paragraph 7 or 8 of Schedule 2 to this Act, to withdraw from that fund or scheme in consideration of being admitted, upon such terms as may be provided for by the regulations, to any scheme established under section 24 of this Act.

Supplemental

31.—(1) Any power conferred by this Act on the Board to make orders or regulations shall be exercisable by statutory instrument. Regulations and orders.

(2) Any power conferred by this Act to make an Order in Council, and any power conferred by any provision of this Act other than section 19(2) to make an order, shall be construed as including a power, exercisable in like manner and subject to the like conditions, if any, to vary the Order in Council or order or, in the case of an order under section 17(6) of this Act, to vary or revoke it.

32. Anything to be done by, to or before the Board by virtue of this Act 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 of the Board. Exercise of Board's powers.

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

“air transport service” means a service for the carriage by air of passengers, mails or other freight;

“Consolidated Fund” means the Consolidated Fund of the United Kingdom;

“director” includes any person occupying the position of director, by whatever name called;

“financial year” in relation to either of the corporations, means a period of twelve months beginning on 1st April;

“foreign currency” means any currency other than sterling;

“remuneration” includes reasonable allowances in respect of expenses properly incurred in the pursuance of the duties of any office;

“scheduled journey” means one of a series of journeys which are undertaken between the same two places and which together amount to a systematic service operated in such a manner that the benefits thereof are available to members of the public from time to time seeking to take advantage of it;

“subsidiary”, in relation to either of the corporations, means any undertaking more than one half of the issued share capital whereof is held directly or through a nominee by the corporation, and any undertaking in

relation to which the corporation have power directly or indirectly to appoint the majority of the directors ;

“ the Board ” means the Board of Trade ;

“ the corporations ” means the British Overseas Airways Corporation and the British European Airways Corporation.

(2) References in this Act to any enactment shall be construed as including references to that enactment as amended by or under any other enactment.

Northern
Ireland.

34. The following provisions shall, in addition to any express provision for the application to Northern Ireland of any provision of this Act, have effect for the general application of this Act to Northern Ireland, that is to say—

(a) any reference to any enactment shall be construed as a reference to that enactment as it has effect in Northern Ireland ;

(b) any reference to an Act of Parliament shall be construed as including a reference to an Act of the Parliament of Northern Ireland, and “ enactment ” includes an enactment of that Parliament.

Channel
Islands and
Isle of Man.

35.—(1) Her Majesty may by Order in Council direct that any of the provisions of this Act shall extend, with such exceptions, modifications and adaptations, if any, as may be specified in the Order, to any of the Channel Islands or to the Isle of Man :

Provided that this subsection shall not apply to—

(a) sections 7(1) and (2), 9 and 10(1)(a) (and the other provisions of section 10 relating to guarantees given under section 10(1)(a)) so far as they relate to the British Overseas Airways Corporation ;

(b) sections 7(3), 8, 10(1)(b) (and the other provisions of section 10 relating to guarantees given under section 10(1)(b)), 11, 13 to 15, 17 to 21 and 28 to 30, paragraphs 8 and 9 of Schedule 1, and Schedule 2.

(2) Any such Order in Council may provide for the payment of sums out of moneys provided by Parliament for any purpose for which sums are required to be so paid in consequence of the exercise of the powers conferred by the preceding subsection.

Repeals and
savings.

36.—(1) The enactments mentioned in Schedule 3 to this Act are hereby repealed to the extent specified in the third column of that Schedule :

1889 c. 63.

Provided that, without prejudice to the provisions of the Interpretation Act 1889, this subsection shall have effect subject to the following provisions of this section.

(2) Nothing in this repeal shall affect any instrument made or any other thing whatsoever done under any enactment repealed by this Act and every such instrument or thing shall continue in force and shall, so far as it could have been made or done under this Act, have effect as if made or done under the corresponding enactment of this Act.

(3) Nothing in this repeal shall affect the terms and conditions on and subject to which any person held office or served immediately before the commencement of this Act.

(4) Any document referring to any Act or enactment repealed by this Act shall, if and so far as the context permits, be construed as referring to this Act or the corresponding enactment in this Act.

37. This Act may be cited as the Air Corporations Act 1967. Short title.

SCHEDULES**Section 2.****SCHEDULE 1****SUPPLEMENTARY PROVISIONS AS TO THE CORPORATIONS***Tenure and vacation of office*

1. Subject as hereinafter provided, a member of the corporation shall hold and vacate office as such in accordance with the terms of the instrument appointing him to be a member:

Provided that—

- (a) where a member becomes or ceases to be chairman or deputy chairman of the corporation, the Board may vary the terms of the instrument appointing him to be a member of the corporation, so far as they relate to the date on which he is to vacate office as such; and
- (b) a member of the corporation may at any time, by notice in writing under his hand addressed to the Board, resign his membership.

2. Subject as hereinafter provided, the chairman of the corporation and the deputy chairman of the corporation shall hold and vacate office as such in accordance with the instruments respectively appointing them:

Provided that the chairman or deputy chairman may at any time, by notice in writing under his hand addressed to the Board, resign his office as such.

3. If the chairman or deputy chairman of the corporation ceases to be a member of the corporation, he shall cease to be chairman or deputy chairman, as the case may be.

4. If the Board are satisfied that a member of the corporation—

- (a) has been absent from meetings of the corporation for a period longer than three consecutive months without the permission of the corporation; or
- (b) has become bankrupt or made an arrangement with his creditors; or
- (c) is incapacitated by physical or mental illness; or
- (d) is otherwise unable or unfit to discharge the functions of a member;

the Board may declare his office as a member of the corporation to be vacant and shall notify the fact in such manner as the Board think fit; and thereupon the office shall become vacant.

5. A member of the corporation who ceases to be a member shall be eligible for re-appointment.

6. The validity of any proceeding of the corporation shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

Remuneration, pensions etc.

SCH. 1

7. The corporation shall pay to each member thereof such remuneration, whether in respect of his office as such or otherwise, as the Board may with the consent of the Treasury determine.

8.—(1) The corporation shall make such provision for the payment of pensions to or in respect of such members of the corporation as the Board may with the approval of the Treasury determine, but no provision shall be made under this paragraph in the case of a member if provision may be made under section 24(6)(a) of this Act for treating his service as such a member as if it were service as an employee of either of the corporations.

(2) The Board shall as soon as possible lay before each House of Parliament a statement of such provision for the payment of pensions to or in respect of members of the corporation as the Board with the approval of the Treasury have determined.

9. Where a person ceases, or has at any time after 20th December 1962 ceased, to be a member of the corporation otherwise than on the expiry of his term of office, and it appears to the Board that there are special circumstances which make it right that that person should receive compensation, the Board may with the approval of the Treasury require the corporation to make to that person a payment of such amount as may be determined by the Board with the approval of the Treasury.

Meetings and proceedings

10. The quorum of the corporation and the arrangements relating to meetings thereof shall be such as the corporation may determine.

The common seal

11. The corporation shall have a common seal, and the fixing of the seal shall be authenticated by the signature of—

- (a) the chairman of the corporation, or some other member thereof authorised either generally or specially by the corporation to act in his stead for that purpose ; and
- (b) some other person, authorised by the corporation, either generally or specially, to act for that purpose.

Instruments of the corporation

12. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed on behalf of the corporation by any person generally or specially authorised by them for that purpose.

13. Any document purporting to be a document duly executed under the seal of the corporation shall be received in evidence and shall, unless the contrary is proved, be deemed to be a document so executed.

Section 29.

SCHEDULE 2

TRANSITORY PROVISIONS

PART I

BRITISH SOUTH AMERICAN AIRWAYS CORPORATION

Stock and loans

1966 c. 11.

1. The three per cent. British South American Airways Stock 1980-1983 shall be deemed to be stock issued by the British Overseas Airways Corporation and as from 16th February 1950 that stock shall be deemed to be of the same issue as the three per cent. Airways Stock 1980-1983 and shall be subject to the terms and conditions applicable to the last-mentioned stock ; and section 1(1)(b) of the Air Corporations Act 1966 (which transfers liabilities in respect of the last-mentioned stock to the Treasury) shall have effect accordingly.

2. For the purposes of section 16(1) of this Act temporary loans raised by the British South American Airways Corporation and not repaid before 30th July 1949 shall be treated as moneys borrowed by the British Overseas Airways Corporation.

Construction of enactments etc.

3. On and after 1st July 1952 references to the British South American Airways Corporation in any enactment, order, rule, regulation or other instrument shall be construed as references to the British Overseas Airways Corporation:

1949 c. 67.

Provided that this paragraph shall not apply to any such references as aforesaid in the Civil Aviation Act 1949 or this Act or in any regulation made under sections 36, 55 or 56 of that Act or section 9 or 24 of this Act.

4. All deeds, bonds, agreements and instruments which were subsisting immediately before the said 1st July and affected the British South American Airways Corporation shall on and after that date be of as full force and effect against or in favour of the British Overseas Airways Corporation and enforceable as fully and effectually as if, instead of the British South American Airways Corporation, the British Overseas Airways Corporation had been named therein or had been a party thereto.

PART II

IMPERIAL AIRWAYS LIMITED AND BRITISH AIRWAYS LIMITED

Interpretation

5. In this Part of this Schedule—

“the transfer date” means 1st April 1940 (being the date on which the undertakings of the vendor companies were under section 9 of the British Overseas Airways Act 1939 transferred to the corporation):

1939 c. 61.

“the vendor companies” means Imperial Airways Limited and British Airways Limited; and

SCN. 2

“the corporation” means the British Overseas Airways Corporation.

Construction of instruments etc.

6. All deeds, bonds, agreements, instruments and working arrangements which were subsisting immediately before the transfer date and affected either of the vendor companies shall, in so far as they relate to the undertaking of that company, be of as full force and effect against or in favour of the corporation, and enforceable as fully and effectually as if, instead of the company, the corporation had been named therein or had been a party thereto.

Pensions scheme of Imperial Airways Limited

7.—(1) In this paragraph—

(a) the expression “the company” means Imperial Airways Limited;

(b) the expression “the scheme” means the pension scheme established for the benefit of the employees of the company by a Trust Deed dated 23rd October 1936 and made between the company of the first part, Sidney Albert Dismore and Arthur Joseph Quin-Harkin of the second part, and Leslie Alan Walters and Rankin Lorimer Weir of the third part;

(c) references to the scheme shall be construed as including references to the said Trust Deed.

(2) The scheme shall continue in operation subject to the following provisions of this paragraph which shall have effect for the purposes of regulating the continued operation of the scheme.

(3) No person who was not, immediately before the transfer date, participating in the scheme shall be eligible to participate therein unless—

(a) he was, immediately before the transfer date, in the service of the company;

(b) he was then not eligible to participate in the scheme by reason only of the fact that he had not been in the service of the company for a sufficient length of time or was a labourer or a member of the staff locally engaged overseas; and

(c) he has entered the service of the corporation;

and no person shall be eligible to participate in the scheme except in accordance with the provisions of the scheme as regulated by the provisions of this paragraph.

(4) Any person who was, immediately before the transfer date in the service of the company and has not entered the service of the corporation shall—

(a) if he was, immediately before the transfer date, less than fifty-five years of age be treated as if he were then discharged from the service of the company for reasons other than misconduct;

SCH. 2

- (b) if he was, immediately before the transfer date, fifty-five years or more but had not then attained the age of sixty years be treated, at his option, either as if he had then retired on pension before attaining the age of sixty years with the permission of the board of the company, or as if he had then been discharged from the service of the company for reasons other than misconduct ; or
 - (c) if he was, immediately before the transfer date, sixty years of age or more, be treated as having then retired from the service of the company.
- (5) Subject to the provisions of this paragraph, the scheme shall have effect as if—
- (a) the corporation had been in existence on the date of the execution of the said Trust Deed and had executed that document in the place of the company ; and
 - (b) for any reference (by whatever form of words) in the scheme to the company, or to the board of the company, there were substituted a reference to the corporation ; and
 - (c) the service or employment under or by the company of any person had been service or employment under or by the corporation ; and
 - (d) anything done, permitted or omitted by or on behalf of the company (including anything which is by virtue of the preceding provisions of this paragraph to be deemed to have been permitted by the company or by the board of the company) had been done, permitted or omitted, as the case may be, by the corporation.
- (6) Nothing contained in this paragraph shall prejudice or affect any power of altering, amending, adding to or cancelling the scheme in accordance with the provisions thereof.

Superannuation scheme of British Airways Limited

8.—(1) In this paragraph—

- (a) the expression “the company” means British Airways Limited ;
- (b) the expression “the Trust Deed” means the Trust Deed (relating to the provisions of superannuation benefits for the employees and salaried directors of the company and its associated or subsidiary companies by means of a Superannuation Scheme under which endowment assurances are to be effected with the Sun Life Assurance Society) dated 17th March 1939, and made between the company of the one part, and John Ronald McCrindle, Walter Cyril Tomlinson, David Smillie Smith Macdowall, and John Vincent Wood of the other part ;
- (c) the expression “the regulations” means the regulations contained in the First Schedule to the Trust Deed ;

SCH. 2

- (d) the expression "the scheme" includes both the Trust Deed and the Superannuation Scheme to which it relates as existing immediately before the transfer date ; and
- (e) the expression "Trustees' Assurance" and "Employee's Assurance" have the same meanings respectively as in the regulations.

(2) The scheme shall continue in operation subject to the following provisions of this paragraph which shall have effect for the purpose of regulating the continued operation of the scheme.

(3) No person who was not immediately before the transfer date participating in the scheme shall be eligible to participate in the scheme unless—

- (a) he was, immediately before the transfer date, an employee as defined by the regulations ; or
- (b) he had, immediately before the transfer date, been in the service of the company for a period of less than three months ; and
- (c) in either case, he has entered the service of the corporation ;

and no person shall be eligible to participate in the scheme except in accordance with the provisions of the scheme as regulated by the provisions of this paragraph.

(4) Any person who was, immediately before the transfer date, an employee as defined by the regulations, and has not entered the service of the corporation, shall be deemed to have retired immediately before the transfer date from the service of the company with the consent of the company, and, for the purposes of any provisions of the regulations relating to any Trustees' Assurance, shall be deemed to have so retired during the period of ten years preceding the date of the maturity of that Assurance.

(5) Subject to the provisions of this paragraph the scheme shall have effect as if—

- (a) the corporation had been in existence on the date of the execution of the Trust Deed and had executed that document in place of the company ; and
- (b) the corporation had been a party to the Superannuation Scheme to which the Trust Deed relates, and to any agreement relating to that Superannuation Scheme, in place of the company ; and
- (c) for any reference (by whatever form of words) in the scheme to the company there were substituted a reference to the corporation ; and
- (d) references to associated or subsidiary companies were omitted from the scheme ; and
- (e) the service or employment under or by the company of any person had been service or employment under or by the corporation ; and

SCH. 2

(f) any act or thing done, permitted or omitted by or on behalf of the company (including anything which is by virtue of the preceding provisions of this paragraph to be deemed to have been permitted by the company) had been done, permitted or omitted, as the case may be, by the corporation.

(6) Anything required or authorised by the scheme to be done by the secretary or a director of the company may be done by such member or officer of the corporation as the corporation may appoint for the purpose.

(7) Nothing contained in this paragraph shall prejudice or affect any power of altering, cancelling or modifying all or any of the provisions of the Trust Deed or of the regulations in accordance with the provisions of the Trust Deed, or of determining the trusts created under the Trust Deed in accordance with the provisions of the regulations, or any power of terminating or modifying the Superannuation Scheme to which the Trust Deed relates, or any agreement relating to the Superannuation Scheme, in accordance with the terms of that Scheme or agreement.

Section 36.

SCHEDULE 3

REPEALS

Chapter	Short Title	Extent of Repeal
12, 13 & 14 Geo. 6. c. 91.	The Air Corporations Act 1949.	The whole Act.
2 & 3 Eliz. 2. c. 7.	The Air Corporations Act 1953.	The whole Act.
11 & 12 Eliz. 2. c. 5.	The Air Corporations Act 1962.	The whole Act.
1966 c. 11.	The Air Corporations Act 1966.	In section 1, subsections (1)(a), (2) and (3). Sections 2 to 8. In section 9, in subsection (1) the words from "and the principal Act" to the end, and sub- sections (2) and (4). Schedule 2.



Industrial Injuries and Diseases (Old Cases) Act 1967

1967 CHAPTER 34

An Act to consolidate certain enactments relating to workmen's compensation or other benefit in respect of employment before 5th July 1948. [12th June 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:—

Continuation and supplementation of workmen's compensation

1. The Workmen's Compensation Acts and any other enactment specified in Schedule 9 to the Industrial Injuries Act of 1946 which was repealed by section 89 of that Act shall continue to apply to any cases to which, if this Act had not been passed, they would have applied by virtue of the said section 89, being certain cases where a right to compensation arises or has arisen in respect of employment before 5th July 1948. Continuation of workmen's compensation in certain cases.

2.—(1) The Minister may, by scheme made with the consent of the Treasury, provide for conferring a right to allowances payable out of the Industrial Injuries Fund on persons who are, or have at any time after 20th March 1951 been, entitled to weekly payments by way of workmen's compensation, other than a person whose entitlement to such payments— Schemes for supplementing workmen's compensation.

(a) arose in consequence of an accident happening after 31st December 1923; and

(b) ceased before 5th July 1956.

(2) Subject to the provisions of this Act, the right to such an allowance as aforesaid or to a payment on account thereof shall be subject to such conditions, and the rate of the allowance shall be such, as may be provided by a scheme under subsection (1) of this section.

(3) The allowances for the payment of which a scheme under subsection (1) of this section may make provision shall be—

- (a) where the relevant accident happened before 1st January 1924, an allowance (hereafter in this section referred to as a "basic allowance") in respect of any period such as is mentioned in subsection (7) of this section ;
- (b) an allowance in respect of any period such as is mentioned in paragraph (a) of the said subsection (7) (hereafter in this section referred to as a "major incapacity allowance") ;
- (c) subject to subsections (4) and (5) of this section, an allowance in respect of any period such as is mentioned in paragraph (b) of the said subsection (7) (hereafter in this section referred to as a "lesser incapacity allowance") ;

and a major incapacity allowance or lesser incapacity allowance in respect of any period shall be payable whether or not a basic allowance is also payable in respect of that period.

(4) A lesser incapacity allowance—

- (a) shall not be payable to any person in respect of any period unless there is or may be expected to be (or, but for the cesser at a time after 1st March 1966 of that person's entitlement to workmen's compensation, would or might be expected to have been) payable to that person in respect of that period either a weekly payment by way of basic allowance or a weekly payment by way of workmen's compensation which is not a notional payment ;
- (b) except to a person who immediately before 1st March 1966 was receiving an allowance under a scheme made under the Workmen's Compensation (Supplementation) Act 1951, shall not be payable if the relevant accident happened after 31st December 1923 and the claimant's entitlement to workmen's compensation in consequence thereof ceased before 1st March 1966.

1951 c. 22.

(5) For the purposes of a lesser incapacity allowance, a weekly payment by way of workmen's compensation shall be treated as a notional payment if awarded or paid for the purpose

of safeguarding a potential entitlement to compensation and not related to any existing loss of earnings; and a scheme under subsection (1) of this section may provide that—

- (a) in such circumstances or cases as may be specified in the scheme; and
 - (b) in particular, in cases where weekly payments by way of such compensation are being paid to a person to whom such payments were not made, or were made at a lower rate, during the period of twelve months immediately preceding such date not earlier than 30th November 1965 as may be specified in the scheme,
- a weekly payment by way of such compensation shall be deemed to be a notional payment unless the contrary is proved.

(6) The weekly rate—

- (a) of a basic allowance shall not exceed two pounds less the amount of the recipient's workmen's compensation and, in respect of a period such as is mentioned in subsection (7)(b) of this section which is a period of partial incapacity only, shall also not exceed the difference between two-thirds of the amount representing his weekly loss of earnings determined in accordance with a scheme under subsection (1) of this section and the amount of his workmen's compensation;
- (b) of a major incapacity allowance shall be the corresponding disablement pension rate less the amount of the recipient's workmen's compensation and less the amount of his basic allowance, if any;
- (c) of a lesser incapacity allowance shall not exceed two pounds seven shillings and sixpence.

(7) The periods referred to in the foregoing provisions of this section are—

- (a) any period during which the person claiming or receiving an allowance under this section—
 - (i) being or having been entitled to his workmen's compensation in respect of any injury or disease other than pneumoconiosis or byssinosis, is as a result of that injury or disease totally incapable of work and likely to remain so incapable for a considerable period; or
 - (ii) being or having been entitled to his workmen's compensation in respect of pneumoconiosis, is certified under a scheme made under the Workmen's Compensation (Silicosis) Act 1918 (as originally enacted or as extended by the Workmen's Compensation (Silicosis) Act 1924) or under section 47 of the Workmen's Compensation Act 1925 (as 1925 c. 84,

originally enacted or as extended by any subsequent enactment), or is determined in accordance with a scheme under subsection (1) of this section, to be totally disabled ; or

(iii) is, or but for the determination of his right would be, entitled to his workmen's compensation in respect of byssinosis ; or

(iv) being or having been entitled to his workmen's compensation in respect of two or more injuries or diseases such as are mentioned in the three foregoing sub-paragraphs, is as the joint result of those injuries or diseases totally incapable of work and likely to remain so incapable for a considerable period ;

(b) any period which, not being a period such as is mentioned in paragraph (a) of this subsection, is a period of total or partial incapacity for work resulting from the relevant injury or disease.

3.—(1) For the purposes of section 2 of this Act—

(a) the expressions “relevant accident” and “relevant injury or disease” mean the accident in consequence of which or, as the case may be, the injury or disease in respect of which, an entitlement to weekly payments by way of workmen's compensation arose ;

(b) any reference to the happening of an accident shall, in relation to a case of disease, be construed in the same way as for the purposes of the Workmen's Compensation Acts ;

(c) a payment—

(i) under the Workmen's Compensation (War Addition) Acts 1917 and 1919 ; or

(ii) under the Workmen's Compensation (Supplementary Allowances) Act 1940 as amended by the Workmen's Compensation (Temporary Increases) Act 1943,

shall be treated as a weekly payment by way of workmen's compensation.

(2) For the purposes of subsection (1) of the said section 2, a person shall be deemed to be or have been entitled to weekly payments by way of workmen's compensation at any time if he would be or, as the case may be, have been so entitled at that time if—

(a) the amount of any payment, allowance or benefit received by him otherwise than by way of workmen's compensation ; or

Provisions
supplementary
to s. 2.

1940 c. 47.

1943 c. 49.

(b) where the relevant accident happened before 1st January 1924, either the said amount, or the amount he is earning or able to earn in some suitable employment or business, or both those amounts, were sufficiently reduced.

(3) Subject to subsection (7) of this section, for the purpose of the reference in subsection (7)(b) of the said section 2 to a period of total incapacity for work resulting from the relevant injury or disease, a person who is or has been unable to obtain employment shall be treated as subject to such an incapacity if he is treated as being so for the purposes of his workmen's compensation in respect of the relevant injury or disease and in such other circumstances as may be provided by a scheme under the said section 2.

(4) Any reference in the said section 2 or this section to the amount of a person's workmen's compensation shall (subject to subsections (5) to (7) of this section) be taken as referring to the amount, if any, of the weekly payments to which for the time being he is, or would but for the determination of his right be, entitled in respect of the relevant injury or disease:

Provided that—

(a) where in fixing the amount of those weekly payments under the provisions relating thereto regard was had to any payment, allowance or benefit which he might receive during the period of his incapacity from the person liable for the compensation, and the amount is shown to have been reduced in consequence, the amount of those weekly payments shall for the purposes of this subsection be taken to be the reduced amount so fixed with the addition of the amount of the reduction ; and

(b) where the amount of those weekly payments has not been fixed under the said provisions, it shall be fixed for the purposes of this subsection without regard to any such payment, allowance or benefit as aforesaid.

(5) A scheme under the said section 2 may include provision that, in such special circumstances or cases and for such purposes as may be specified in the scheme, any reference in the said section 2 or this section to the amount of a person's workmen's compensation shall be taken as referring to such amount as it may be determined in manner provided by the scheme ought reasonably and properly to have been the amount of the weekly payments referred to in subsection (4) of this section.

(6) Where a person is, or has at any time after 20th March 1951 been, entitled to payments under the enactments referred

to in subsection (1)(c)(i) or (ii) of this section but ceased before 21st March 1951 to be entitled to any other weekly payments by way of workmen's compensation in respect of the relevant injury or disease, the amount of his workmen's compensation shall for the purposes of the said section 2 be calculated as if he had not ceased to be entitled to such other payments.

(7) A scheme under the said section 2 may provide for modifying the operation of subsections (3) to (5) of this section in relation to a person whose workmen's compensation is or was compensation under a contracting-out scheme in such manner as appears to the Minister to be proper having regard to the provisions of the contracting-out scheme.

Provisions as
to schemes
under s. 2.

4.—(1) The provisions of this section shall have effect with respect to schemes under section 2 of this Act, and any such scheme is hereafter in this section referred to as "a scheme".

(2) A scheme may make such incidental or supplementary provision as appears to the Minister to be necessary or expedient for the purposes of the said section 2 and may vary or revoke any earlier scheme.

(3) A scheme shall in particular make provision with respect to the making of claims for allowances, with respect to the determination of questions arising on or in connection with any such claim or the payment of allowances, and with respect to any other matters necessary for the proper administration of any scheme; and, subject to any provisions of a scheme for reviewing decisions, the decision in accordance with a scheme of any question arising under a scheme shall be final for the purposes of the said section 2.

(4) Without prejudice to the generality of subsection (2) of this section, a scheme may make provision—

- (a) for the constitution of a board to be charged with the general administration of any scheme and (subject to any provisions of a scheme) with the determination of questions arising under any scheme, and for enabling the decision of the board on any such question to be proved in legal proceedings by means of a certificate or otherwise;
- (b) for enabling any class or description of such questions to be determined as if they had arisen under the Industrial Injuries Act;
- (c) for applying, with or without modifications, section 28(1) of the Industrial Injuries Act (which provides that benefit shall be inalienable) or any regulations under section 27 of that Act (which relates to administration of benefit), or for making provision corresponding thereto;

- (d) for requiring persons claiming or receiving allowances to furnish information and evidence and to undergo medical or other examination, for summoning persons to attend and give evidence or produce documents at any hearing for the purpose of determining questions arising under a scheme, and for authorising the administration of oaths to witnesses at any such hearing ;
- (e) for requiring the repayment to the Industrial Injuries Fund in whole or in part of payments under the said section 2 subsequently found not to have been due, for the deduction of any sums so required to be repaid from payments under the said section 2 or under the Industrial Injuries Act, and for the deduction from payments under the said section 2 of any sums which may by virtue of any provision of the Industrial Injuries Act be recovered by deduction from any payment under that Act.

(5) The Minister may pay to members of any board constituted by a scheme such remuneration or allowances, and may make such other payments in connection with the administration of any scheme (including payments on account of travelling expenses or loss of remunerative time or both to persons required to undergo medical or other examination or to attend any hearing for the purpose of determining questions arising under any such scheme), as he may with the consent of the Treasury determine.

(6) Notwithstanding anything in this Act, a scheme shall not require a person to submit himself to medical treatment.

(7) A scheme varying an earlier scheme may do so in such a way as to make allowances payable, or payable at an increased rate, under the earlier scheme in respect of periods before the making of the later scheme.

(8) The power to make a scheme shall be exercisable by statutory instrument, and a scheme—

- (a) except when made for the purpose only of replacing provisions of previous schemes with new provisions to the same effect, shall not be made unless a draft of the scheme has been laid before Parliament and approved by resolution of each House ;
- (b) when made for such purpose only as aforesaid, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Industrial diseases benefit in respect of pre-1948 employment

5.—(1) The Minister may, by scheme made with the consent of the Treasury, provide for the payment of allowances or other benefit out of the Industrial Injuries Fund—

- (a) to persons who, having been employed in Great Britain before 5th July 1948 in any occupation prescribed in

Industrial
diseases
benefit
schemes.

relation to a disease to which this section applies, are at the commencement of the scheme, or thereafter become, disabled by that disease ;

(b) to any person who, as the joint result of—

(i) a disease to which this section applies in respect of which he is, or has at any time after 4th July 1956 been, entitled to weekly payments by way of an allowance by virtue of paragraph (a) of this section or by virtue of section 1(1)(a) of the Pneumoconiosis and Byssinosis Benefit Act 1951 ; and

(ii) one or more other diseases or injuries in respect of each of which he is, or has at any such time been, entitled to weekly payments by way either of such an allowance or of workmen's compensation or of an allowance under section 2 of this Act or under the Workmen's Compensation (Supplementation) Act 1951,

is totally incapable of work and likely to remain so incapable for a considerable period ;

(c) to the dependants of persons who, having been employed as aforesaid, die, or have at any time after 31st December 1949 died, as a result of the disease in question.

(2) The diseases to which this section applies are—

(a) pneumoconiosis ;

(b) byssinosis ;

(c) any disease in respect of which compensation was payable under the Workmen's Compensation Act 1925 by virtue of section 43 of that Act ;

but a scheme under this section shall not provide for the payment of benefit in respect of such a disease as is mentioned in paragraph (c) of this subsection unless the Minister is satisfied that the disease is of such a nature that there are likely to be cases where—

(i) a person suffers from it and it is due to the nature of his employment ; but

(ii) it does not manifest itself until more than twelve months after he has ceased to be engaged in the employment.

(3) Subject to the provisions of this Act, the right to benefit in pursuance of a scheme under this section shall be subject to such conditions as may be provided by the scheme, and the rate or amount of any such benefit shall be such as may be so provided.

1951 c. 4 (15
& 16 Geo. 6
& 1 Eliz. 2).

1951 c. 22.

1925 c. 84.

6.—(1) A scheme under section 5 of this Act shall not provide for the payment of benefit to or in respect of a person disabled or dying as a result of a disease to which that section applies—

Restrictions on scope of schemes under s. 5.

- (a) if he or any other person is or has been entitled to benefit in respect of the disablement or death under the Industrial Injuries Act ;
- (b) if he or any member of his family within the meaning of the Workmen's Compensation Act 1925 has received or is entitled to compensation in respect of the disablement or death under the Workmen's Compensation Acts or by virtue of a scheme made or certified thereunder or by virtue of any scheme or law in force in any country or territory outside Great Britain providing for compensation in respect of that disease ; 1925 c. 84.
- (c) if he would have received or would be entitled to such compensation by virtue of any scheme made or certified as aforesaid but for the fact that he was or is entitled to receive compensation in respect of disablement from any other disease or in respect of an injury by accident ;
- (d) if he or his personal representative or any of his relatives has recovered any sum by way of damages in respect of the disablement or death, whether at common law or under the Fatal Accidents Acts 1846 to 1959, or the Law Reform (Miscellaneous Provisions) Act 1934 ; 1934 c. 41.
- (e) if throughout the employment mentioned in subsection (1)(a) of the said section 5 he was employed otherwise than as a workman within the meaning of the Workmen's Compensation Act 1925.

(2) A scheme under the said section 5 shall not provide for the payment of benefit to or in respect of a person disabled or dying as a result of the disease of byssinosis unless he has been employed for a period or periods amounting in the aggregate to not less than ten years in an occupation prescribed in relation to that disease, and shall not provide for the payment of benefit to a person so disabled unless it is determined in accordance with the scheme that the disablement is likely to be permanent.

(3) The foregoing provisions of this section shall be without prejudice to any other restrictions which may be imposed by a scheme under the said section 5 in respect of the persons to or in respect of whom benefit is payable under the scheme ; and those other restrictions shall include restrictions relating to the nature or degree of disablement.

(4) For the avoidance of doubt, the benefits in relation to which restrictions are or may be imposed by virtue of this section shall not include an allowance by virtue of section 5(1)(b) of this Act.

Nature and amount of benefit under s. 5.

7.—(1) The benefit payable to any person in pursuance of a scheme under section 5 of this Act by virtue of subsection (1)(a) or (b) of that section shall be by way of a weekly allowance.

(2) Subject to the provisions of this Act and to any provisions of the scheme for the adjustment of benefit thereunder by reference to pensions, allowances or other benefits payable out of public funds, the weekly rate—

- (a) of an allowance by virtue of the said subsection (1)(a) in respect of total disablement shall be the corresponding disablement pension rate ;
- (b) of an allowance by virtue of the said subsection (1)(a) in respect of disablement which is not total shall be two pounds ten shillings ;
- (c) of an allowance by virtue of the said subsection (1)(b) shall be the corresponding disablement pension rate less the amount of any weekly payments by way of workmen's compensation payable to the recipient in consequence of any of the diseases or injuries in consequence of which the allowance is payable.

(3) The weekly rate of an allowance such as is mentioned in subsection (2)(a) or (b) of this section shall be increased, in such circumstances and subject to such conditions as may be prescribed by the scheme (in accordance, for the purposes of paragraph (b) of this subsection, with any regulations in force under section 7(2) of the National Insurance Act 1966)—

1966 c. 6.

- (a) in any case, by an amount equal to the unemployability supplement which would be payable under section 13 of the Industrial Injuries Act if the person entitled to the allowance were entitled to a disablement pension ;
- (b) where the said person requires constant attendance as the result of the disablement, by an amount equal to any increases which would be payable under section 15 of the Industrial Injuries Act or section 6 of the said Act of 1966 if he were entitled to a disablement pension in respect of an assessment of one hundred per cent. ;
- (c) where the said person has a family which includes a child or children within the meaning of section 17 of the Industrial Injuries Act, by an amount equal to any increase which would be payable under the said section 17 in respect of that child or those children if he were entitled to injury benefit ;
- (d) where the said person is treated under the provisions of the scheme as residing with or contributing at a weekly rate of not less than the amount hereinafter

mentioned towards the maintenance of his wife, by an amount equal to any increase which would be payable under section 18 of the Industrial Injuries Act in respect of her if he were entitled to injury benefit.

(4) The benefit payable in pursuance of such a scheme in respect of the death of any person shall be payable to or for the benefit of such persons as may be prescribed by the scheme (being members of the deceased's family within the meaning of the Workmen's Compensation Act 1925 who at the time of the death were or are treated for the purposes of the scheme as having been wholly or in part dependent on the deceased's earnings); and subject to the provisions of this Act such benefit shall be a capital sum or sums of an amount or aggregate amount not exceeding three hundred pounds. 1925 c. 84.

8.—(1) Subject to subsection (2) of this section, subsections (2) to (6) and (8) of section 4 of this Act shall have effect for the purposes of section 5 of this Act as if in the said subsections (2) to (6) and (8)— Ancillary provisions to s. 5.

- (a) any reference to a scheme were a reference to a scheme under the said section 5;
- (b) any reference to section 2 of this Act were a reference to the said section 5;
- (c) any reference to allowances (other than the reference in subsection (4)) included a reference to any other benefit under the said section 5.

(2) Nothing in this Act shall authorise the recovery of sums by deduction from benefit under the said section 5 in respect of the death of any person, or the abatement of such benefit.

(3) Without prejudice to the powers conferred by the said section 4 as applied by this section, a scheme under the said section 5 may in particular make provision—

- (a) for the determination by a medical board of questions of such classes as may be prescribed by the scheme;
- (b) for the determination by one of the Commissioners appointed under section 9 of the National Insurance Act 1966, or by a tribunal constituted under subsection (3) of that section, on a reference in accordance with the provisions of the scheme, of questions of any such classes as may be so prescribed. 1966 c. 6.

(4) Without prejudice to the provision made by subsections (1) and (3) of this section with respect to the determination of questions, a scheme under the said section 5 may, where it appears to the Minister expedient so as to avoid the introduction or working of the scheme being impeded, provide that, in any circumstances prescribed by the scheme, a person shown to be disabled by a disease shall be presumed for the purposes of the scheme to have been disabled by that disease for such

period previously, and the disablement to have been during that period or any part of it of such a nature and degree, as may be so prescribed.

1925 c. 84.

(5) A scheme under the said section 5 may direct that so much of section 26 of, and Schedule 2 to, the Workmen's Compensation Act 1925 as provides for the administration by the county court of workmen's compensation payable in the case of death, and so much of section 21(2) of that Act as provides for the amount of compensation payable to each dependant to be settled by the county court, shall apply, subject to such modifications as may be prescribed by the scheme, in relation to benefits payable under the scheme in respect of the death of any person; and for the purposes of any such scheme the provisions so applied and sections 22 and 27 of the said Act of 1925 shall have effect accordingly notwithstanding any repeal effected by the Industrial Injuries Act of 1946.

(6) In the application of subsection (5) of this section to Scotland, references therein to sections 21, 22, 26 and 27 of the Workmen's Compensation Act 1925 shall include references to section 49 of that Act in so far as it relates to those sections, and for references to the county court there shall be substituted references to the sheriff court.

Adjustment of benefit

Adjustment
of benefit in
certain cases.

9.—(1) A scheme under section 2 or section 5 of this Act may include provisions for adjusting the rate of, or extinguishing any right to, an allowance under the section in question or under the other of those sections in a case where the same person is, or would otherwise be, entitled separately in respect of two or more injuries or diseases to an allowance under the section in question or, as the case may be, to both such an allowance and an allowance under the other of those sections.

1965 c. 79.

(2) Where immediately before the commencement of this Act a person was receiving payments by virtue of section 3(2) of the Workmen's Compensation and Benefit (Amendment) Act 1965 of a greater amount or aggregate amount than, but for the provisions of this subsection, he would be entitled to receive after the commencement of this Act by way of allowances under section 2 or 5 of this Act, he shall continue to be entitled to that greater amount or aggregate amount for any period after the commencement of this Act for which he would have so continued if this Act had not been passed.

Miscellaneous and general

Exemptions
from stamp
duty.

10. Stamp duty shall not be chargeable—

- (a) upon such documents used in connection with business under sections 2 to 4 of this Act as may be specified in a scheme made under the said section 2;

- (b) upon such documents used in connection with business under sections 5 to 8 of this Act as may be specified in a scheme under the said section 5.

11.—(1) If any person, for the purpose of obtaining any allowance or payment under section 2 or any benefit or payment under section 5 of this Act, whether for himself or some other person—

- (a) knowingly makes a false statement or false representation ; or
(b) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular,

he shall be liable on summary conviction to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both.

(2) A scheme under section 2 or 5 of this Act may provide for the recovery on summary conviction of monetary penalties in respect of an offence under this Act, being a contravention of or failure to comply with a provision of such a scheme, so, however, that such penalties shall not exceed ten pounds for each offence or, where the offence consists in continuing any such contravention or failure after conviction thereof, ten pounds together with a further ten pounds for each day on which it is so continued.

(3) Nothing in this section shall be construed as preventing the Minister from recovering by means of civil proceedings any sums due to the Industrial Injuries Fund.

(4) Notwithstanding any provision in any Act prescribing the period within which summary proceedings may be commenced, proceedings for an offence under this Act may be commenced at any time within twelve months after the commission of the offence.

(5) In any proceedings for an offence under this Act, the wife or husband of the accused shall be competent to give evidence, whether for or against the accused :

Provided that the wife or husband shall not be compellable either to give evidence or, in giving evidence, to disclose any communication made to her or him by the accused during the marriage.

12.—(1) The Minister may, with the consent of the Treasury, make reciprocal arrangements for payments under section 2 or 5 of this Act to be made in Northern Ireland out of the same fund as payments under any corresponding legislation of Reciprocal arrangements with Northern Ireland.

2 F*

Northern Ireland, and for payments under any such corresponding legislation to be made out of the Industrial Injuries Fund, and for making any necessary financial adjustments between the two funds resulting from the arrangements.

(2) In relation to payments out of the Industrial Injuries Fund by virtue of any such arrangements, section 11(1) of this Act and, to such extent and subject to such modifications as may be provided by a scheme under section 2 or 5 of this Act, any provisions of such a scheme shall apply as if they were payments under the said section 2 or 5.

1920 c. 67.

(3) In connection with any such legislation of Northern Ireland, any limitation of the powers of the Parliament of Northern Ireland imposed by the Government of Ireland Act 1920 shall not apply in so far as it would preclude that Parliament from enacting a provision corresponding to any of the foregoing provisions of this section.

Application of
enactments.

13.—(1) Subject to section 8(2) of this Act, the enactments specified in subsection (2) of this section shall have effect—

- (a) as if any reference therein to, or falling to be construed as a reference to, the Industrial Injuries Act (other than a reference to a particular provision of that Act) or, in the case of the enactment specified in subsection (2)(a)(ii) of this section, to the Insurance Act included a reference to this Act;
- (b) as if any reference therein to benefit under the Industrial Injuries Act included a reference to an allowance under section 2 or any benefit under section 5 of this Act;

and any review of, or report on, the operation of the Industrial Injuries Act made by the Government Actuary or Deputy Government Actuary under section 60 of that Act shall extend also to the operation of this Act (other than section 1 thereof) during the period covered by the review or report.

(2) The enactments referred to in the foregoing subsection are—

(a) in the Insurance Act—

- (i) section 81(6) (which relates to the recovery of sums by deduction from benefit);
- (ii) section 91(2) to (5) (other than subsection (5)(b)) (which relate to the proof of age, marriage and death);
- (iii) section 96, as applied for the purposes of the Industrial Injuries Act by section 68(1) of that Act (which relates to civil proceedings to recover sums due to the Industrial Injuries Fund).

(b) in the Industrial Injuries Act—

(i) section 54(8) (which relates to the recovery of sums by deduction from benefit) ;

(ii) section 61 (which relates to the expenses of the Minister and other government departments) ;

(iii) section 85 (which contains provisions as to powers to make Orders in Council and regulations) ;

(c) in the Family Allowances Act 1965, section 8(3) (which 1965 c. 53. relates to the recovery of sums by deduction from benefit).

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

“corresponding disablement pension rate” means the weekly rate for the time being of a pension payable under section 12(5) of the Industrial Injuries Act in respect of an assessment of one hundred per cent. ;

“the Industrial Injuries Act” means the National Insurance 1965 c. 52. (Industrial Injuries) Act 1965, and in section 6(1)(a) of this Act includes the Industrial Injuries Act of 1946 ;

“the Industrial Injuries Act of 1946” means the National 1946 c. 62. Insurance (Industrial Injuries) Act 1946 ;

“the Insurance Act” means the National Insurance Act 1965 c. 51. 1965 ;

“the Minister” means the Minister of Social Security ;

“pneumoconiosis” means fibrosis of the lungs due to silica dust, asbestos dust or other dust, and includes the condition of the lungs known as dust-reticulation ; and, without prejudice to subsection (2) of this section, in the case of a person who suffers from pneumoconiosis accompanied by tuberculosis, the effects of the tuberculosis may be treated as if they were effects of the pneumoconiosis ;

“prescribed”, in relation to an occupation and a disease to which section 5 of this Act applies, means any occupation in the case of which, by virtue of regulations under section 58 of the Industrial Injuries Act, that disease is prescribed in relation to insured persons employed in insurable employment ;

“workmen’s compensation” means compensation under any of the Workmen’s Compensation Acts or under any contracting-out scheme duly certified under any of those Acts ;

1925 c. 84.
1906 c. 58.

“the Workmen’s Compensation Acts” means the Workmen’s Compensation Acts 1925 to 1945, or the enactments repealed by the Workmen’s Compensation Act 1925, or the enactments repealed by the Workmen’s Compensation Act 1906 ;

and unless the context otherwise requires other expressions defined in the Industrial Injuries Act have the same meanings as in that Act.

(2) In the case of a person the extent of whose disablement resulting from pneumoconiosis, or from pneumoconiosis accompanied by tuberculosis, would, if his physical condition were otherwise normal, be determined in accordance with a scheme under section 2 or section 5 of this Act to be of a gravity comparable to an assessment under the Industrial Injuries Act at not less than fifty per cent., and the pneumoconiosis is accompanied or, as the case may be, further accompanied by emphysema or chronic bronchitis, the effects of the emphysema or chronic bronchitis may be treated for the purposes of an allowance under the said section 2 or 5 as if they were effects of the pneumoconiosis.

(3) The reference in subsection (1) of this section to regulations under section 58 of the Industrial Injuries Act shall be construed, in relation to any scheme under section 5 of this Act, as a reference to the regulations in force at the commencement of the scheme or at such time thereafter as may be prescribed by the scheme.

(4) For the purposes of this Act—

- (a) a period shall be treated as considerable if it lasts or can be expected to last for not less than thirteen weeks ;
- (b) a person may be treated as being, as the result of an injury or disease or as the joint result of two or more injuries or diseases, totally incapable of work and likely to remain so incapable for a considerable period notwithstanding that the disability resulting from the injury or disease or, as the case may be, from the injuries or diseases taken together is not such as to prevent him from being capable of work, if it is likely to prevent his earnings (including any remuneration or profit derived from a gainful occupation) exceeding one hundred and four pounds a year.

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

15.—(1) The enactments specified in the Schedule to this Act are hereby repealed to the extent respectively specified in the third column of that Schedule. Repeals savings, etc.

(2) Any instrument in force immediately before the commencement of this Act and made under any enactment repealed and re-enacted by this Act, and any award or claim made or other thing whatsoever done under or by virtue of any such enactment, shall be deemed to have been made or done under or by virtue of the corresponding provision of this Act; and anything begun under any such enactment may be continued under this Act as if begun under this Act.

(3) So much of any enactment, instrument or other document whatsoever, whether passed or made before or after the commencement of this Act, as refers expressly or by implication to any enactment repealed and re-enacted by this Act or to the Act containing that enactment shall, if and so far as the context permits, be construed as referring to the corresponding provision of this Act or, as the case may be, to this Act.

(4) In section 85(2) of the Insurance Act, for paragraphs (d) to (g) there shall be substituted the following paragraph—

“(d) the Industrial Injuries and Diseases (Old Cases) Act 1967.”

(5) In section 7(2) of the National Insurance Act 1966— 1966 c. 6.

(a) in paragraph (b), for the reference to section 3(2)(b) of the Pneumoconiosis and Byssinosis Benefit Act 1951 there shall be substituted a reference to section 7(3)(b) of this Act; 1951 c. 4. (15 & 16 Geo. 6 & 1 Eliz. 2).

(b) in paragraph (iii), for the reference to the Industrial Diseases (Benefit) Acts 1951 and 1954 there shall be substituted a reference to section 5 of this Act;

and in section 16(1) of the Ministry of Social Security Act 1966 for paragraphs (d) and (e) there shall be substituted the following paragraph— 1966 c. 20.

“(d) allowances under section 2, or allowances or other benefit under section 5, of the Industrial Injuries and Diseases (Old Cases) Act 1967.”

(6) The House of Commons Disqualification Act 1957 shall have effect subject to the following amendment, being an amendment of that Act in its application to the House of Commons of the Parliament of the United Kingdom, that is to say, in Part III of Schedule 1, in the entry beginning “Chairman or Deputy Chairman of an Administrative Board” for the words from “made” onwards there shall be substituted the words “made, or having effect as if made, under section 2 or 5 of the Industrial Injuries and Diseases (Old Cases) Act 1967”.

(7) Notwithstanding the repeals effected by this Act in section 89 of the Industrial Injuries Act of 1946—

(a) the Minister shall continue to have power by regulations to make such transitional or consequential provisions as appear to him to be necessary or expedient having regard to the repeal by that section of any enactment in relation to diseases and to injuries not caused by accident, including provision for modifying or winding up any scheme made under any enactment repealed by that section ;

(b) Her Majesty shall continue to have power by Order in Council to make or authorise the making of such provision as appears to Her to be necessary or expedient, having regard to the provisions of the said section 89, for—

1925 c. 84.

(i) modifying or winding up any contracting-out scheme certified under section 31 of the Workmen's Compensation Act 1925 ;

1934 c. 23.

(ii) winding up any compensation trust established under the Workmen's Compensation (Coal Mines) Act 1934 ;

(c) provision in relation to deposits made under section 4 of the said Act of 1934 by mutual indemnity associations for any matters consequential on the passing of the said section 89 may, notwithstanding the repeal of that Act by the said section 89, continue to be made by rules made under the said section 4.

(8) For the avoidance of doubt, the provision which may be made by virtue of subsection (7)(a) of this section for modifying such a scheme as is therein mentioned shall include provision for the union of any fund established under any such scheme with any other fund established for comparable purposes.

1951 c. 22.

1951 c. 4 (15 &
16 Geo. 6
& 1 Eliz. 2).

1956 c. 51.

1965 c. 79.

(9) A claim in respect of a period before 1st March 1966 for an allowance under a scheme made under the Workmen's Compensation (Supplementation) Act 1951 or the Pneumoconiosis and Byssinosis Benefit Act 1951 or for an allowance under the Workmen's Compensation and Benefit (Supplementation) Act 1956 may be made, and, when made, shall be determined, and any award thereon in respect of such a period shall be made, as if the Workmen's Compensation and Benefit (Amendment) Act 1965 and this Act had not been passed ; and if on any such claim an allowance is awarded, section 9(2) of this Act shall apply as if the claimant had been receiving payment of that allowance immediately before the commencement of this Act, whether or not he was in fact doing so.

(10) A scheme under section 2 or section 5 of this Act may include provision for the payment or award in respect of any period beginning on or after the passing of the National Insurance (Industrial Injuries) (Amendment) Act 1967 of an allowance under the section in question at a rate increased by virtue of that Act without any further award or, as the case may be, any further claim, in a case where sufficient evidence of the satisfaction of the conditions for that increased rate has already been supplied ; and where a statutory instrument containing such a scheme is made before the expiration of the period of six months beginning with the date of the passing of that Act and contains a statement that the scheme is made in consequence of that Act, then section 4(8)(a) of this Act shall not apply to the scheme but the scheme shall instead be subject to annulment in pursuance of a resolution of either House of Parliament. 1967 c. 25.

(11) Nothing in subsections (2) to (6) of this section shall be taken as affecting the general application of section 38 of the Interpretation Act 1889 with regard to the effect of repeals. 1889 c. 63.

16.—(1) This Act may be cited as the Industrial Injuries and Diseases (Old Cases) Act 1967. Short title, extent and commencement.

(2) This Act (except sections 12(3) and 15 thereof) shall not extend to Northern Ireland.

(3) This Act shall come into force on such day as the Minister may by order made by statutory instrument appoint.

SCHEDULE
ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 62.	The National Insurance (Industrial Injuries) Act 1946.	Section 89, except subsection (1)(c). Schedule 9.
14 & 15 Geo. 6. c. 22.	The Workmen's Compensation (Supplementation) Act 1951.	The whole Act.
15 & 16 Geo. 6. c. 4.	The Pneumoconiosis and Byssinosis Benefit Act 1951.	The whole Act.
2 & 3 Eliz. 2. c. 16.	The Industrial Diseases (Benefit) Act 1954.	The whole Act.
5 & 6 Eliz. 2. c. 26.	The National Insurance Act 1957.	Paragraph 3 of the Schedule.
6 & 7 Eliz. 2. c. 1.	The National Insurance (No. 2) Act 1957.	Section 4(2).
10 & 11 Eliz. 2. c. 6.	The Family Allowances and National Insurance Act 1961.	Sections 3(4) and 14(5).
1964 c. 96 ...	The National Insurance &c. Act 1964.	Section 3(3).
1965 c. 52 ...	The National Insurance (Industrial Injuries) Act 1965.	In section 61(1), the words "or section 89 of the Act of 1946".
1965 c. 79 ...	The Workmen's Compensation and Benefit (Amendment) Act 1965.	The whole Act.
1966 c. 6 ...	The National Insurance Act 1966.	Section 6(4)(d).
1967 c. 25. ...	The National Insurance (Industrial Injuries) (Amendment) Act 1967.	In section 1(1), the words "the following enactments, namely", paragraphs (b) and (c), and the word "each". Section 1(2) from "or, as" onwards. Section 1(3). In section 1(4), the words "or a scheme under the Supplementation Act or the Benefit Act", the words "or, as the case may be, that the scheme is" and the words from "or, as the case may be, section" onwards. Section 2 from "or under" onwards. Section 3(3)(b). In section 3(4) the words from "section 5(3)" to "Benefit Act".



Fishing Vessel Grants Act 1967

1967 CHAPTER 35

An Act to repeal the statutory limits on the amount that may be paid by way of any grant in pursuance of a scheme under section 1 or 6 of the White Fish and Herring Industries Act 1953 in respect of expenditure consisting of payments made on or after 1st January 1967.
[28th June 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 subsection (2) of this section, the enactments mentioned in the Schedule to this Act (which impose statutory limits on the amount that may be paid by way of any grant in pursuance of a scheme under section 1 or 6 of the White Fish and Herring Industries Act 1953) are hereby repealed to the extent mentioned in the third column of that Schedule.

Repeal of statutory limits on grants for fishing vessels and equipment.
1953 c. 17.

(2) The foregoing subsection shall not affect the operation of the said enactments in relation to any grant in respect of expenditure consisting of payments made before 1st January 1967, but, save as aforesaid, that subsection shall have effect in relation to any grant under a scheme made (whether before or after the commencement of this Act) under the said section 1 or 6; and any such scheme made before the commencement of this Act may be varied accordingly and, in particular, so as to provide for increasing the amount of a grant already paid under the scheme beyond the limit previously applicable to that grant.

2.—(1) This Act may be cited as the Fishing Vessel Grants Act 1967.

Short title and extent.

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

Section 1.

SCHEDULE**REPEALS**

Chapter	Short Title	Extent of Repeal
5 & 6 Eliz. 2. c. 22.	The White Fish and Herring Industries Act 1957.	Section 1(3).
1962 c. 31.	The Sea Fish Industry Act 1962.	Section 3(8). In Schedule 2, paragraph 21(2).
1966 c. 34.	The Industrial Development Act 1966.	In section 28, in subsection (1), the words from "and subsection (8)" onwards, and subsection (2).



Remuneration of Teachers (Scotland) Act 1967

1967 CHAPTER 36

An Act to make new provision for determining the remuneration of teachers in Scotland; and for purposes connected therewith. [28th June 1967]

B 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 Secretary of State shall secure that, for the purpose of considering the remuneration payable to teachers by education authorities, there shall be one or more committees consisting of— Committees to consider remuneration of teachers.

- (a) a chairman appointed by the Secretary of State as being an independent person;
- (b) persons nominated from time to time by such bodies as may be determined by the Secretary of State, being bodies appearing to him to represent education authorities;
- (c) persons nominated from time to time by such bodies as may be determined by the Secretary of State, being bodies appearing to him to represent teachers;
- (d) one or more persons nominated from time to time by the Secretary of State to represent him.

(2) The Secretary of State shall determine the number of persons to be nominated by the bodies mentioned in paragraphs (b) and (c) of the foregoing subsection.

(3) Subject to the following provisions of this section, the Secretary of State may from time to time vary or revoke any determination made by him under this section.

(4) A determination of the Secretary of State whereby a body which is for the time being represented on a committee constituted under this section will cease to be so represented (except in a case where that body will have ceased to exist before the time when the determination is to take effect) shall not have effect unless it is embodied in an order made by the Secretary of State.

(5) Any order made under the last foregoing subsection may be revoked by a subsequent order made by the Secretary of State.

(6) Any power to make orders under this section shall be exercisable by statutory instrument; and any order under subsection (4) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) The Secretary of State, either at the time when a committee is constituted under this section or at any subsequent time, may give directions specifying the descriptions of teachers whose remuneration any such committee are to consider and the descriptions of such remuneration.

Review of
remuneration
by committees.

2.—(1) It shall be the duty of each committee, whenever they think fit or are required by the Secretary of State to do so, to consider the relevant remuneration of teachers.

(2) Where, in consequence of such consideration a committee agree on any recommendations with respect to the relevant remuneration of teachers, they shall transmit those recommendations to the Secretary of State.

(3) Subject to the following provisions of this section, on the receipt of any recommendations of a committee under the last foregoing subsection the Secretary of State shall prepare a draft memorandum setting out the scales and other provisions required for determining the relevant remuneration of teachers, in the form in which, in his opinion, those scales and provisions should be so as to give effect to the recommendations of the committee.

(4) Where the Secretary of State has prepared a draft memorandum under the last foregoing subsection, he shall consult the committee in question with respect to the draft and shall make such modifications of the draft as are requisite for giving effect to any representations made by the committee with respect thereto; and he shall then—

(a) arrange for a memorandum setting out the requisite scales and other provisions in the form of the draft, or in that form as modified under this subsection, as the case may be, to be published by Her Majesty's Stationery Office, and

(b) make an order referring to that memorandum and directing that the relevant remuneration of teachers shall be determined in accordance with the scales and other provisions set out in the memorandum.

(5) If at the time when any recommendations of a committee are transmitted to the Secretary of State under subsection (2) of this section—

- (a) an order made under the last foregoing subsection is in force with respect to the relevant remuneration of teachers, and
- (b) it appears to the Secretary of State that effect could more conveniently be given to those recommendations by amending the scales and other provisions set out in the memorandum referred to in that order,

the Secretary of State, instead of preparing a new draft memorandum under subsection (3) of this section, may prepare a draft order setting out the amendments of those scales and other provisions which, in his opinion, are requisite for giving effect to the recommendations.

(6) Where the Secretary of State has prepared a draft order under the last foregoing subsection, he shall consult the committee in question with respect to the draft and shall make such modifications of the draft as are requisite for giving effect to any representations made by the committee with respect thereto; and the Secretary of State shall then make the order in the form of the draft, or in that form as modified under this subsection, as the case may be.

3.—(1) The Secretary of State shall make arrangements whereby, in such circumstances and subject to such exceptions as may be provided by the arrangements, matters in respect of which agreement has not been reached in a committee after they have been considered by the committee in accordance with the foregoing provisions of this Act may be referred to arbitration in such manner as may be so provided. Provision for arbitration.

(2) Before making any arrangements under the foregoing subsection in relation to a committee, the Secretary of State shall consult the bodies which are to be, or are, represented on the committee in accordance with any determination made by him in pursuance of subsection (1)(b) or (c) of section 1 of this Act which is for the time being in force.

(3) Any such arrangements may include provision for the appointment of arbiters by the Minister of Labour for the purposes of any reference under this section; and, where arbiters are so appointed, that Minister may pay to the arbiters such remuneration (whether by way of fees or otherwise) and such allowances as he may with the consent of the Treasury determine, and may provide accommodation or other facilities required for the purposes of any such reference.

(4) The Secretary of State may vary or revoke any arrangements made by him under subsection (1) of this section by new arrangements which shall be subject to subsection (2) of this section.

Action on recommendations of arbiters.

4.—(1) Any recommendations of the arbiters, on a reference under section 3 of this Act with respect to any matters considered by a committee, shall be transmitted to the Secretary of State; and, except where those recommendations do not propose any change in the relevant remuneration of teachers as it then exists and subject to the next following subsection, subsections (3) to (6) of section 2 of this Act shall have effect in relation to the recommendations of the arbiters as if they were recommendations of that committee.

(2) If, in any case where any recommendations of arbiters have been transmitted to the Secretary of State under the foregoing subsection, each House of Parliament resolves that national economic circumstances require that effect should not be given to the recommendations, the provisions of section 2 of this Act referred to in the foregoing subsection shall not have effect as mentioned in that subsection.

(3) Where such a resolution has been passed by each House of Parliament, the Secretary of State, after consultation with the committee in question, shall determine what changes (if any) in the relevant remuneration of teachers as it then exists are appropriate in the circumstances, and, unless he determines that no such changes are appropriate, shall (subject to the next following subsection) proceed in accordance with subsections (3) and (4) of section 2 of this Act, or (where applicable) in accordance with subsections (5) and (6) of that section, as if the changes determined by him had been recommended by that committee under subsection (2) of that section.

(4) Subsections (4) and (6) of section 2 of this Act, as applied by the last foregoing subsection, shall each have effect with the substitution, for the words from “shall make” to “giving effect to”, of the words “may, if he thinks fit, modify the draft in consequence of”.

Effect of orders as to remuneration.

5.—(1) Where any order made under subsection (4) of section 2 of this Act is for the time being in force, then, subject to the next following subsection, remuneration to which the order applies shall be determined, and shall be paid to teachers by education authorities, in accordance with the scales and other provisions set out in the memorandum referred to in that order.

(2) Where at any time while an order under subsection (4) of section 2 of this Act (in this subsection referred to as “the principal order”) is in force, an order under subsection (6) of that section relating to remuneration to which the principal order

applies (in this subsection referred to as “ the amending order ”) comes into force, then, at any time while the amending order is in force, remuneration to which the principal order applies shall be determined, and shall be paid to teachers by education authorities, in accordance with the scales and other provisions set out in the memorandum referred to in the principal order as amended by the amending order.

(3) In this section any reference to subsection (4) or subsection (6) of section 2 of this Act includes a reference to that subsection as applied by section 4 of this Act.

6. Where the scales and other provisions set out in a memorandum to which an order made under section 2, or that section as applied by section 4, of this Act refers do not apply to a teacher appointed by an education authority, the education authority may pay to that teacher such remuneration as they think fit. Remuneration of teachers where scales do not apply.

7. There shall be paid out of moneys provided by Parliament— Financial provisions.

- (a) any increase attributable to this Act in the sums payable out of moneys so provided under any enactment relating to local government in Scotland;
- (b) any increase attributable to this Act in the sums payable out of moneys so provided under any other enactment in respect of administrative expenses incurred by the Secretary of State;
- (c) any expenses of the Minister of Labour in pursuance of section 3 of this Act.

8.—(1) Any power to make an order under section 2 of this Act shall be exercisable by statutory instrument. Supplementary provisions as to orders relating to remuneration and repeals.

(2) Any order made under that section may be revoked by a subsequent order thereunder.

(3) Any order under that section may be made with retrospective effect to any date specified in the order, and the remuneration of teachers to whom the order applies shall be deemed to have been payable accordingly:

Provided that nothing in this subsection shall be construed as authorising the remuneration of any teacher to be reduced retrospectively.

(4) Section 83 of the Education (Scotland) Act 1962 and 1962 c. 47. section 2 of the Education (Scotland) Act 1963 (regulations 1963 c. 21. as to teachers’ salaries) shall cease to have effect on the coming into operation of an order made under section 2 of this Act, and any regulations made under the said section 83 may be revoked by such an order.

(5) In this section any reference to an order made under section 2 of this Act includes a reference to an order made under that section as applied by section 4 of this Act.

Interpretation. **9.—(1)** In sections 2 to 4 of this Act “committee” means a committee constituted under section 1 of this Act, and “the relevant remuneration of teachers”, in relation to such a committee, means the remuneration which, in accordance with any directions under section 1(7) of this Act which are for the time being in force, that committee are required to consider.

(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.

Short title,
construction,
citation
and extent.

10.—(1) This Act may be cited as the Remuneration of Teachers (Scotland) Act 1967.

(2) The Education (Scotland) Acts 1939 to 1965 and this Act shall be construed as one, and those Acts and this Act may be cited together as the Education (Scotland) Acts 1939 to 1967.

(3) This Act shall extend to Scotland only.



Deer (Amendment) Scotland Act 1967

1967 CHAPTER 37

An Act to amend sections 15 and 33 of the Deer (Scotland) Act 1959. [28th June 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 15(1) of the Deer (Scotland) Act 1959 (entry on land) at the end there shall be inserted the following paragraph— Amendment of section 15 of the Act of 1959 c. 40.

“(d) for the purpose of taking a census of red deer in any area in pursuance of the general functions of the Commission under section 1(1) of this Act.”

2.—(1) In subsection (1) of section 33 of the said Act (exemptions for certain acts) for the words from “prevention” to the end of the subsection there shall be substituted the words “purpose of preventing suffering by an injured or diseased deer, or by any deer calf deprived of its mother” Amendment of section 33 of the Act of 1959.

(2) Subsections (2) and (3) of the said section 33 shall be repealed and replaced by the following subsections:—

“(2) Where a person performs an act under the authority of or at the request of the Commission in pursuance of section 6 of this Act or in pursuance of a control scheme he shall not by reason of that act be liable to be proceeded against for an offence against this Act, except that—

(a) where the person is an officer or servant of the Commission performing an act as aforesaid in pursuance of the said section 6, and the act constitutes an offence against section 23(2) of this Act, or

(b) where the person is any such officer or servant performing an act as aforesaid in pursuance of a control scheme, and the act constitutes an offence against either subsection (1) or (2) of the said section 23, or

(c) in the case of any other person performing an act for either of the purposes mentioned in the two last foregoing paragraphs, if the act constitutes an offence against either of the said subsections,

he shall be so liable.

(3) Notwithstanding the provisions of section 21 of this Act, or of any order made thereunder, it shall not be an offence—

(a) for an occupier of agricultural land or of enclosed woodlands, or for any person authorised by him in writing in that behalf, to take or kill during a close season any deer found on any arable land, garden grounds or land laid down in permanent grass (other than moorland and unenclosed land) forming part of that land, or on such woodlands, as the case may be, and

(b) for a person authorised by the Secretary of State in writing in that behalf to take or kill deer during a close season for some scientific purpose.”

Short title.

3. This Act may be cited as the *Deer (Amendment) (Scotland) Act 1967*.



Refreshment Houses Act 1967

1967 CHAPTER 38

An Act to amend the Refreshment Houses Acts 1860 and 1964; and for purposes connected therewith.

[28th June 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) A licensing authority if satisfied that it is desirable so to do, in order to avoid unreasonable disturbance to residents of the neighbourhood, may on the grant or renewal of a licence for a refreshment house impose a condition prohibiting the opening or keeping open of the refreshment house for public refreshment, resort or entertainment at any time between such time (not being earlier than eleven of the clock at night) as may be specified in the condition and five of the clock in the morning.

Power to impose conditions on grant or renewal of licence for refreshment house.

(2) In the event of any contravention of a condition imposed by the licensing authority under this section, the keeper of the refreshment house shall be guilty of an offence and liable on summary conviction to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding three months or to both.

2.—(1) Any person aggrieved by a condition imposed under the provisions of this Act on the grant or renewal of a licence for a refreshment house may appeal to a magistrates' court; and the court may on such appeal give such directions with respect to the condition subject to which the licence is to be granted or renewed (including a direction that no condition is to be imposed) as it thinks proper.

Appeal.

(2) Any party to an appeal under subsection (1) of this section may appeal from the decision of the magistrates' court to a court of quarter sessions.

Amendment
of section 3
of Refreshment
Houses Act
1964.
1964 c. 88.
1860 c. 27.

3. In section 3(2) of the Refreshment Houses Act 1964 (which provides that on a person's conviction in relation to any premises of certain offences the court may make a disqualification order) after the words "the Refreshment Houses Act 1860" there shall be inserted the words "or under section 1 of the Refreshment Houses Act 1967".

Administration
of refreshment
house licence
and duties
thereon.
1949 c. 47.

4.—(1) Licences under the Refreshment Houses Act 1860 and the duties thereon shall cease to be excise licences and excise duties respectively.

(2) Section 15(2) of the Finance Act 1949 (application of excise code to management by local authorities of duties transferred to them under that section) and section 15(7) of that Act (orders giving effect to the transfer of the duties) shall cease to have effect in relation to licences under the said Act of 1860 and the duties on those licences.

(3) In section 16 of the said Act of 1860 (list or register of licence holders to be kept in each area) for the words from "at the office" onwards there shall be substituted the words "by the licensing authority, and the authority shall whenever required, give to the clerk to the justices for their area or any part of it a copy or extract from the list or register".

Short title,
interpretation,
extent and
commence-
ment.

5.—(1) This Act may be cited as the Refreshment Houses Act 1967, and the Refreshment Houses Acts 1860 and 1964 and this Act may be cited together as the Refreshment Houses Acts 1860 to 1967.

(2) In this Act "refreshment house" has the same meaning as in the Refreshment Houses Act 1860, "licence" means a licence under that Act, and "licensing authority" shall be construed accordingly.

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

(4) This Act shall come into operation at the expiration of the period of one month beginning with the day on which it is passed.



National Health Service (Family Planning) Act 1967

1967 CHAPTER 39

An Act to secure the provision, as part of the National Health Service, by local health authorities of services in connection with family planning. [28th June 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) A local health authority in England or Wales may, with the approval of the Minister of Health, and to such extent as he may direct shall, make arrangements for the giving of advice on contraception, the medical examination of persons seeking advice on contraception for the purpose of determining what advice to give and the supply of contraceptive substances and contraceptive appliances.

Provision by local health authority of services in connection with contraception.

(2) A local health authority may, with the approval of the Minister of Health, recover from persons to whom advice is given under this section or substances or appliances supplied thereunder or from such persons of any class or description such charges (if any) as the authority consider reasonable, having regard to the means of those persons.

2.—(1) The National Health Service Act 1946 shall have effect as if the foregoing section were included amongst the provisions thereof and the services provided under that section were provided under Part III of that Act, and the reference in section 20(1) of that Act (which requires local health authorities to submit to the Minister of Health proposals for carrying out their duties under sections 21 to 28 of that Act) to those sections shall be construed as including a reference to the foregoing section.

Provisions supplementary to section 1. 1946 c. 81.

1958 c. 55. (2) The reference in section 46(1)(a) of the Local Government Act 1958 (schemes for exercise by county district councils of health and welfare functions of county councils) to Part III of the National Health Service Act 1946 shall be construed as including a reference to the foregoing section, and any reference in a scheme in force under the said section 46 at the passing of this Act to a county council's functions under sections 21 to 26 of the said Act of 1946 shall be construed as including a reference to their functions under the foregoing section.

Expenses.
and receipts. 3.—(1) There shall be defrayed out of moneys provided by Parliament—

1958 c. 55. (a) any increase attributable to the provisions of this Act in the sums which, under section 52 of the National Health Service Act 1946 or section 61 of the Local Government Act 1958, are defrayed out of moneys so provided;

(b) any increase in the sums payable out of moneys so provided in respect of rate support grants to local authorities in England and Wales which may arise from the inclusion, in the expenditure relevant to the fixing of the aggregate amount of those grants, of expenditure under this Act.

(2) All sums received, by virtue of this Act, by the Minister of Health shall be paid into the Exchequer.

Short title. 4. This Act may be cited as the National Health Service (Family Planning) Act 1967.



Shipbuilding Industry Act 1967

1967 CHAPTER 40

An Act to provide for the establishment of a public board with the function of promoting the ability of the shipbuilding industry in the United Kingdom to compete in world markets; to enable the board to give financial assistance to persons carrying on shipbuilding undertakings and marine engine manufacturing undertakings; to enable the Minister of Technology to give guarantees in connection with the construction of ships in shipyards situated in the United Kingdom and the equipment of ships constructed in such shipyards; and for connected purposes. [28th June 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:—

The Shipbuilding Industry Board

1.—(1) For the purpose of promoting the ability of the shipbuilding industry in the United Kingdom to compete in world markets there shall be a body to be called the Shipbuilding Industry Board (in this Act referred to as “the Board”) having the functions conferred on it by this Act. Establishment of Shipbuilding Industry Board.

(2) The Board shall consist of a chairman and not less than two nor more than four other members appointed by the Minister of Technology (in this Act referred to as “the Minister”).

(3) The powers conferred on the Board by the subsequent provisions of this Act shall be exercisable for the purpose mentioned in subsection (1) of this section, and the Board shall, in addition, have power to carry on for that purpose any activity which it considers can be advantageously carried on by it.

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(4) The Minister may, after consultation with the Board, give to the Board directions of a general character as to the exercise of its functions, and the Board shall comply with any such directions.

(5) The Schedule to this Act shall have effect in relation to the Board and to its members and staff.

Financial assistance by Board

Grants for advice on grouping schemes.

2.—(1) Subject to the provisions of this section, the Board may make to any person carrying on a shipbuilding undertaking or a main engine manufacturing undertaking a grant by way of reimbursement in whole or in part of any fees payable by that person to a consultant for the preparation of a report in connection with any proposed grouping scheme affecting that undertaking.

(2) This section applies to any report obtained whether before or after the commencement of this Act in pursuance of instructions given after 24th March 1966.

(3) Grants made under this section shall not together exceed £150,000 and no such grant shall be made after 31st March 1968.

Grants to assist reorganisation of resources.

3.—(1) If it appears to the Board that a person carrying on—

(a) a shipbuilding undertaking in relation to which a grouping scheme has taken effect at any time after 24th March 1966 ; or

(b) a main engine manufacturing undertaking,

is putting, or has put, into effect a reorganisation of the resources used by him for the purpose of carrying on that undertaking and that the reorganisation is likely to lead, or has led, to increased efficiency in the use of those resources for that purpose, the Board may, subject to the provisions of this section, make grants to that person—

(i) in respect of any expenses incurred by him during the period between the commencement of this Act and the end of 1970 in connection with the reorganisation ; and

(ii) in respect of his inability to use those resources to the best advantage at any time during that period when the reorganisation is or was in progress.

(2) Any grant under this section shall require the approval of the Minister.

(3) Grants made under this section shall not together exceed £5 million.

Loans.

4.—(1) Subject to the provisions of this section, the Board may make a loan to any person to enable him to acquire shares

in a company carrying on a shipbuilding undertaking or a main engine manufacturing undertaking if the shares are to be acquired in connection with a grouping scheme.

(2) Subject to the provisions of this section, the Board may make to any person carrying on a shipbuilding undertaking—

(a) if a grouping scheme has taken effect in relation to that undertaking at any time after 24th March 1966, a loan for the purposes of that undertaking generally or for such purposes of that undertaking as the Board thinks fit ;

(b) whether or not such a scheme has taken effect in relation to that undertaking, a loan for—

(i) the provision or improvement of buildings, structures, works, plant or equipment used or to be used by him for the purpose of carrying on that undertaking ;

(ii) the re-training of workers for employment by him for that purpose.

(3) Subject to the provisions of this section, the Board may make to any person carrying on a main engine manufacturing undertaking a loan for the purposes of that undertaking generally or for such purposes of that undertaking as the Board thinks fit—

(a) if a grouping scheme has taken effect in relation to that undertaking at any time after 24th March 1966 ; or

(b) if it appears to the Board that the person carrying on that undertaking—

(i) is putting into effect a reorganisation of the resources used by him for the purpose of carrying on that undertaking ; or

(ii) has since the date of the commencement of this Act put into effect such a reorganisation as aforesaid (including a reorganisation begun but not completed before that date),

and that the reorganisation is likely to lead, or has led, to increased efficiency in the use of those resources for that purpose.

(4) Any number of loans may be made under this section to the same person.

(5) Any loan under this section shall require the approval of the Minister.

(6) Any loan under this section shall be made on such terms and conditions as to repayment and interest as may, with the approval of the Minister and the Treasury, be agreed upon between the Board and the borrower, and shall be made on such other terms and conditions as may with the approval of the Minister be so agreed upon.

(7) Loans made under this section shall not together exceed £32½ million.

Relief for interest on loans.

5.—(1) The Board may with the approval of the Minister give relief in respect of the whole or any part of the interest payable by any person on a loan made under section 4 of this Act, being interest in respect of any period before the end of 1970.

(2) The Board shall give effect to any decision to give relief of any amount under this section to any person by making a grant to him of that amount.

Assistance by acquisition of shares.

6.—(1) Where a person to whom a loan may be made by the Board for any purpose under section 4 of this Act is a company incorporated under the law of any part of the United Kingdom—

- (a) the terms on which any such loan is made may provide for the indebtedness to the Board to be discharged by the issue of shares in the company; and
- (b) the Board may, instead of or as well as making a loan under that section, provide the company with funds for that purpose by subscribing for shares in the company.

(2) Any exercise by the Board of its powers under subsection (1)(b) of this section shall require the approval of the Minister, and any sum applied by the Board in the exercise of those powers shall be taken into account for the purposes of subsection (7) of section 4 of this Act as if it were a loan made under that section.

(3) The Board shall not dispose of any shares acquired by it by virtue of this section except with the approval of the Minister.

Guarantees by Minister

Guarantees in connection with shipbuilding.

7.—(1) Subject to the provisions of this section, the Minister may, with the consent of the Treasury, guarantee the payment by any person who is an individual resident in, or a company incorporated under the law of any part of, the United Kingdom, any of the Channel Islands or the Isle of Man of any sum payable by that person in respect of principal or interest under arrangements (whether by way of loan or otherwise) entered into by that person for the purpose of financing—

- (a) the construction to the order of that person in a shipyard situated in the United Kingdom of a ship of not less than one hundred tons gross tonnage; and
- (b) the equipment of that ship.

(2) The foregoing subsection applies to any order placed after 15th February 1967.

(3) No guarantee shall be given under this section except on the recommendation of the Board, and the Board shall not make such a recommendation unless it appears to the Board—

(a) that the person carrying on the shipbuilding undertaking comprising the shipyard in question—

(i) has since the date of the commencement of this Act put into effect a reorganisation of the resources used by him for the purpose of carrying on that undertaking (including a reorganisation begun but not completed before that date); or

(ii) is making satisfactory progress in the preparation of plans for, or in putting into effect, such a reorganisation as aforesaid,

being a reorganisation which has led, or is likely to lead, to increased efficiency in the use of those resources for that purpose; and

(b) that the carrying out of the order in question in that shipyard is consistent with, or will contribute to, that increased efficiency and will secure that use is made of resources which are then or will shortly be available and are otherwise unlikely to be used.

(4) Any guarantee under this section shall be given on such terms and conditions as to the consideration for the giving of the guarantee and otherwise as may, with the approval of the Treasury, be specified in the agreement or agreements relating to the giving of the guarantee.

(5) The aggregate amount of the liability at any time of the Minister in respect of guarantees under this section (exclusive of any liability in respect of interest on any principal moneys the payment of which is the subject of any such guarantee) shall not exceed £200 million.

(6) In this section any reference to the construction of a ship includes a reference to the completion of a partially constructed ship, and any reference to the equipment of a ship is a reference to the installation on or in it, or the provision for it, of fixed or moveable equipment, apparatus or furnishings of any kind.

Miscellaneous and supplementary

8.—(1) The Board shall within a period of four months after the end of each financial year and as soon as possible within that period make a general report to the Minister on the exercise by the Board of its functions during that year. Reports and accounts.

(2) The report for any financial year shall—

(a) set out any directions given to the Board under section 1(4) of this Act during that year; and

(b) include a statement of—

(i) any grants or loans made by the Board during that year, specifying in each case the grantee or borrower and the amount of the grant or loan ;

(ii) any subscription for shares by the Board during that year, specifying in each case the company concerned, the number and description of the shares and the amount subscribed ; and

(iii) any case in which the Minister has during that year withheld his approval under section 3(2), 4(5), or 6(2) of this Act, specifying the proposed grantee or borrower or the company concerned and the proposed amount of the grant or loan or, as the case may be, the number and description of the shares and the amount proposed to be subscribed.

(3) The Minister shall lay a copy of each report made to him under the foregoing provisions of this section before each House of Parliament together with such comments as he may think fit to make.

(4) The Board shall keep proper accounts and other records, and shall prepare for each financial year a statement of accounts in such form as the Minister with the approval of the Treasury may direct and submit that statement to the Minister at such time as he may direct.

(5) The Minister shall not later than the end of November in any year send the statement of accounts of the Board for the financial year last ended to the Comptroller and Auditor General who shall examine, certify and report on the statement of accounts and lay copies of it together with his report before each House of Parliament.

**Dissolution
of Board.**

9.—(1) Subject to any order under subsection (2) of this section, the Board shall cease to exist at the end of 1970.

(2) The Minister may at any time before the end of 1970 by order direct that the Board shall not be dissolved until such later date, not being a date after the end of 1971, as may be specified in the order.

(3) On the dissolution of the Board its property, and any rights or liabilities to which it is entitled or subject in consequence of the exercise of its functions, shall vest in the Minister.

(4) The Minister may by order make such provision as appears to him to be necessary or expedient in consequence of, or in connection with, the dissolution of the Board, including provision for modifying the operation of section 8 of this Act in the financial year in which the Board is dissolved.

(5) The power to make orders under this section shall be exercisable by statutory instrument, and any order under subsection (2) thereof shall be subject to annulment in pursuance of a resolution of either House of Parliament.

10.—(1) The Minister may pay to the Board such sums as it may require for making loans under this Act, and the Treasury shall issue to him out of the Consolidated Fund such sums as are necessary to enable him to make payments to the Board under this subsection. Financial provisions.

(2) There shall be paid out of moneys provided by Parliament—

- (a) such sums as the Minister may with the consent of the Treasury pay to the Board in respect of its expenses so far as they do not consist of loans made by the Board ;
- (b) any sum required by the Minister for fulfilling a guarantee given under section 7 of this Act ;
- (c) any expenses incurred by the Minister by virtue of section 9(3) of this Act ;
- (d) any administrative expenses incurred for the purposes of this Act by the Minister.

(3) For the purpose of providing sums to be issued out of the Consolidated Fund under subsection (1) of this section, or providing for the replacement of sums so issued, the Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act 1939, and any securities created and issued to raise money under this subsection shall be deemed for all purposes to be created and issued under that Act. 1939 c. 117.

(4) The Board shall pay to the Minister any sum received by it—

- (a) by way of repayment of, or interest on, any loan made by the Board under this Act ;
- (b) by way of dividend on, or otherwise in respect of, any shares acquired by the Board under this Act.

(5) Any sums received by the Minister under the last foregoing subsection, and any sums received by or vested in him under or by virtue of any other section of this Act, shall be paid by him into the Exchequer.

(6) Any sums paid by the Minister into the Exchequer which represent repayments of, or interest on, a loan made by the Board shall be issued out of the Consolidated Fund at such times as the Treasury may direct, and shall be applied by the Treasury as follows, that is to say—

- (a) so much thereof as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury think fit, and

(b) so much thereof as represents interest shall be applied towards meeting such part of the annual charges for the National Debt as represents interest.

(7) Where under an agreement made by virtue of section 6(1)(a) of this Act indebtedness in respect of any amount is discharged by the issue of shares, the Minister shall out of moneys provided by Parliament pay into the Exchequer a sum equal to that amount, and subsection (6) of this section shall apply to any such sum as it applies to a sum which represents repayment of the principal of a loan made by the Board.

(8) The Minister shall, as respects each financial year, prepare in such form and manner as the Treasury may direct—

(a) an account of the sums issued to him under subsection (1) of this section and of any sums required to be paid by him into the Exchequer under subsections (5) and (7) thereof, and of the disposal by him of those sums respectively ;

(b) a statement of any guarantees given by him under section 7 of this Act ;

and the Minister shall, not later than the end of November following the year, send the account and statement to the Comptroller and Auditor General who shall examine, certify and report on the account and lay copies of it together with his report and copies of the statement before each House of Parliament.

The
Shipbuilding
and Ship
Repairing
Council.

11.—(1) There shall be a body to be known as the Shipbuilding and Ship Repairing Council consisting of—

(a) the members of the Board ;

(b) representatives appointed by the Board of persons carrying on shipbuilding undertakings, main engine manufacturing undertakings and ship repairing undertakings in the United Kingdom and of persons employed in such undertakings ; and

(c) such other persons as the members of the Council mentioned in the foregoing paragraphs may co-opt.

(2) Before making appointments under paragraph (b) of subsection (1) of this section the Board shall consult with such organisations representative of the persons mentioned in that paragraph as appear to the Board to be appropriate.

(3) The chairman of the Board shall be chairman of the Council.

(4) The Board shall keep the Council informed about the Board's activities and shall regularly consult with the Council about the state and prospects of the industries comprising the

undertakings mentioned in subsection (1)(b) of this section, with particular regard to the effects produced by the activities of the Board.

(5) The Council shall cease to exist on the dissolution of the Board, but the Board shall before its dissolution make recommendations to the Council as to the setting up of appropriate machinery for consultation between persons engaged in the industries mentioned in the last foregoing subsection.

12.—(1) In this Act, unless the context otherwise requires— Interpretation.

“the Board” means the Shipbuilding Industry Board;

“company” includes any body corporate;

“Consolidated Fund” means the Consolidated Fund of the United Kingdom;

“financial year”, in relation to the Board, means the twelve months ending with 31st March;

“gross tonnage” mean gross tonnage ascertained in accordance with regulations under section 1 of the Merchant Shipping Act 1965; 1965 c. 47.

“group of companies” means a company and all other companies which are subsidiaries thereof within the meaning of section 154 of the Companies Act 1948; 1948 c. 38.

“grouping scheme” means a scheme involving the acquisition or transfer of, or of any assets used for the purposes of, any undertaking, or the formation of, or the acquisition, issue or transfer of shares in, any company, being a scheme as a result of which the whole or part of two or more shipbuilding undertakings or of two or more main engine manufacturing undertakings previously carried on independently of each other—

(a) are combined so as to constitute or form part of an undertaking carried on by one person; or

(b) are carried on by members of the same group of companies;

“main engine manufacturing undertaking” means an undertaking (whether or not carried on in conjunction with an undertaking of any other description) for the manufacture in the United Kingdom of engines for the propulsion of ships of not less than one hundred tons gross tonnage;

“the Minister” means the Minister of Technology;

“resources”, in relation to any undertaking, means the buildings, plant, equipment and manpower used for the purposes of the undertaking;

“ shares ” includes stock and “ dividend ” shall be construed accordingly ;

“ ship ” includes every description of vessel used in navigation ;

“ shipbuilding undertaking ” means an undertaking (whether or not carried on in conjunction with an undertaking of any other description) for the construction in the United Kingdom of ships of not less than one hundred tons gross tonnage.

(2) Any reference in this Act to an undertaking of any description in relation to which a grouping scheme has taken effect is a reference to an undertaking of that description which—

(a) in consequence of that scheme, consists of or includes the whole or part of two or more undertakings of that description which were previously carried on independently of each other ; or

(b) is carried on by a person who is a member of a group of companies which, in consequence of that scheme, consists of or includes two or more companies carrying on undertakings of that description who were not previously members of the same group of companies.

(3) Any reference in this Act to undertakings carried on independently of each other is a reference to undertakings which are carried on by different persons who are not members of the same group of companies.

(4) Any reference in this Act to any enactment is a reference thereto as amended by or under any other enactment.

Short title
and extent.

13.—(1) This Act may be cited as the Shipbuilding Industry Act 1967.

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

1920 c. 67.

(3) 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 power of the Parliament of Northern Ireland, be deemed to be an Act passed before the appointed day within the meaning of that section.

SCHEDULE

Section 1.

THE SHIPBUILDING INDUSTRY BOARD

Incorporation and status

1. The Board shall be a body corporate having perpetual succession and a common seal.

2. Premises occupied by the Board shall be deemed, for the purposes of any rate on property, to be property occupied by or on behalf of the Crown for public purposes; but, save as aforesaid, the Board shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown or as exempt from any tax, duty, levy or other charge whatsoever, and its property shall not be regarded as the property of, or property held on behalf of, the Crown.

Members

3.—(1) A member of the Board shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to hold his office, be eligible for re-appointment.

(2) Any member may at any time by notice in writing to the Minister resign his office.

4.—(1) Before appointing a person to be a member of the Board the Minister shall satisfy himself that that person will have no such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of the Board, and the Minister shall also satisfy himself from time to time with respect to every member of the Board that he has no such interest; and any person who is, or whom the Minister proposes to appoint to be, a member of the Board shall, whenever requested by the Minister so to do, furnish to him such information as the Minister considers necessary for the performance by the Minister of his duties under this sub-paragraph.

(2) A member of the Board who is in any way directly or indirectly interested in a transaction or project of the Board shall disclose the nature of his interest at a meeting of the Board; and the disclosure shall be recorded in the minutes of the Board, and the member shall not take any part in any deliberation or decision of the Board with respect to that transaction or project.

(3) For the purposes of the last foregoing sub-paragraph a general notice given at a meeting of the Board by a member of the Board to the effect that he is a member of a specified company or firm and is to be regarded as interested in any transaction or project of the Board concerning the company or firm, shall be regarded as a sufficient disclosure of his interest in relation to that transaction or project.

(4) A member of the Board need not attend in person at a meeting of the Board in order to make any disclosure which he is required to make under this paragraph if he takes reasonable steps

SCH. to secure that the disclosure is made by a notice which is brought up and read at the meeting.

5.—(1) The Board shall pay to the members thereof such salaries or fees, and such allowances, as the Minister may with the approval of the Treasury determine; and where a member of the Board is in the employ of any other person the Board may make to that other person in consideration of the services to the Board of that member such payments as the Minister may with the like approval determine.

(2) The Board shall, as regards any members in whose case the Minister may so determine with the approval of the Treasury, make provision for, or pay to or in respect of them, such pensions or gratuities as may be so determined.

(3) If a person ceases to be a member of the Board and it appears to the Minister that there are special circumstances which make it right that that person should receive compensation, the Minister may with the approval of the Treasury require the Board to pay to that person a sum of such amount as the Minister may with the like approval determine.

(4) The Minister shall, as soon as possible after the first appointment of any person as a member of the Board, lay before each House of Parliament a statement of the sums that are or will be payable to or in respect of that member under sub-paragraph (1) of this paragraph; and if any subsequent determination by him under that sub-paragraph involves a departure from the terms of that statement, or if he makes a determination under sub-paragraph (2) or (3) of this paragraph, the Minister shall, as soon as possible after the determination, lay a statement before each House of Parliament of the sums that are or will be payable in consequence of that determination.

6.—(1) If the Minister is satisfied that a member of the Board—

- (a) has been absent from meetings of the Board for a period longer than three consecutive months without the permission of the Board; or
- (b) has become bankrupt or made an arrangement with his creditors; or
- (c) is incapacitated by physical or mental illness; or
- (d) is otherwise unable or unfit to discharge the functions of a member,

the Minister may declare his office as a member of the Board to be vacant and shall notify the fact in such manner as the Minister thinks fit; and thereupon any office so held shall become vacant.

(2) In the application of this paragraph to Scotland, for the references in the foregoing sub-paragraph to a member's having become bankrupt and to a member's having made an arrangement with his creditors there shall be substituted respectively references to sequestration of a member's estate having been awarded and to a member's having made a trust deed for behoof of his creditors or a composition contract.

7.—(1) In Part II of Schedule 1 to the House of Commons Disqualification Act 1957 (bodies of which all members are disqualified under that Act) both in its application to the House of Commons of the Parliament of the United Kingdom and in its application to the Senate and House of Commons of Northern Ireland, after the entry relating to the Scottish Law Commission there shall be inserted the words “The Shipbuilding Industry Board”. SCH.
1957 c. 20.

(2) On the dissolution of the Board the foregoing sub-paragraph and the words thereby inserted in the said Act of 1957 shall be repealed.

Proceedings

8. The validity of any proceedings of the Board shall not be affected by any vacancy among the members or by any defect in the appointment of any member.

9. The quorum of the Board and the arrangements relating to meetings of the Board shall be such as the Board may determine.

10.—(1) The fixing of the seal of the Board shall be authenticated by the signature of the chairman of the Board or some other member thereof authorised either generally or specially by the Board to act for that purpose.

(2) Any document purporting to be a document duly executed under the seal of the Board shall be received in evidence and shall, unless the contrary is proved, be deemed to be a document so executed.

Staff

11.—(1) The Board shall pay to the persons employed by it such remuneration as the Minister may with the approval of the Treasury determine.

(2) The Board shall, in the case of such persons employed by it as the Minister may with the approval of the Treasury determine, pay to or in respect of them such pensions or gratuities, or make such payment towards the provision of pensions or gratuities, as may be so determined.



Marine, &c., Broadcasting (Offences) Act 1967

1967 CHAPTER 41

An Act to suppress broadcasting from ships, aircraft and certain marine structures. [14th 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) It shall not be lawful for a broadcast to be made from a ship or aircraft while it is in or over the United Kingdom or external waters, nor shall it be lawful for a broadcast to be made from a ship registered in the United Kingdom, the Isle of Man or any of the Channel Islands or an aircraft so registered while the ship or aircraft is elsewhere than in or over the United Kingdom or external waters. Prohibition of broadcasting from ships and aircraft.

(2) If a broadcast is made from a ship in contravention of the foregoing subsection, the owner of the ship, the master of the ship and every person who operates, or participates in the operation of, the apparatus by means of which the broadcast is made shall be guilty of an offence; and if a broadcast is made from an aircraft in contravention of that subsection, the operator of the aircraft, the commander of the aircraft and every person who operates, or participates in the operation of, the apparatus by means of which the broadcast is made shall be guilty of an offence.

(3) A person who procures the making of a broadcast in contravention of subsection (1) above shall be guilty of an offence.

(4) In subsection (2) above—

(a) “master”, in relation to a ship, includes any other person (except a pilot) having command or charge of the ship;

- (b) "operator", in relation to an aircraft, means the person for the time being having the management of the aircraft.

Prohibition of broadcasting from—
from marine structures.

2.—(1) It shall not be lawful for a broadcast to be made

- (a) a structure in external waters or in tidal waters in the United Kingdom, being a structure affixed to, or supported by, the bed of those waters and not being a ship; or
- (b) any other object in such waters, being neither a structure affixed or supported as aforesaid nor a ship or aircraft;

and if a broadcast is made in contravention of the foregoing provision, every person who operates, or participates in the operation of, the apparatus by means of which the broadcast is made shall be guilty of an offence.

(2) A person who procures the making of a broadcast in contravention of the foregoing subsection shall be guilty of an offence.

Prohibition of acts connected with broadcasting from certain ships and aircraft, and from marine structures outside United Kingdom.

3.—(1) If a broadcast is made—

- (a) from a ship other than one registered in the United Kingdom, the Isle of Man or any of the Channel Islands while the ship is on the high seas; or
- (b) from an aircraft other than one so registered while the aircraft is on or over the high seas; or
- (c) from a structure on the high seas, being a structure affixed to, or supported by, the bed of those seas and not being a ship; or
- (d) from any other object on those seas, being neither a structure affixed or supported as aforesaid nor a ship or aircraft;

any of the persons mentioned in subsection (3) below who operates, or participates in the operation of, the apparatus by means of which the broadcast is made shall be guilty of an offence.

(2) A person who procures a broadcast to be made as mentioned in the foregoing subsection shall be guilty of an offence.

(3) The persons referred to in subsection (1) above are the following, namely:—

- (a) a citizen of the United Kingdom and colonies;
- (b) a British subject by virtue of section 2 of the British Nationality Act 1948 (continuance of certain citizens of the Republic of Ireland, therein referred to as Eire, as British subjects);

- (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 has not been ascertained at the commencement of that Act and to persons who had ceased to be British on loss of British nationality by a parent);
- (d) a British subject by virtue of the British Nationality 1965 c. 34. Act 1965; and
- (e) a British protected person (within the meaning of the 1948 c. 56. British Nationality Act 1948).

4.—(1) A person who does any of the acts mentioned in subsection (3) below, while satisfying the condition as to knowledge or belief mentioned in the case of that act, shall be guilty of an offence if—

Prohibition of acts facilitating broadcasting from ships, aircraft, &c.

- (a) he does the act in the United Kingdom or external waters or in a ship registered in the United Kingdom, the Isle of Man or any of the Channel Islands or an aircraft so registered while the ship or aircraft is elsewhere than in or over the United Kingdom or external waters; or
- (b) being a person mentioned in section 3(3) of this Act, he does the act on or over the high seas.

(2) A person who, in the United Kingdom, procures another person to do, outside the United Kingdom, anything which, if it had been done in the United Kingdom by the last-mentioned person, would have constituted an offence under the foregoing subsection, shall be guilty of an offence.

(3) The acts, and conditions as to knowledge or belief, referred to in subsection (1) above are the following, namely:—

- (a) furnishing or agreeing to furnish to another a ship or aircraft knowing, or having reasonable cause to believe, that broadcasts are to be made from it in contravention of section 1(1) of this Act or while it is on or over the high seas;
- (b) carrying or agreeing to carry in a ship or aircraft wireless telegraphy apparatus knowing, or having reasonable cause to believe, that by means thereof broadcasts are to be made from the ship or aircraft as aforesaid;
- (c) supplying to, or installing in, a ship or aircraft wireless telegraphy apparatus knowing, or having reasonable cause to believe, that by means thereof broadcasts are to be made from the ship or aircraft as aforesaid;
- (d) supplying any wireless telegraphy apparatus for installation on or in, or installing any such apparatus on or

in, any structure or other object (not being, in either case, a ship or aircraft) knowing, or having reasonable cause to believe, that by means of that apparatus broadcasts are to be made from the object in contravention of section 2(1) of this Act or while the object is on the high seas ;

- (e) repairing or maintaining any wireless telegraphy apparatus knowing, or having reasonable cause to believe, that, by means thereof, broadcasts are made, or are to be made, in contravention of section 1(1) or 2(1) of this Act or as mentioned in section 3(1) of this Act ;
- (f) knowing, or having reasonable cause to believe, in the case of a ship or aircraft, that broadcasts are made, or are to be made, from it in contravention of section 1(1) of this Act or while it is on or over the high seas—
 - (i) supplying any goods or materials for its operation or maintenance, for the operation or maintenance of wireless telegraphy apparatus installed therein or for the sustentation or comfort of the persons on board of it ;
 - (ii) carrying by water or air goods or persons to or from it ;
 - (iii) engaging a person as an officer or one of the crew of it ;
- (g) knowing, or having reasonable cause to believe, in the case of a structure or other object (not being, in either case, a ship or aircraft), that broadcasts are made, or are to be made, from it in contravention of section 2(1) of this Act or while it is on the high seas—
 - (i) supplying any goods or materials for its maintenance, for the operation or maintenance of wireless telegraphy apparatus installed therein or thereon or for the sustentation or comfort of the persons therein or thereon ;
 - (ii) carrying by water or air goods or persons thereto or therefrom ;
 - (iii) engaging a person to render services therein or thereon.

Prohibition of acts relating to matter broadcast from ships, aircraft, &c.

5.—(1) A person who does any of the acts mentioned in subsection (3) below, and, if any intent or circumstances is or are specified in relation to the act, does it with that intent or in those circumstances, shall be guilty of an offence if—

- (a) he does the act in the United Kingdom or external waters or in a ship registered in the United Kingdom,

the Isle of Man or any of the Channel Islands or an aircraft so registered while the ship or aircraft is elsewhere than in or over the United Kingdom or external waters ; or

(b) being a person mentioned in section 3(3) of this Act, he does the act on or over the high seas.

(2) A person who, in the United Kingdom, procures another person to do, outside the United Kingdom, anything which, if it had been done in the United Kingdom by the last-mentioned person, would have constituted an offence under the foregoing subsection, shall be guilty of an offence.

(3) The acts, and, where relevant, the intent and circumstances, referred to in subsection (1) above are the following namely:—

- (a) supplying a cinematograph film or a record with intent that a broadcast of the film or, as the case may be, the recording embodied in the record may be made in contravention of section 1(1) or 2(1) of this Act or as mentioned in section 3(1) thereof ;
- (b) making a literary, dramatic or musical work with intent that a broadcast of the work may be made as aforesaid ;
- (c) making an artistic work with intent that the work may be included in a television broadcast made as aforesaid ;
- (d) participating in a broadcast made as aforesaid, being actually present as an announcer, as a performer or one of the performers concerned in an entertainment given, or as the deliverer of a speech ;
- (e) advertising by means of a broadcast made as aforesaid or inviting another to advertise by means of a broadcast to be so made ;
- (f) publishing the times or other details of any broadcasts which are to be so made, or (otherwise than by publishing such details) publishing an advertisement of matter calculated to promote, directly or indirectly, the interests of a business whose activities consist in or include the operation of a station from which broadcasts are or are to be so made.

(4) For the purposes of this section if, by means of a broadcast made in contravention of section 1(1) or 2(1) of this Act or as mentioned in section 3(1) thereof, it is stated, suggested or implied that any entertainment of which a broadcast is so made has been supplied by, or given at the expense of, a person, he shall, unless he proves that it was not so supplied or given, be deemed thereby to have advertised.

(5) For the purposes of this section advertising by means of a broadcast shall be deemed to take place as well wherever the broadcast is received as where it is made.

(6) In this section "speech" includes lecture, address and sermon, and references in this section to a cinematograph film, a record and a literary, dramatic, musical or artistic work shall be construed in like manner as references thereto in the Copyright Act 1956.

1956 c. 74.

Penalties
and legal
proceedings.

6.—(1) A person guilty of an offence under this Act shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding £400, or to both;

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

(2) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a 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 shall be liable to be proceeded against accordingly.

(3) Proceedings for an offence under this Act may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

(4) Notwithstanding anything in any enactment relating to courts of summary jurisdiction, summary proceedings for an offence under this Act may be instituted at any time within two years from the time when the offence was committed.

(5) Proceedings for an offence under this Act shall not, in England or Wales, be instituted otherwise than by or on behalf of the Director of Public Prosecutions and shall not, in Northern Ireland, be instituted otherwise than by or on behalf of the Attorney General for Northern Ireland; but this shall not prevent the issue or execution of a warrant for the arrest of any person in respect of such an offence or the remanding in custody or on bail of any person charged with such an offence.

(6) A member of a police force shall, for the purpose of the enforcement of this Act, have in external waters all the powers, protection and privileges which he has in the area for which he acts as constable.

(7) In this section "director" in relation to a body corporate established by or under an enactment for the purpose of carrying on under national ownership an industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body corporate.

(8) In the application of this section to Northern Ireland, the following subsection shall be substituted for subsection (6):—

"(6) A member of the Royal Ulster Constabulary shall, for the purpose of the enforcement of this Act, have in external waters all the powers, protection and privileges which he has in Northern Ireland".

7.—(1) In any proceedings against a person for an offence under section 4 of this Act consisting in the carriage of goods or persons to or from a ship or aircraft it shall be a defence for him to prove—

Special defence available in proceedings for carrying goods or persons in contravention of section 4.

- (a) that the ship or aircraft was, or was believed to be, wrecked, stranded or in distress, and that the goods or persons carried were carried for the purpose of preserving the ship or aircraft, or its cargo or apparel, or saving the lives of persons on board of it; or
- (b) that a person on board of the ship or aircraft was, or was believed to be, suffering from hurt, injury or illness, and that the goods or persons were carried for the purpose of securing that the necessary surgical or medical advice and attendance were rendered to him.

(2) In any proceedings against a person for an offence under section 4 of this Act consisting in the carriage of goods or persons to or from an object other than a ship or aircraft it shall be a defence for him to prove—

- (a) that the object was, or was believed to be, unsafe, and that the goods or persons carried were carried for the purpose of saving the lives of persons therein or thereon; or
- (b) that a person therein or thereon was, or was believed to be, suffering from hurt, injury or illness, and that the goods or persons were carried for the purpose of securing that the necessary surgical or medical advice and attendance were rendered to him.

(3) In any proceedings against a person for an offence under section 4 of this Act consisting in the carriage of a person to or from a ship or aircraft or to or from an object other than a ship or aircraft, it shall be a defence for him to prove that the person carried was visiting the ship, aircraft or object, as the case may be, for the purpose of exercising or performing any power or duty conferred or imposed on him by law.

(4) The references in subsections (1)(a) and (2)(a) above to persons' having been carried for the purpose of saving lives shall not be construed so as to exclude the persons whose lives it was the purpose to save and the references in subsections (1)(b) and (2)(b) above to persons' having been carried as therein mentioned shall not be construed so as to exclude the person who was, or was believed to be, suffering as so mentioned.

Saving for things
done under wireless
telegraphy licence.

8. Nothing in this Act shall render it unlawful to do anything under and in accordance with a wireless telegraphy licence, or to procure anything to be so done.

Interpretation. 9.—(1) In this Act—

“broadcast” means a broadcast by wireless telegraphy of sounds or visual images intended for general reception (whether the sounds or images are actually received by any person or not), but does not include a broadcast consisting in a message or signal sent in connection with navigation or for the purpose of securing safety ;

“external waters” means the whole of the sea adjacent to the United Kingdom which is within the seaward limits of the territorial waters adjacent thereto ;

“the high seas” means the seas outside the seaward limits of the territorial waters adjacent to the United Kingdom or to any country or territory outside the United Kingdom ;

“ship” includes every description of vessel used in navigation ;

“wireless telegraphy”, “wireless telegraphy apparatus” and “wireless telegraphy licence” have the same meanings respectively as in the Wireless Telegraphy Act 1949.

1949 c. 54.

(2) For the purposes of this section, the seaward limits of the territorial waters adjacent to the United Kingdom shall be determined by reference to the baseline established by the Territorial Waters Order in Council 1964 or by 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.

Power to
extend Act to
Isle of Man
and Channel
Islands.

10.—(1) Her Majesty may by Order in Council direct that this Act shall extend to the Isle of Man or any of the Channel Islands, with such exceptions, adaptations and modifications as may be specified in the Order.

(2) An Order in Council under this section may be varied or revoked by a subsequent Order of Her Majesty in Council.

11.—(1) This Act may be cited as the **Marine, &c., Broad-** Short title and
casting (Offences) Act 1967. commence-
ment.

(2) This Act shall not come into operation before the expiry of one month beginning with the day on which it is passed, but subject thereto it shall come into operation on a day to be appointed by Her Majesty in Council.



Advertisements (Hire-Purchase) Act 1967

1967 CHAPTER 42

An Act to consolidate the enactments relating to the contents of advertisements displayed or issued in connection with hire-purchase or credit-sale.

[14th 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:—

Information to be included in advertisements of goods as available on hire-purchase.

1.—(1) Where an advertisement of any goods as being available for disposal on hire-purchase is displayed or issued containing—

- (a) an indication that a deposit is payable in respect of those goods, consisting of or including either an indication of the amount of the deposit or an indication that it is a fraction specified in the advertisement, whether the amount of which it is a fraction is specified in the advertisement or not, or
- (b) words indicating that no deposit is payable in respect of those goods, or
- (c) an indication of the amount of any one or more of the instalments so payable,

the advertisement shall contain, in respect of those goods, the information required by Part I of Schedule 1 to this Act.

(2) Where an advertisement of any goods as being available for disposal on hire-purchase is displayed or issued containing—

- (a) the amount, directly expressed, of the deposit payable in respect of those goods, or

(b) the amount, directly expressed, of any one or more of the instalments so payable, or

(c) a sum stated as the hire-purchase price of those goods, the advertisement shall contain, in respect of those goods, both the information required by Part I of Schedule 1 to this Act and the information required by Part II of that Schedule.

(3) Where an advertisement of any goods as being available for disposal on hire-purchase is displayed or issued containing a fraction represented as being the rate of interest or rate of charge to be borne by the hirer in hiring the goods in accordance with the advertisement (or stated in the advertisement in such a way that it could reasonably be understood to be so represented), then—

(a) the advertisement shall contain, in respect of those goods, both the information required by Part I of Schedule 1 to this Act and the information required by Part II of that Schedule ; and

(b) the advertisement shall comply with the provisions of Part III of that Schedule.

(4) An advertisement shall not be treated as complying with this section unless each part of the information required by Part I, or, as the case may be, Parts I and II, of Schedule 1 to this Act is displayed clearly in the advertisement, in such a way as not to give undue prominence to any part of it in comparison with any other part.

(5) For the purposes of this Act a sum indicated in an advertisement (whatever the words used) as being the total amount which, on a hire-purchase of any goods, would be payable by the hirer shall be taken to be stated therein as the hire-purchase price of the goods.

2.—(1) Subject to subsection (2) below, section 1 of this Act shall apply in relation to an advertisement of any goods as being available for disposal on credit-sale as if, in that section and in Schedule 1 to this Act,—

Application to advertisements of goods as available on credit-sale.

(a) for any reference to hire-purchase there were substituted a reference to credit-sale,

(b) for any reference to hire-purchase price there were substituted a reference to total purchase price ; and

(c) for any reference to the hirer or to hiring the goods there were substituted respectively a reference to the buyer or to buying the goods.

(2) Section 1 of this Act shall not apply to an advertisement of goods as being available for disposal on credit-sale if—

(a) it does not also advertise any goods as being available for disposal by way of hire-purchase, and

- (b) the terms of credit-sale set out in the advertisement are such that no single article could be disposed of in accordance with those terms at a total price exceeding £5.

(3) Any reference in the following provisions of this Act (including Schedule 1) to any provision of section 1 of this Act includes a reference to that provision as applied by this section.

Advertisements of goods as available for disposal in different ways.

3.—(1) Where there is displayed or issued an advertisement of any goods as being available for disposal alternatively on hire-purchase or on credit-sale, any information required by this Act to be included in the advertisement shall not be taken to be displayed clearly in the advertisement unless it is displayed so as to distinguish clearly between the information applicable to hire-purchase and the information applicable to credit-sale.

(2) Where there is displayed or issued an advertisement of any goods as being available for disposal on two or more alternative schemes of hire-purchase or two or more alternative schemes of credit-sale, any information required by this Act to be included in the advertisement shall not be taken to be displayed clearly in the advertisement unless it is displayed so as to distinguish clearly between the information applicable to each of the schemes.

Film and television advertisements.

4.—(1) The following provisions of this section apply in relation to any advertisement which is contained in a cinematograph film or in a television programme, and any reference in those provisions to an advertisement shall be construed accordingly.

(2) For the purposes of determining whether an advertisement is displayed or issued containing, in respect of any goods, any of the matters specified in paragraphs (a) to (c) of subsection (1) or of subsection (2) of section 1 of this Act or containing such a fraction as is referred to in subsection (3) of that section, anything included in any spoken words or other sounds by which the advertisement is accompanied shall be taken to form part of the advertisement.

(3) For the purpose of determining whether any information required by Part I or Part II of Schedule 1 to this Act is contained in an advertisement, information shall not be taken to be so contained unless it is contained in a visual form.

(4) In determining, for the purposes of section 1(4) of this Act, whether each part of any information is displayed clearly in an advertisement, in such a way as not to give undue prominence to any part of it in comparison with any other part, regard shall be had to the length of time for which the advertisement is displayed (or, if different parts of the advertisement are displayed successively, to the length of time taken by each of them and to the aggregate length of time taken by them all) as well as to the contents of the advertisement.

5. For the purposes of this Act it is immaterial whether information included in an advertisement about any goods does or does not correspond with the terms on which the goods are in fact disposed of ; and accordingly—

Actual terms of disposal not material.

(a) for the purposes of section 1 of this Act, an advertisement shall be taken to contain the amount of a deposit or instalment if it specifies an amount as being the amount of the deposit or instalment in question, and

(b) in so far as any provision of this Act requires information as to an amount or number, or the length of a period, to be included in an advertisement, that provision (subject to compliance with any requirement of this Act as to the manner in which any such information is to be expressed or displayed) shall be taken to be complied with if the advertisement specifies an amount or number, or length of period, as being the amount or number in question, or the length of the period in question, as the case may be.

6.—(1) Subject to the provisions of this section, any person who displays or issues an advertisement in contravention of the preceding provisions of this Act or causes an advertisement to be displayed or issued in contravention of those provisions, shall be guilty of an offence and liable on summary conviction,—

Penalties.

(a) if it is his first conviction of an offence under this Act and he has not been convicted of an offence under the Advertisements (Hire-Purchase) Act 1957, to a fine not exceeding £50 ;

(b) in any other case, to a fine not exceeding £100.

(2) Where a person is charged with an offence under this Act, it shall be a defence to prove—

(a) that the matters contained in the advertisement did not relate to anything to be done in the course of a business carried on by him ; and

(b) that the matters so contained were not (wholly or in part) devised or selected by him or by any other person under his direction or control.

(3) Proceedings for any offence under this Act may (without prejudice to any jurisdiction exercisable apart from this subsection) be taken against a person at any place at which he is for the time being.

(4) Where an offence under 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 shall be liable to be proceeded against and punished accordingly:

Provided that, for the purposes of the application of subsection (2) above to any proceedings, in so far as they are brought against a person by virtue of this subsection in respect of an offence committed by a body corporate, references in paragraphs (a) and (b) of that subsection to the person charged shall be construed as references to the body corporate.

(5) In subsection (4) above "director", in relation to a 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, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

Interpretation. 7.—(1) In this Act "hire-purchase" means—

(a) in relation to England and Wales, the bailment of goods in pursuance of an agreement under which the bailee may buy the goods or under which the property in the goods will or may pass to the bailee, whether on the performance of any act by the parties to the agreement or any of them or in any other circumstances, and

(b) in relation to Scotland, the letting of goods under a contract, in whatsoever terms it may be expressed and whether it be truly one of sale or hire, whereby goods are taken on hire by one person from another person in consideration of periodical payments to be made by the first mentioned person to the other person, with an option to the first mentioned person to become the buyer of the goods.

(2) In this Act "credit-sale" means the sale of goods in pursuance of an agreement under which the whole or part of the purchase price is payable by instalments.

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

"advertisement" includes every visual form of advertising (whether or not accompanied by spoken words or other sounds), whether in a publication, or by the display of notices, or by means of catalogues, price lists, labels, cards or other documents, or by the exhibition of cinematograph films or photographs, or by way of television, or in any other way, but does not include any form of advertising consisting only of spoken words, with or without other sounds;

"deposit" includes any initial payment to be made before or at the time of entering into an agreement;

"directly expressed" means expressed (whether in words or figures or both) otherwise than as a fraction of, or by reference to, some other amount;

"disposal", in relation to goods, includes—

(a) the disposal of the ownership of the goods, or of any proprietary interest in them, or of the right to possession of the goods, and

(b) the disposal of the possession of the goods, whether or not accompanied by any disposal of the ownership of the goods, or of any proprietary interest in them, or of the right to possession of them;

"fraction" includes a proportion expressed as a percentage or in any other way;

"goods" includes vehicles, vessels, aircraft and animals, and generally articles of any description.

8.—(1) This Act may be cited as the Advertisements (Hire-Purchase) Act 1967. Short title,
etc.

(2) The enactments specified in Schedule 2 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.

(3) In the Trading Stamps Act 1964, in section 10(1), in the definition of "purchase", for the reference to the Advertisements (Hire-Purchase) Act 1957 there shall be substituted a reference to this Act. 1964 c. 71.
1957 c. 41.

(4) This Act shall come into operation at the expiry of the period of one month beginning with the day on which it is passed.

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

SCHEDULES

Section 1.

SCHEDULE 1

REQUIREMENTS AS TO INFORMATION AND OTHER MATTERS

PART I

INFORMATION REQUIRED FOR ALL ADVERTISEMENTS
WITHIN SECTION 1

1.—(1) An advertisement falling within subsection (1), subsection (2) or subsection (3) of section 1 of this Act shall contain the following information,—

- (a) the total number of instalments payable ;
- (b) the length of the period in respect of which each instalment is payable ; and
- (c) if any instalments are payable before delivery of the goods, the number of instalments so payable.

(2) Unless such an advertisement contains the information required by Part II of this Schedule, it shall also contain either—

- (a) a statement that the amount of the deposit is a fraction specified in the advertisement of a price or sum the nature of which is clearly indicated in the advertisement ; or
- (b) a statement that no deposit is payable.

PART II

FURTHER INFORMATION REQUIRED FOR ADVERTISEMENTS
WITHIN SECTION 1(2) OR SECTION 1(3)

2. An advertisement falling within subsection (2) or subsection (3) of section 1 of this Act shall contain the following information—

- (a) either—
 - (i) the amount of the deposit directly expressed, or
 - (ii) a statement that the amount of the deposit is a fraction specified in the advertisement of a sum the amount of which is directly expressed therein, or
 - (iii) a statement that no deposit is payable ;
- (b) the amount of each instalment directly expressed ;
- (c) a sum stated as the cash price of the goods ; and
- (d) a sum stated as the hire-purchase price of the goods and being the amount (directly expressed) of the aggregate of the amount of the deposit (if any) and of all the instalments payable.

PART III

FURTHER REQUIREMENTS FOR ADVERTISEMENTS
WITHIN SECTION 1(3)

3.—(1) In an advertisement falling within subsection (3) of section 1 of this Act—

- (a) the instalments must be expressed as instalments of equal amounts and payable in respect of equal periods, and for this purpose any period of a calendar month shall be taken to be equal to any other period of a calendar month ;
- (b) the fraction represented as mentioned in that subsection must be expressed as a specified amount per cent. per annum ; and
- (c) the specified amount must not be less than an amount calculated in accordance with the formula in sub-paragraph (2) below.

(2) The formula mentioned above is—

$$\frac{200 md}{p(n+1) + \frac{d}{3} (n-1)}$$

m being the number by which the instalment period must be multiplied in order to be equal to a period of twelve months ;

d being the difference between—

- (a) the sum stated in the advertisement as the hire-purchase price of the goods ; and
- (b) the sum stated in the advertisement as the cash price of the goods ;

p being the sum stated in the advertisement as the cash price of the goods, if it is stated in the advertisement that no deposit is payable, or else the difference between—

- (a) the sum stated in the advertisement as the cash price of the goods ; and
- (b) the amount of the deposit as stated in the advertisement, if that amount is directly expressed in the advertisement, or else the amount of the deposit calculated in accordance with the statement in the advertisement ;

n being the number specified in the advertisement as the total number of instalments payable.

(3) In sub-paragraph (2) above “the instalment period” means the period in respect of which, in accordance with the advertisement, each instalment is payable.

Section 8.

SCHEDULE 2

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
5 & 6 Eliz. 2. c. 41. 1964 c. 53.	The Advertisements (Hire-Purchase) Act 1957. The Hire-Purchase Act 1964.	The whole Act. Part IV. Schedule 3. In Schedule 4, the entry relating to the Advertisements (Hire-Purchase) Act 1957.
1965 c. 67.	The Hire-Purchase (Scotland) Act 1965.	In Schedule 5, the entry relating to the Advertisements (Hire-Purchase) Act 1957.



Legal Aid (Scotland) Act 1967

1967 CHAPTER 43

An Act to consolidate certain enactments relating to legal aid and advice in Scotland and connected matters.

[14th 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:—

Legal Aid

1.—(1) This and the three next following sections provide for, and (save as hereinafter mentioned) relate only to, legal aid in connection with proceedings before courts and tribunals in Scotland and before the House of Lords on appeal from the Court of Session. Scope and general conditions of legal aid.

(2) Unless and until regulations otherwise provide, the proceedings in connection with which legal aid may be given are any proceedings of a description mentioned in Part I of Schedule 1 to this Act, except proceedings mentioned in Part II of that Schedule.

(3) Subject to the provisions of this section, the proceedings in connection with which legal aid may be given may be varied by regulations, and the regulations may describe the proceedings to be included or excluded by reference to the court or tribunal, to the issues involved, to the capacity in which the person requiring legal aid is concerned, or otherwise.

(4) Regulations made for the purpose of the last foregoing subsection shall not provide for legal aid being given in connection with proceedings before any court or tribunal before which persons have no right and are not normally allowed to be heard by counsel or a solicitor.

(5) Legal aid shall consist of representation, on the terms provided for by this Act, by a solicitor and so far as necessary by counsel (including all such assistance as is usually given by solicitor or counsel in the steps preliminary or incidental to any proceedings or in arriving at or giving effect to a settlement to prevent or bring to an end any proceedings).

(6) A person shall not be given legal aid in connection with any civil proceedings unless he shows that he has a *probabilis causa litigandi*, and may also be refused legal aid in any such proceedings as aforesaid if it appears unreasonable that he should receive it in the particular circumstances of the case.

(7) In criminal proceedings, a person shall not be given legal aid in connection with—

(a) summary proceedings unless—

(i) he is entitled to receive such aid by virtue of subsection (5)(b) of the next following section, or

(ii) the court considers that in all the circumstances of the case it is in the interests of justice that legal aid should be available to the accused and grants a legal aid certificate ;

(b) proceedings by way of appeal against conviction or sentence (whether in summary proceedings or in proceedings on indictment) unless it appears that he has substantial grounds for taking those proceedings, and that it is reasonable that he should receive legal aid in the particular circumstances of the case.

(8) Save as expressly provided by or under this Act, the fact that the services of counsel or a solicitor are given by way of legal aid shall not affect the relationship between or the rights of counsel, solicitor and client.

Financial
conditions
of legal aid.

2.—(1) Subject to the provisions of this Act, legal aid in connection with civil proceedings shall be available for any person whose disposable income does not exceed seven hundred pounds a year or such larger yearly figure as may be prescribed :

Provided that a person may be refused legal aid if he has a disposable capital of more than five hundred pounds or such larger figure as may be prescribed and it appears that he can afford to proceed without legal aid.

(2) Subject to the provisions of this Act, legal aid in connection with criminal proceedings shall be available to an accused person where the court is satisfied after consideration of his financial circumstances that he is unable without undue hardship to himself or his dependants to meet the expenses of the case.

- (3) In the last foregoing subsection "court" means—
- (a) in relation to summary proceedings the court before which the proceedings are being taken ;
 - (b) in relation to proceedings on indictment, the sheriff before whom the accused is taken for judicial examination ;
 - (c) in relation to an appeal by way of stated case from a court of summary jurisdiction, that court ;
 - (d) in relation to any other form of appeal, the court to which the appeal is made.

(4) Where—

- (a) in any case the court mentioned in paragraph (a) or paragraph (b) of the last foregoing subsection has made legal aid available to an accused person in pursuance of this section, that person shall continue to be regarded as financially eligible for legal aid in connection with any subsequent proceedings (including proceedings by way of appeal) arising from the case ;
- (b) legal aid has not been made available to an accused person and his case comes before the High Court of Justiciary, legal aid shall be available to him if that court is satisfied of his financial eligibility as aforesaid.

(5) Notwithstanding the provisions of subsection (2) of this section, legal aid shall be available in connection with criminal proceedings to an accused person without inquiry into his resources—

- (a) where his case is being prosecuted under solemn procedure, and where no determination as to his eligibility for legal aid has been made for the purposes of that subsection, until, after being brought before the court for examination on declaration, he is admitted to bail or committed until liberated in due course of law ;
or
- (b) where he is in custody and is being prosecuted summarily before the sheriff or in a juvenile court constituted in pursuance of section 51 of the Children and Young Persons (Scotland) Act 1937, until the conclusion of the first diet at which he is called upon to plead and of any application for liberation which may follow thereon or, where he has pleaded guilty at that diet, until the conclusion of the last subsequent diet fixed for the disposal of his case.

(6) Where a person receives legal aid in connection with any proceedings—

- (a) the expenses incurred in connection with the proceedings, so far as they would ordinarily be paid in the first instance by or on behalf of the solicitor acting for him, shall be so paid ;
- (b) his solicitor and counsel shall not take any payment in respect of the legal aid except such payment as is directed by this Act to be made out of the legal aid fund ;
- (c) he may be required to make a contribution in accordance with the next two following sections to the legal aid fund in respect of the sums payable thereout on his account in connection with any civil proceedings ;
- (d) any sums recovered by virtue of an award of expenses or of an agreement as to expenses in his favour with respect to the proceedings shall be paid to the legal aid fund ;
- (e) his liability by virtue of an award of expenses against him with respect to the proceedings shall not exceed the amount (if any) which in the opinion of the court or tribunal making the award is a reasonable one for him to pay having regard to all the circumstances, including the means and the conduct in connection with the dispute of all parties.

(7) It shall be competent, at any time within such period as may be prescribed after the making of such an award of expenses as is mentioned in paragraph (e) of the last foregoing subsection, for any party concerned in such award to apply to the court or tribunal by which the award was made for a re-assessment of the amount of the award on the ground that since the award was made there has been a relevant change of circumstances, and on such application the court or tribunal may re-assess the amount of the award as seems to them proper.

(8) For the purposes of any inquiry under this section as to the means of a person who has been found liable in expenses, his dwelling-house, wearing apparel and household furniture and the tools and implements of his trade or profession shall be left out of account except to such extent as may be prescribed, and except as aforesaid, shall not, in any part of the United Kingdom, be subject to diligence or any corresponding process in execution of the award.

3.—(1) A person's contribution to the legal aid fund in respect of any proceedings may include—

Contributions from assisted persons and payments out of property recovered.

(a) a contribution in respect of income not greater than one-third of the amount (if any) by which his disposable income exceeds two hundred and fifty pounds a year or such larger yearly figure as may be prescribed ; and

(b) a contribution in respect of capital not greater than the amount (if any) by which his disposable capital exceeds one hundred and twenty-five pounds or such larger figure as may be prescribed.

(2) A person may be required to make any contribution to the legal aid fund in one sum or by instalments.

(3) If the total contribution to the legal aid fund made by a person in respect of any proceedings is more than the net liability of that fund on his account, the excess shall be repaid to him.

(4) Except so far as regulations otherwise provide, any sums remaining unpaid on account of a person's contribution to the legal aid fund in respect of any proceedings and, if the total contribution is less than the net liability of that fund on his account, a sum equal to the deficiency shall be paid, in priority to any other debts, out of any property (wherever situate) which is recovered or preserved for him in the proceedings.

(5) The reference in the last foregoing subsection to property recovered or preserved for any person shall include his rights under any settlement arrived at to prevent or bring to an end the proceedings and any sums recovered by virtue of an award of expenses made in his favour in the proceedings (not being sums payable into the legal aid fund under the last foregoing section).

(6) Nothing in subsection (4) of this section shall prevent a court allowing any damages or expenses to be set off against other damages or expenses.

(7) References in this section to the net liability of the legal aid fund on any person's account in relation to any proceedings refer to the aggregate amount of the sums paid or payable out of that fund on his account in respect of those proceedings to any solicitor and not recouped to that fund by sums which are recovered by virtue of an award of expenses or of an agreement as to expenses in his favour with respect to those proceedings.

Assessment of disposable capital and income and of maximum contribution.

4.—(1) References in this Act to a person's disposable income or disposable capital shall be taken as referring to the rate of his income or the amount of his capital after making—

- (a) such deductions as may be prescribed in respect of the maintenance of dependants, interest on loans, income tax, rates, rent and other matters for which the person in question must or reasonably may provide ; and
- (b) such further allowances as may be prescribed to take account of the nature of his resources.

(2) Regulations may make provision as to the manner in which the rate of a person's income and the amount of his capital are to be computed for the purposes of the foregoing subsection, and in particular for determining whether any resources are to be treated as income or capital and for taking into account fluctuations of income.

(3) The regulations shall include provision for securing that the resources of a person seeking or receiving legal aid shall be treated as not including the subject matter of the dispute.

(4) Except in so far as the regulations otherwise provide, any resources of a person's wife or husband shall be treated for the purposes of this section as that person's resources, and the regulations may also make provision, in relation to minors and pupils and other special cases, for taking into account the resources of other persons.

(5) The regulations shall also include provision for securing that in computing resources there shall be observed the rules set out in paragraphs 19, 20, 24 and 25 of Schedule 2 to the Ministry of Social Security Act 1966, except that regulations may provide that the references in the said paragraph 19 to borrowing money shall not apply in any prescribed circumstances.

1966 c. 20.

(6) Subject to the provisions of this section, a person's disposable income and disposable capital, and the maximum amount of his contribution to the legal aid fund in respect of any proceedings, shall be determined by the Supplementary Benefits Commission, and the Commission may call attention to any special circumstances affecting the maximum amount of the lump sum and periodical payments which he could reasonably make on account of any contribution.

(7) Regulations for the purposes of this section shall be made with the concurrence of the Treasury.

5.—(1) This section provides for, and (except for subsection (6)) relates only to, legal aid in taking steps to assert or dispute a claim where—

Legal aid in matters not involving litigation.

- (a) the question of taking, defending or being a party to proceedings before a court or tribunal does not arise or has not yet arisen ; but
- (b) if it did arise, the proceedings would, or might properly, be such that legal aid could be given in connection therewith under section 1 of this Act.

(2) Legal aid under this section shall consist of the assistance of a solicitor on the terms provided for by this section, and (save as expressly provided by or under this Act) the fact that the assistance is given by way of legal aid shall not affect the relationship between or rights of solicitor and client.

(3) A person shall not be given legal aid under this section unless he shows that he has reasonable grounds for taking steps to assert or dispute the claim, and may also be refused such aid if it appears unreasonable that he should receive it in the particular circumstances of the case.

(4) Subject to the provisions of this section, sections 2, 3 and 4 of this Act shall apply for the purposes of this section with the necessary modifications of references to proceedings or to the subject matter of the dispute and with the following omissions, that is to say—

- (a) so much of sections 2 and 3 as relates to awards of expenses,
- (b) in section 4, subsections (5) and (6).

(5) Unless and until regulations otherwise provide, legal aid shall not be available under this section for any person whose disposable income or disposable capital is enough to permit under section 3(1) of this Act of his making a contribution to the legal aid fund in respect of legal aid to which that subsection relates ; and provision may be made by regulations for restricting the nature and extent of the assistance which may be given by way of legal aid under this section.

(6) Where a person receives legal aid under this section in any matter and, on that matter giving rise or appearing likely to give rise to proceedings, he is given legal aid also in connection with those proceedings, then, except in so far as regulations otherwise provide, section 3 of this Act shall apply as if all the legal aid had been received in connection with the proceedings.

6.—(1) Lists of solicitors and advocates willing to act for persons receiving legal aid shall be prepared and maintained, and there may be separate lists for different purposes, for different courts and for different districts.

(2) Any practising solicitor or advocate shall be entitled to have his name on the appropriate lists or any of them, unless the Law Society, in the case of a solicitor, or the Faculty of Advocates, in the case of an advocate, determine that there is good reason for excluding him arising out of his conduct when acting or selected to act for persons receiving legal aid or his professional conduct generally, or, in the case of a member of a firm of solicitors, out of that of any person who is for the time being a member of the firm ;

Provided that any solicitor or advocate may appeal to the Court of Session against his exclusion from any list, and on such appeal the Court may make such order in the matter as it thinks fit.

(3) Where a person is entitled to receive legal aid, the solicitor to act for him and, if the case requires counsel, his counsel, shall be selected from the appropriate list, and he shall be entitled to make the selection himself :

Provided that—

(a) where in pursuance of arrangements made by the Law Society in accordance with any scheme for the time being in force under section 8 of this Act a solicitor is available in any court for the special purpose of giving legal aid in connection with criminal proceedings in that court, the scheme may specify proceedings in which an accused person shall not be entitled to legal aid in that court otherwise than by representation by that solicitor ; and

(b) this subsection shall not prejudice the right of solicitor or counsel, where he has good reason, to refuse or give up a case or to entrust it to another.

(4) Subject to the provisions of this Act, a solicitor who has acted for a person receiving legal aid shall be paid for so acting out of the legal aid fund, and any fees due to counsel for so acting shall be paid to the solicitor instructing him out of that fund.

(5) Where, on an application for legal aid under section 1 of this Act in connection with any proceedings, the appropriate authority decide that the applicant is (subject to the issue and acceptance of a legal aid certificate) entitled to legal aid for the purpose of those proceedings, any solicitor who has acted for the applicant in preparing and submitting the application shall, for the purposes of the last foregoing subsection, be deemed, when so acting, to have been acting for a person receiving legal aid, notwithstanding that a legal aid certificate is not issued and accepted.

(6) No payment shall be made out of the legal aid fund by virtue of the last foregoing subsection in respect of any act in respect of which payment out of that fund has been, or could be, made by virtue of any provision of this Act other than subsection (4) of this section.

(7) The sums payable to a solicitor or counsel for acting for a person receiving legal aid shall not exceed those allowed under Schedule 2 to this Act.

(8) In the foregoing provisions of this section, references to acting for a person receiving legal aid shall, in relation to a solicitor, include references to acting for such a person on the instructions of another solicitor.

(9) Subsection (7) of this section shall not affect the sums recoverable by virtue of an award of expenses in favour of a person who has received legal aid or of an agreement as to expenses in favour of such a person which provides for taxation; and for the purposes of any such award or agreement, the solicitor who acted for the person in whose favour it is made shall be treated as having paid any counsel's fees.

(10) In this section "the appropriate authority", in relation to any application for legal aid, means any committee or other body having jurisdiction to entertain the application (whether directly or on appeal) under any scheme having effect by virtue of section 8 of this Act.

Legal advice

7.—(1) Subject to the provisions of this Act, legal advice shall be available in Scotland for any person.

Right to and nature of legal advice.

(2) Legal advice shall consist of oral advice on legal questions given by a solicitor in accordance with the scheme made under section 8 of this Act and shall include help in preparing an application for legal aid and in supplying information required in connection therewith for determining disposable income and capital, but (subject to the following provisions of this section) shall not include advice on any law other than Scots law.

(3) Lists of solicitors willing to give legal advice shall be prepared and maintained, and there may be different lists for different districts; and the provisions of subsections (2) to (4) and subsection (7) of the last foregoing section shall, subject to the necessary modifications, apply for the purposes of this section.

(4) In the case of a member of the forces, legal advice shall include advice on the law—

- (a) of any part of the United Kingdom; and
- (b) where regulations so provide, of any other country or territory in which he has been resident whether in the course of his service or not.

(5) In the case of a person who has been a member of the forces at any time on or after 30th July 1949, the last foregoing subsection shall apply so as to authorise the giving of advice on matters arising in the course of his service furth of Scotland as it applies in the case of a person who is a member of the forces.

(6) If provision corresponding to the provisions of this Act is made for England, legal advice shall, in the case of any person, include—

(a) help for the purposes of that provision corresponding to the help mentioned in subsection (2) of this section ; and

(b) where regulations so provide, advice on the law of England.

(7) If provision corresponding to the provisions of this Act is made for Northern Ireland, the last foregoing subsection shall apply in relation to Northern Ireland as it applies in relation to England.

(8) Provision may be made by regulations for further defining or restricting the questions (whether of Scots or any other law) on which legal advice may be given.

(9) A person seeking legal advice may be required—

(a) to satisfy such person as may be designated for the purpose under the scheme made under section 8 of this Act that he cannot afford to obtain it in the ordinary way ; and

(b) to pay a fee of half a crown or such other fee as may be prescribed for each interview.

(10) Any fees paid under this section shall be paid into the legal aid fund.

(11) A person seeking legal advice shall have the same privilege for communications made for that purpose to the person giving it, and the same remedies against that person for any negligence, as if he had been consulting him as his solicitor in the ordinary way.

(12) The limitation of legal advice to oral advice shall not prevent the person giving it, where he thinks the person seeking it will need a written note of the advice given or any part of it, from giving him such a note.

Administration and finance

8.—(1) Subject to the provisions of this Act, it shall be the responsibility of the Law Society to make arrangements, in accordance with a scheme made by them with the approval of the Secretary of State and with the concurrence of the Treasury,

for securing that legal aid and legal advice are available as required by this Act and generally to administer this Act.

(2) Any scheme made as aforesaid may be varied or revoked by a subsequent scheme so made.

(3) For the purpose of making or varying any such scheme as aforesaid the Law Society shall appoint a committee consisting of members of the Law Society and of persons nominated by the Faculty of Advocates.

(4) Any scheme under this section shall provide for the establishment for the purpose of administering the scheme of a central committee consisting of members of the Law Society and of the Faculty of Advocates, and for the inclusion in such a committee, to an extent not exceeding one-third of the total membership thereof, of persons who are not members of the Law Society or of the Faculty of Advocates.

(5) Any scheme under this section shall also provide for the establishment of such local committees as may be specified in the scheme.

(6) Any scheme under this section shall define the constitution of any committee established as aforesaid, may regulate its quorum and procedure and the tenure of office of its members, and may provide for the payment to its members of fees and allowances; but any such committee shall have power to determine its own procedure so far as not regulated as aforesaid.

(7) Where a scheme under this section is submitted to the Secretary of State for his approval, any member of the committee who was present when the scheme or any provision thereof was considered by the committee, and who then objected to the scheme or to that provision, may inform the Secretary of State of his objection; and the Secretary of State shall not approve a scheme, where he has been informed of an objection under this subsection, without first giving the members of the committee an opportunity to make representations about the matter in dispute.

(8) Subject to the provisions of this Act, a scheme under this section may include provisions as to the persons by whom and the manner in which questions arising in the administration of this Act are to be determined and as to any other matters incidental to the administration thereof.

(9) Nothing done by the Law Society in securing in accordance with this Act that legal aid is available to any person in connection with any proceedings shall render them liable to be held to be *dominus litis* in relation to those proceedings.

(10) The Law Society shall, as soon as possible after the end of each financial year, make a report to the Secretary of State on the operation of this Act during that year.

(11) A copy of such report shall be laid before Parliament by the Secretary of State.

Legal Aid
(Scotland)
Fund.

9.—(1) The functions of the Law Society under this Act shall include the administration of the Legal Aid (Scotland) Fund (in this Act referred to as “the legal aid fund”).

(2) All receipts and expenses of the Law Society attributable to this Act shall be paid into and out of the legal aid fund, and the general funds of the Law Society shall be indemnified thereout against any liability in respect of those expenses.

(3) The said expenses shall include—

- (a) any fees and allowances payable to members of a committee by virtue of the last foregoing section ;
- (b) a proper proportion of any expenses incurred partly in connection with functions under this Act and partly for other purposes ;
- (c) such sums as may be proper for the use wholly or partly in connection with those functions of property acquired for other purposes.

(4) The said receipts shall include such sums as may be proper for the use by the Law Society otherwise than in connection with their functions under this Act of property acquired at the expense of the legal aid fund.

(5) The proper proportion of any expenses, or the proper sum, for the purpose of any question arising under subsection (3) or subsection (4) of this section shall be determined by the Secretary of State.

(6) The sums required to meet payments out of the legal aid fund, after allowing for sums received apart from this provision, shall be paid into that fund by the Secretary of State at such times and in such manner as he may with the approval of the Treasury determine, and shall be so paid out of moneys provided by Parliament.

(7) Estimates of the sums required as aforesaid shall be submitted to the Secretary of State by the Law Society from time to time but at least once in every financial year at such time as the Secretary of State may with the approval of the Treasury direct.

(8) An estimate under the last foregoing subsection shall be in such form and shall give such particulars as may be so directed.

Explanation
of references
to payments.

10. For the removal of doubts it is hereby declared that any provision of this Act requiring anything to be paid into or out of the legal aid fund is not to be taken as requiring the making

of an actual payment, so as to prevent the obligation to make it being satisfied in whole or in part by an allowance in account or in any other way ; and in this Act references to payments, to sums paid or payable or to receipts and similar references (whether in connection with that fund or not) shall be read accordingly.

11.—(1) The Law Society shall keep such accounts with respect to the legal aid fund and shall prepare in respect of each financial year a statement of accounts in such form, as the Secretary of State may with the approval of the Treasury direct. Accounts and audit.

(2) The accounts shall be audited by persons to be appointed in respect of each financial year by the Secretary of State and in accordance with a scheme of audit approved by him, and the auditors shall be furnished by the Law Society with copies of the said statement and shall report to the Secretary of State on the accounts and the said statement.

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

- (a) the Institute of Chartered Accountants of Scotland ;
- (b) the Institute of Chartered Accountants in England and Wales ;
- (c) the Association of Certified and Corporate Accountants ;
- (d) the Institute of Chartered Accountants in Ireland.

(4) So soon as the accounts have been audited, the auditors shall send to the Secretary of State copies of the statement of accounts and of their report, and the Secretary of State shall send a copy of the statement and of the report to the Comptroller and Auditor General.

(5) The Comptroller and Auditor General shall examine every statement and report sent to him under the last foregoing subsection, and may inspect the accounts kept with respect to the legal aid fund and any records relating thereto, and shall certify every such statement and lay a copy of it together with his report thereon before Parliament.

12.—(1) Arrangements shall be made, in accordance with regulations, for providing pensions to or in respect of persons employed by the Law Society whole-time for the purpose of their functions under this Act. Pension rights of employees.

(2) The regulations may require the arrangements to extend, with any necessary adjustments, to persons employed by the

Law Society part-time for that purpose or (whether whole-time or part-time) for that and other purposes.

(3) The arrangements may include the establishment and administration, by the Law Society or otherwise, of a pension scheme, with or without a pension fund.

(4) The regulations may direct that receipts and expenses of the Law Society attributable to their establishment and administration of a pension scheme under this section shall, notwithstanding anything in section 9 of this Act, be dealt with under the scheme instead of being paid into and out of the legal aid fund.

(5) Regulations for the purposes of this section shall be made with the concurrence of the Treasury.

Award of expenses to successful unassisted party in civil proceedings

Power to award expenses out of legal aid fund.

13.—(1) Where a party receives legal aid in connection with any civil proceedings between him and an unassisted party and those proceedings are finally decided in favour of the unassisted party, the court by which the proceedings are so decided may, subject to the provisions of this section, make an order for the payment to the unassisted party out of the legal aid fund of the whole or any part of the expenses incurred by him in those proceedings.

(2) An order may be made under this section in respect of any expenses if (and only if) the court is satisfied that it is just and equitable in all the circumstances that provision for those expenses should be made out of public funds; and before making such an order the court shall in every case (whether or not application is made in that behalf) consider what orders should be made for expenses against the party receiving legal aid and for determining his liability in respect of such expenses.

(3) Without prejudice to the last foregoing subsection, no order shall be made under this section in respect of expenses incurred in a court of first instance, whether by that court or by any appellate court, unless—

- (a) the proceedings in the court of first instance were instituted by the party receiving legal aid; and
- (b) the court is satisfied that the unassisted party will suffer severe financial hardship unless the order is made.

(4) An order under this section shall not be made by any court in respect of expenses incurred by the unassisted party in any proceedings in which, apart from this Act, no order would be made for the payment of his expenses.

(5) Without prejudice to any other provision restricting appeals from any court, no appeal shall lie against an order under this section, or a refusal to make such an order, except on a point of law.

(6) In this section "expenses" means expenses as between party and party; but the expenses in respect of which an order may be made under this section include the expenses of applying for that order.

14.—(1) For the purposes of section 13 of this Act civil proceedings shall be treated as finally decided in favour of the unassisted party— Provisions supplementary to section 13.

- (a) if no appeal lies against the decision in his favour;
- (b) if an appeal lies against the decision with leave, and the time limited for applications for leave expires without leave being granted; or
- (c) if leave to appeal against the decision is granted or is not required, and no appeal is brought within the time limited for appeal;

and where an appeal against the decision is brought out of time, the court by which the appeal (or any further appeal in those proceedings) is determined may make an order for the repayment by the unassisted party to the legal aid fund of the whole or any part of any sum previously paid to him under the said section 13 in respect of those proceedings.

(2) Where a court decides any proceedings in favour of the unassisted party and an appeal lies (with or without leave) against that decision, the court may, if it thinks fit, make or refuse to make an order under section 13 of this Act forthwith, but any order so made shall not take effect—

- (a) where leave to appeal is required, unless the time limited for applications for leave to appeal expires without leave being granted;
- (b) where leave to appeal is granted or is not required, unless the time limited for appeal expires without an appeal being brought.

(3) Where a party begins to receive legal aid in connection with any civil proceedings after those proceedings have been instituted, or ceases to receive legal aid before they are finally decided, or otherwise receives legal aid in connection with part only of any proceedings, the reference in section 13(1) of this Act to the expenses incurred by the unassisted party in those proceedings shall be construed as a reference to so much of those expenses as is attributable to that part.

Supplementary

Regulations.

15.—(1) The Secretary of State may make such regulations as appear to him necessary or desirable for preventing abuses of this Act by persons seeking or receiving legal aid or advice.

(2) Regulations may make provision as to the information to be furnished by a person seeking or receiving legal aid or advice.

(3) Regulations may also modify any provision of this Act so far as appears to the Secretary of State necessary to meet the special circumstances where—

(a) a person seeking or receiving legal aid or advice—

(i) is not resident in Scotland ; or

(ii) is concerned in a representative, fiduciary or official capacity ; or

(iii) is concerned jointly with or has the same interest as other persons, whether receiving legal aid or advice or not ; or

(iv) has available to him rights or facilities making it unnecessary for him to take advantage of the provisions of this Act, or has a reasonable expectation of receiving financial or other help from a body of which he is a member ;

(b) a person seeks legal aid in a matter of special urgency ;

(c) a person begins to receive legal aid after having consulted a solicitor in the ordinary way with respect to the same matter, or ceases to receive legal aid before the matter in question is finally settled ;

(d) there is any relevant change of circumstances while a person is receiving legal aid.

(4) Regulations may also modify section 13(3)(b) of this Act in its application to an unassisted party who is concerned in proceedings only in a fiduciary, representative or official capacity.

(5) Without prejudice to the powers conferred by the foregoing provisions of this Act, regulations may make such provision (including provision modifying this Act) as appears to the Secretary of State, with the concurrence of the Treasury, to be expedient as to the application of this Act in relation to persons who have been admitted to take, defend or to be a party to any proceedings *in forma pauperis* or as poor persons, and to other persons concerned in proceedings commenced before or shortly after legal aid is made available.

(6) The power of the Secretary of State to make regulations shall be exercisable by statutory instrument.

(7) Any statutory instrument by which that power is exercised, other than one making regulations for the purposes of section 1(3), 2(1) or 3(1) of this Act, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(8) Regulations made for the purposes of section 1(3) of this Act, or including any provision made by virtue of section 2(1) or 3(1) of this Act (not being a provision to the same effect as a provision revoked by the regulations) shall not come into force unless or until approved by a resolution of each House of Parliament.

**16.—(1) The Court by act of adjournal or act of sederunt, Rules of
as the case may be, may— Court.**

- (a) make provision as to the proceedings which are or are not to be treated as distinct proceedings for the purposes of legal aid, and as to the apportionment of sums recovered or recoverable by virtue of any award of expenses made generally with respect to proceedings treated as distinct ;
- (b) regulate the procedure of any court or tribunal in relation to legal aid, and in particular may make provision—
 - (i) as to the taxation of expenses incurred in connection with proceedings not actually begun ; and
 - (ii) as to the cases in which and the extent to which a person receiving legal aid may be required to find caution, and the manner in which caution in such cases may be found ;
- (c) make provision as to the cases in which a person may be treated as having disintitled himself to a continuance of legal aid by his conduct in connection therewith ;
- (d) make provision for the recovery of sums due to the legal aid fund and for making effective the priority conferred by this Act on the payment of such sums out of property recovered or preserved for a person receiving legal aid, including provision—
 - (i) for the enforcement for the benefit of that fund of any award of expenses or any agreement as to expenses in favour of a person who has received legal aid ; and
 - (ii) making a solicitor's right to payment out of the legal aid fund dependent, in whole or in part, on his performance of any duties imposed on him by any act of sederunt or act of adjournal made for the purposes of this paragraph ;

- (e) make provision as to the proceedings which are or are not to be treated as separate proceedings for the purposes of section 13 of this Act, or as having been instituted by the party receiving legal aid for the purposes of subsection (3)(a) of that section ;
- (f) regulate the procedure to be followed in connection with orders under the said section 13, and may in particular enable the Law Society to be heard in connection with such an order.

(2) The High Court of Justiciary by act of adjournal may fix the fees to be paid in the High Court and in the inferior courts in respect of the representation of persons receiving legal aid in connection with criminal proceedings therein, and the Court of Session by act of sederunt may make provision for the like matters in connection with civil proceedings in any court or tribunal other than the Court of Session and the sheriff court.

(3) The Court may, by act of adjournal or act of sederunt, as the case may be, restrict to such proportion of the fees for the time being applicable as may be provided therein the fees to be paid to auditors of court, messengers-at-arms, sheriff officers and shorthand writers in any case where such fees are payable in the first instance by or on behalf of a person receiving legal aid :

Provided that the imposition of any restriction under this subsection shall not affect the sums recoverable by virtue of an award of expenses in favour of a person who has received legal aid, or of an agreement as to expenses in favour of such a person which provides for taxation.

(4) The Court may, by act of adjournal or act of sederunt, as the case may be, make provision for the taxation by the Auditor of the Court of Session or the auditor of the sheriff court of accounts of expenses incurred in connection with the giving of legal aid and with respect to the remuneration to be paid to auditors in respect of the taxation of such accounts.

(5) Before making rules of court regulating the procedure of any court or tribunal, the Court shall so far as practicable consult any rules council or similar body by whom or on whose advice rules of procedure for the court or tribunal may be made apart from this Act or whose consent or concurrence is required to any such rules so made.

(6) In this section the expression "the Court" means in relation to criminal proceedings, the High Court of Justiciary, and in relation to civil proceedings, the Court of Session.

Adaptation
of rights to
indemnity.

17.—(1) This section shall have effect for the purpose of adapting in relation to this Act any right (however and whenever created or arising) which a person may have to be indemnified against expenses incurred by him.

(2) In determining for the purposes of any such right the reasonableness of any expenses, the possibility of avoiding them or part of them by taking advantage of the provisions of this Act shall be disregarded.

(3) Where a person having any such right to be indemnified against expenses incurred in connection with any proceedings receives legal aid in connection with those proceedings, then (without prejudice to the effect of the indemnity in relation to his contribution, if any, to the legal aid fund) the right shall enure also for the benefit of that fund as if the expenses incurred by that fund on behalf of the said person in connection with the proceedings had been incurred by him.

(4) Where—

(a) a person's right to be indemnified against expenses incurred in connection with any proceedings arises by virtue of an agreement and is subject to any express condition conferring on those liable thereunder any right with respect to the bringing or conduct of the proceedings; and

(b) those liable have been given a reasonable opportunity of exercising the right so conferred and have not availed themselves of that opportunity;

the right to be indemnified shall be treated for the purposes of the last-foregoing subsection as not being subject to that condition.

(5) Where under subsection (3) of this section a person's right to be indemnified against expenses incurred in connection with any proceedings enures for the benefit of the legal aid fund, then, for the purposes of section 3 of this Act, the net liability of the fund on his account shall be treated as reduced by the amount of any sums recovered for the benefit of the fund by virtue of the said right.

(6) The three last foregoing subsections shall apply in relation to legal aid under section 5 of this Act with the necessary modifications of references to proceedings:

Provided that, where by virtue of subsection (6) of that section the legal aid is treated for the purposes of section 3 of this Act as given in connection with any proceedings, it shall also be so treated for the purposes of this section.

18.—(1) If any person seeking or receiving legal aid or Offences. advice—

(a) wilfully fails to comply with any regulations as to the information to be furnished by him; or

(b) in furnishing any information required by the regulations or required for the purpose of establishing

whether he has a *probabilis causa litigandi* or whether he has substantial grounds for taking proceedings by way of appeal against conviction or sentence, knowingly makes any false statement or false representation ; he shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both.

(2) No information furnished for the purposes of this Act to the Law Society or to any committee or person on their behalf shall be disclosed—

- (a) in the case of such information furnished by, or by any person acting for, a person seeking or receiving legal aid or advice, without the consent of the person seeking or receiving legal aid or advice ; or
- (b) in the case of such information furnished otherwise than as aforesaid, without the consent of the person who furnished it ;

and any person who, in contravention of this subsection, discloses any information obtained by him when employed by or acting on behalf of the Law Society shall be liable on summary conviction to a fine not exceeding one hundred pounds :

Provided that this subsection shall not apply to the disclosure of information—

- (i) for the purpose of facilitating the proper performance by any person or body of functions under this Act ; or
- (ii) for the purpose of any criminal proceedings for an offence thereunder or of any report of any such proceedings.

1954 c. 48.

(3) Notwithstanding anything in the Summary Jurisdiction (Scotland) Act 1954, proceedings for an offence against subsection (1) of this section 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 is the shorter ; 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) For the avoidance of doubt it is hereby declared that information furnished to counsel or a solicitor as such by or on behalf of a person seeking or receiving legal aid or advice is not information furnished to the Law Society or a person on their behalf.

19. This Act shall bind the Crown.

Application
to Crown.

- 20.—(1)** In this Act, unless the context otherwise requires— Interpretation
and
construction.
1949 c. 63.
- the expression “**Law Society**” means the Law Society of Scotland established under the provisions of the Solicitors (Scotland) Act 1949, and any reference to the Council of the Law Society shall be taken as a reference to the council elected in accordance with the provisions of the said Act ;
 - the expressions “**legal aid**” and “**legal advice**” mean respectively legal aid and legal advice under this Act ;
 - the expression “**legal aid certificate**” means a certificate required, under any scheme having effect by virtue of section 8 of this Act, to be obtained as a condition of entitlement to legal aid ;
 - the expression “**legal aid fund**” means the Legal Aid (Scotland) Fund administered in accordance with section 9 of this Act ;
 - the expression “**member of the forces**” means a person serving on full pay as a member of any of the naval, military or air forces of the Crown raised in the United Kingdom (including any women’s force administered by the Defence Council) ;
 - the expression “**person**” does not include a body of persons, corporate or unincorporate, so as to authorise legal aid or advice to be given to such a body ;
 - the expression “**prescribed**” means prescribed by regulations ;
 - the expression “**regulations**” means regulations made by the Secretary of State under this Act ;
 - the expression “**tribunal**” includes an arbiter or oversman, however appointed, and whether the arbitration takes place under a reference by consent or otherwise ;
 - the expression “**unassisted party**” means a party to any civil proceedings not in receipt of legal aid.

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

(3) Any enactment passed before the passing of this Act referring to an enactment repealed by this Act shall, unless the contrary intention appears, be construed as referring to the corresponding provision of this Act.

21.—(1) The enactments mentioned in Schedule 3 to this Act **Repeals and so far as relating to Scotland are hereby repealed to the extent savings. specified in the third column of that Schedule.**

(2) In so far as any act of adjournal, act of sederunt, regulations, order or scheme made under any enactment repealed by this Act, or any other thing done under any such enactment, could have been made 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 or done under that corresponding provision.

(3) Where 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 this Act or the corresponding enactment therein.

1889 c. 63.

(4) 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).

Short title
and com-
mencement.

22.—(1) This Act may be cited as the Legal Aid (Scotland) Act 1967.

(2) Except as provided in the following subsection, this Act shall come into operation on the passing thereof.

(3) The following provisions of this Act shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint, that is to say—

(a) subsections (4) to (7) of section 7 ;

(b) the provisions of this Act so far as they relate to legal aid in connection with civil proceedings in the Scottish Land Court or before any person to whom a case is referred in whole or in part by that Court ;

(c) the provisions of this Act so far as they relate to legal aid in connection with criminal proceedings in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act 1954 (other than such proceedings in the sheriff court and in the juvenile courts constituted in pursuance of section 51 of the Children and Young Persons (Scotland) Act 1937) ;

1954 c. 48.

1937 c. 37.

and different days may be appointed for different purposes.

SCHEDULES

SCHEDULE 1

Section 1.

PROCEEDINGS FOR WHICH LEGAL AID MAY BE GIVEN

PART I

Description of Proceedings

1. Civil proceedings in any of the following courts—
 - (a) the House of Lords in the exercise of its jurisdiction in relation to appeals from the Court of Session ;
 - (b) the Court of Session ;
 - (c) the Lands Valuation Appeal Court ;
 - (d) the Scottish Land Court ;
 - (e) the sheriff court.
2. Proceedings before any person to whom a case is referred in whole or in part by any of the said courts.
3. Criminal proceedings in any of the following courts—
 - (a) the High Court of Justiciary ;
 - (b) the sheriff court ;
 - (c) any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act 1954. 1954 c. 48.

PART II

Excepted Proceedings

1. Proceedings wholly or partly in respect of—
 - (a) defamation or verbal injury ;
 - (b) breach of promise of marriage ;
 - (c) the inducement of one spouse to leave or remain apart from the other.
2. Election petitions under the Representation of the People Act 1949 c. 68.
3. Proceedings in the small debt court in which liability for the debt and the amount thereof are admitted.
4. Proceedings in the sheriff court for summary removing in which liability for the debt and the amount thereof are admitted.

SCHEDULE 2

Section 6.

REMUNERATION OF PERSONS GIVING LEGAL AID

- 1.—(1) The sums allowed by way of fees to counsel in connection with proceedings in the House of Lords or the Court of Session shall be eighty-five per cent. or such larger percentage as may be prescribed of the amount allowed on taxation.

SCH. 2

(2) The sums allowed by way of fees to counsel in connection with civil proceedings in the sheriff court shall, where the expenses are taxed on the higher scale, be eighty-five per cent. or such larger percentage as may be prescribed of the amount allowed on taxation, and where the expenses are taxed on any other scale, be the full amount allowed on taxation.

(3) The sums allowed by way of fees to counsel in connection with criminal proceedings shall be the full amount allowed on taxation of the fees fixed by act of adjournal under section 16(2) of this Act or, in connection with any criminal proceedings for the conduct of which an inclusive fee is so fixed, shall be that fee.

(4) The sums allowed by way of fees to counsel in any other case shall be the full amount allowed on taxation of the fees fixed by act of sederunt under the said section 16(2).

2.—(1) The sums allowed by way of remuneration to a solicitor in connection with proceedings in the House of Lords or the Court of Session shall be the full amount allowed on taxation on account of outlays and eighty-five per cent. or such larger percentage as may be prescribed of the amount so allowed on account of fees.

(2) The sums allowed by way of remuneration to a solicitor in connection with civil proceedings in the sheriff court shall, where the expenses are taxed on the higher scale, be the full amount allowed on taxation on account of outlays, and eighty-five per cent. or such larger percentage as may be prescribed of the amount so allowed on account of fees, and where the expenses are taxed on any other scale, be the full amount allowed on taxation, whether on account of outlays or of fees.

(3) The sums allowed by way of remuneration to a solicitor in connection with criminal proceedings shall be the full amount allowed on taxation on account of outlays and the full amount so allowed of the fees fixed by act of adjournal under the said section 16(2) or, in connection with any criminal proceedings for the conduct of which an inclusive fee is so fixed, shall be that fee.

(4) The sums allowed by way of remuneration to a solicitor in respect of his being available and of his giving legal aid in a court of summary jurisdiction in pursuance of such arrangements as are mentioned in paragraph (a) of the proviso to subsection (3) of section 6 of this Act shall be such as may be determined under the scheme made under section 8 of this Act.

(5) The sums allowed by way of remuneration to a solicitor in connection with any other proceedings in any court or tribunal shall be the full amount allowed on taxation on account of outlays and the full amount so allowed of the fees fixed by act of sederunt under the said section 16(2).

(6) The sums allowed by way of remuneration to a solicitor in connection with the giving of legal aid under section 5 of this Act or with the giving of legal advice shall be such as may be determined under the scheme made under section 8 of this Act.

SCH. 2

3. For the purposes of paragraph 1 of this Schedule counsel's fees shall be taxed as if they had been paid by the solicitor, and shall be treated as outlays for the purposes of the last foregoing paragraph.

4. The expenses incurred in connection with civil proceedings in the sheriff court shall, for the purposes of this Schedule, be taxed on the like scale as applies to the expenses awarded in those proceedings as between the parties thereto:

Provided that if no award of expenses is made, or expenses are awarded on a scale other than the scale which, apart from the special circumstances of the particular proceedings, would be applicable, the expenses shall, for the purposes aforesaid, be taxed on such scale as the sheriff, on application made to him, may direct.

5. Expenses shall be taxed for the purposes of this Schedule according to the ordinary rules and as between solicitor and client:

Provided that no question shall be raised as to the propriety of any act for which prior approval was obtained as required by regulations.

6. Where regulations so provide, an amount, whether on account of outlays or fees, fixed by agreement between the Law Society and the solicitor to whom such amount is payable in the first instance out of the legal aid fund shall for the purposes of this Schedule be treated as if it were an amount allowed on taxation:

Provided that this paragraph shall not have effect in relation to any amount if any person to or by whom such amount is payable in whole or in part requires it to be fixed by taxation.

SCHEDULE 3

Section 21.

ENACTMENTS REPEALED

Year or Session and Chapter	Short Title	Extent of Repeal
12 & 13 Geo. 6. c. 63.	The Legal Aid (Scotland) Act 1949.	The whole Act.
8 & 9 Eliz. 2. c. 28.	The Legal Aid Act 1960.	The whole Act.
1963 c. 39.	The Criminal Justice (Scotland) Act 1963.	Section 48. Schedule 4.
1964 c. 30.	The Legal Aid Act 1964.	The whole Act.
1966 c. 20.	The Ministry of Social Security Act 1966.	In Schedule 6, paragraph 13.



Public Records Act 1967

1967 CHAPTER 44

An Act to reduce the period of fifty years specified in section 5(1) of the Public Records Act 1958 as that for which certain public records must have been in existence for them to be available for public inspection.

[14th 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:—

Reduction of period for which certain public records must have been in existence for them to be available for public inspection.
1958 c. 51.

1. In subsection (1) of section 5 of the Public Records Act 1958 (which provides that public records in the Public Record Office, with certain exceptions, shall not be available for public inspection until they have been in existence for fifty years or such other period as the Lord Chancellor may, in accordance with that subsection, prescribe as respects any particular class of public records) for the words "until they have been in existence for fifty years or such other period", there shall be substituted the words "until the expiration of the period of thirty years beginning with the first day of January in the year next after that in which they were created, or of such other period".

Short title and commencement.

2.—(1) This Act may be cited as the Public Records Act 1967.
(2) This Act shall come into operation on 1st January 1968.



Uniform Laws on International Sales Act 1967

1967 CHAPTER 45

An Act to give effect to two Conventions with respect to the international sale of goods; and for purposes connected therewith. [14th 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 this Act “the Uniform Law on Sales” means the **Application of Uniform Law on the International Sale of Goods** forming the Annex to the First Convention and set out, with the modification provided for by Article III of that Convention, in Schedule 1 to this Act; and “the First Convention” means the Convention relating to a Uniform Law on the International Sale of Goods done at The Hague on 1st July 1964.

(2) The Uniform Law on Sales shall, subject to the following provisions of this section, have the force of law in the United Kingdom.

(3) While an Order of Her Majesty in Council is in force declaring that a declaration by the United Kingdom under Article V of the First Convention (application only by choice of parties) has been made and not withdrawn the Uniform Law on Sales shall apply to a contract of sale only if it has been chosen by the parties to the contract as the law of the contract.

(4) In determining the extent of the application of the Uniform Law on Sales by virtue of Article 4 thereof (choice of parties) no provision of the law of England and Wales, Scotland or Northern Ireland shall be regarded as a mandatory provision within the meaning of that Article.

(5) If Her Majesty by Order in Council declares what States are Contracting States, and in respect of what territories, or what declarations under Article II of the First Convention are for the time being in force, the Order shall, while in force, be conclusive for the purposes of paragraph 1 or, as the case may be, paragraph 5 of Article 1 of the Uniform Law on Sales; but any Order in Council under this subsection may be varied or revoked by a subsequent Order in Council.

(6) The Uniform Law on Sales shall not apply to contracts concluded before such date as Her Majesty may by Order in Council declare to be the date on which the First Convention comes into force in respect of the United Kingdom.

(7) Any Order in Council under the preceding provisions of this section shall be laid before Parliament after being made.

(8) An Order in Council made under subsection (3) of this section may be revoked by a subsequent Order in Council; but no recommendation shall be made to Her Majesty in Council to make an Order under this subsection unless a draft thereof has been laid before and approved by each House of Parliament.

Application of
Uniform
Law on the
Formation
of Contracts
for the
International
Sale of Goods.

2.—(1) In this Act “the Uniform Law on Formation” means the Law forming Annex I to the Second Convention as set out, with the modifications provided for by paragraph 3 of Article I of that Convention, in Schedule 2 to this Act; and “the Second Convention” means the Convention relating to a Uniform Law on the Formation of Contracts for the International Sale of Goods done at The Hague on 1st July 1964.

(2) Subject to subsection (3) of this section the Uniform Law on Formation shall have the force of law in the United Kingdom.

(3) The Uniform Law on Formation shall not apply to offers, replies and acceptances made before such date as Her Majesty may by Order in Council declare to be the date on which the Second Convention comes into force in respect of the United Kingdom.

(4) An Order in Council under this section shall be laid before Parliament after being made.

Revision of
Uniform Laws.

3.—(1) If by any international Convention the Uniform Law on Sales or the Uniform Law on Formation is amended Her Majesty may by Order in Council modify the Schedules to this Act in such manner as appears to Her necessary for the purpose of giving effect to the Convention.

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

4. Her Majesty may by Order in Council direct that the provisions of this Act shall extend, with such exceptions, adaptations and modifications as may be specified in the Order, to the Isle of Man or any of the Channel Islands; and an Order in Council under this section may be varied or revoked by a subsequent Order in Council.

5. This Act may be cited as the Uniform Laws on International Sales Act 1967.

SCHEDULES**Section 1.****SCHEDULE 1****THE UNIFORM LAW ON THE INTERNATIONAL SALE
OF GOODS****CHAPTER I.—SPHERE OF APPLICATION OF THE LAW****ARTICLE 1**

1. The present Law shall apply to contracts of sale of goods entered into by parties whose places of business are in the territories of different Contracting States, in each of the following cases :

- (a) where the contract involves the sale of goods which are at the time of the conclusion of the contract in the course of carriage or will be carried from the territory of one State to the territory of another ;
- (b) where the acts constituting the offer and the acceptance have been effected in the territories of different States ;
- (c) where delivery of the goods is to be made in the territory of a State other than that within whose territory the acts constituting the offer and the acceptance have been effected.

2. Where a party to the contract does not have a place of business, reference shall be made to his habitual residence.

3. The application of the present Law shall not depend on the nationality of the parties.

4. In the case of contracts by correspondence, offer and acceptance shall be considered to have been effected in the territory of the same State only if the letters, telegrams or other documentary communications which contain them have been sent and received in the territory of that State.

5. For the purpose of determining whether the parties have their places of business or habitual residences in "different States", any two or more States shall not be considered to be "different States" if a valid declaration to that effect made under Article II of the Convention dated the 1st day of July 1964 relating to a Uniform Law on the International Sale of Goods is in force in respect of them.

ARTICLE 2

Rules of private international law shall be excluded for the purposes of the application of the present Law, subject to any provision to the contrary in the said Law.

ARTICLE 3

The parties to a contract of sale shall be free to exclude the application thereto of the present Law either entirely or partially. Such exclusion may be express or implied.

ARTICLE 4

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The present Law shall also apply where it has been chosen as the law of the contract by the parties, whether or not their places of business or their habitual residences are in different States and whether or not such States are Parties to the Convention dated the 1st day of July 1964 relating to the Uniform Law on the International Sale of Goods, to the extent that it does not affect the application of any mandatory provisions of law which would have been applicable if the parties had not chosen the Uniform Law.

ARTICLE 5

1. The present Law shall not apply to sales:

- (a) of stocks, shares, investment securities, negotiable instruments or money;
- (b) of any ship, vessel or aircraft, which is or will be subject to registration;
- (c) of electricity;
- (d) by authority of law or on execution or distress.

2. The present Law shall not affect the application of any mandatory provision of national law for the protection of a party to a contract which contemplates the purchase of goods by that party by payment of the price by instalments.

ARTICLE 6

Contracts for the supply of goods to be manufactured or produced shall be considered to be sales within the meaning of the present Law, unless the party who orders the goods undertakes to supply an essential and substantial part of the materials necessary for such manufacture or production.

ARTICLE 7

The present Law shall apply to sales regardless of the commercial or civil character of the parties or of the contracts.

ARTICLE 8

The present Law shall govern only the obligations of the seller and the buyer arising from a contract of sale. In particular, the present Law shall not, except as otherwise expressly provided therein, be concerned with the formation of the contract, nor with the effect which the contract may have on the property in the goods sold, nor with the validity of the contract or of any of its provisions or of any usage.

CHAPTER II.—GENERAL PROVISIONS

ARTICLE 9

1. The parties shall be bound by any usage which they have expressly or impliedly made applicable to their contract and by any practices which they have established between themselves.

SCH. 1

2. They shall also be bound by usages which reasonable persons in the same situation as the parties usually consider to be applicable to their contract. In the event of conflict with the present Law, the usages shall prevail unless otherwise agreed by the parties.

3. Where expressions, provisions or forms of contract commonly used in commercial practice are employed, they shall be interpreted according to the meaning usually given to them in the trade concerned.

ARTICLE 10

For the purposes of the present Law, a breach of contract shall be regarded as fundamental wherever the party in breach knew, or ought to have known, at the time of the conclusion of the contract, that a reasonable person in the same situation as the other party would not have entered into the contract if he had foreseen the breach and its effects.

ARTICLE 11

Where under the present Law an act is required to be performed "promptly", it shall be performed within as short a period as possible, in the circumstances, from the moment when the act could reasonably be performed.

ARTICLE 12

For the purposes of the present Law, the expression "current price" means a price based upon an official market quotation, or, in the absence of such a quotation, upon those factors which, according to the usage of the market, serve to determine the price.

ARTICLE 13

For the purposes of the present Law, the expression "a party knew or ought to have known", or any similar expression, refers to what should have been known to a reasonable person in the same situation.

ARTICLE 14

Communications provided for by the present Law shall be made by the means usual in the circumstances.

ARTICLE 15

A contract of sale need not be evidenced by writing and shall not be subject to any other requirements as to form. In particular, it may be proved by means of witnesses.

ARTICLE 16

Where under the provisions of the present Law one party to a contract of sale is entitled to require performance of any obligation by the other party, a court shall not be bound to enter or enforce a judgment providing for specific performance except in accordance with the provisions of Article VII of the Convention dated the 1st day of July 1964 relating to a Uniform Law on the International Sale of Goods.

ARTICLE 17

SCH. 1

Questions concerning matters governed by the present Law which are not expressly settled therein shall be settled in conformity with the general principles on which the present Law is based.

CHAPTER III.—OBLIGATIONS OF THE SELLER

ARTICLE 18

The seller shall effect delivery of the goods, hand over any documents relating thereto and transfer the property in the goods, as required by the contract and the present Law.

Section I.—Delivery of the Goods

ARTICLE 19

1. Delivery consists in the handing over of goods which conform with the contract.

2. Where the contract of sale involves carriage of the goods and no other place for delivery has been agreed upon, delivery shall be effected by handing over the goods to the carrier for transmission to the buyer.

3. Where the goods handed over to the carrier are not clearly appropriated to performance of the contract by being marked with an address or by some other means, the seller shall, in addition to handing over the goods, send to the buyer notice of the consignment and, if necessary, some document specifying the goods.

SUB-SECTION 1.—OBLIGATIONS OF THE SELLER AS REGARDS THE
DATE AND PLACE OF DELIVERY

A.—Date of Delivery

ARTICLE 20

Where the parties have agreed upon a date for delivery or where such date is fixed by usage, the seller shall, without the need for any other formality, be bound to deliver the goods at that date, provided that the date thus fixed is determined or determinable by the calendar or is fixed in relation to a definite event, the date of which can be ascertained by the parties.

ARTICLE 21

Where by agreement of the parties or by usage delivery shall be effected within a certain period (such as a particular month or season), the seller may fix the precise date of delivery, unless the circumstances indicate that the fixing of the date was reserved to the buyer.

ARTICLE 22

Where the date of delivery has not been determined in accordance with the provisions of Articles 20 or 21, the seller shall be bound to deliver the goods within a reasonable time after the conclusion of the contract, regard being had to the nature of the goods and to the circumstances.

B.—Place of Delivery

ARTICLE 23

1. Where the contract of sale does not involve carriage of the goods, the seller shall deliver the goods at the place where he carried on business at the time of the conclusion of the contract, or, in the absence of a place of business, at his habitual residence.

2. If the sale relates to specific goods and the parties knew that the goods were at a certain place at the time of the conclusion of the contract, the seller shall deliver the goods at that place. The same rule shall apply if the goods sold are unascertained goods to be taken from a specified stock or if they are to be manufactured or produced at a place known to the parties at the time of the conclusion of the contract.

C.—Remedies for the seller's failure to perform his obligations as regards the date and place of delivery

ARTICLE 24

1. Where the seller fails to perform his obligations as regards the date or the place of delivery, the buyer may, as provided in Articles 25 to 32:

- (a) require performance of the contract by the seller ;
- (b) declare the contract avoided.

2. The buyer may also claim damages as provided in Article 82 or in Articles 84 to 87.

3. In no case shall the seller be entitled to apply to a court or arbitral tribunal to grant him a period of grace.

ARTICLE 25

The buyer shall not be entitled to require performance of the contract by the seller, if it is in conformity with usage and reasonably possible for the buyer to purchase goods to replace those to which the contract relates. In this case the contract shall be *ipso facto* avoided as from the time when such purchase should be effected.

(a) Remedies as regards the date of delivery

ARTICLE 26

1. Where the failure to deliver the goods at the date fixed amounts to a fundamental breach of the contract, the buyer may either require performance by the seller or declare the contract avoided. He shall inform the seller of his decision within a reasonable time ; otherwise the contract shall be *ipso facto* avoided.

2. If the seller requests the buyer to make known his decision under paragraph 1 of this Article and the buyer does not comply promptly, the contract shall be *ipso facto* avoided.

3. If the seller has effected delivery before the buyer has made known his decision under paragraph 1 of this Article and the buyer does not exercise promptly his right to declare the contract avoided, the contract cannot be avoided.

4. Where the buyer has chosen performance of the contract and does not obtain it within a reasonable time, he may declare the contract avoided.

SCH. 1

ARTICLE 27

1. Where failure to deliver the goods at the date fixed does not amount to a fundamental breach of the contract, the seller shall retain the right to effect delivery and the buyer shall retain the right to require performance of the contract by the seller.

2. The buyer may however grant the seller an additional period of time of reasonable length. Failure to deliver within this period shall amount to a fundamental breach of the contract.

ARTICLE 28

Failure to deliver the goods at the date fixed shall amount to a fundamental breach of the contract whenever a price for such goods is quoted on a market where the buyer can obtain them.

ARTICLE 29

Where the seller tenders delivery of the goods before the date fixed, the buyer may accept or reject delivery ; if he accepts, he may reserve the right to claim damages in accordance with Article 82.

(b) Remedies as regards the place of delivery

ARTICLE 30

1. Where failure to deliver the goods at the place fixed amounts to a fundamental breach of the contract, and failure to deliver the goods at the date fixed would also amount to a fundamental breach, the buyer may either require performance of the contract by the seller or declare the contract avoided. The buyer shall inform the seller of his decision within a reasonable time ; otherwise the contract shall be *ipso facto* avoided.

2. If the seller requests the buyer to make known his decision under paragraph 1 of this Article and the buyer does not comply promptly, the contract shall be *ipso facto* avoided.

3. If the seller has transported the goods to the place fixed before the buyer has made known his decision under paragraph 1 of this Article and the buyer does not exercise promptly his right to declare the contract avoided, the contract cannot be avoided.

ARTICLE 31

1. In cases not provided for in Article 30, the seller shall retain the right to effect delivery at the place fixed and the buyer shall retain the right to require performance of the contract by the seller.

2. The buyer may however grant the seller an additional period of time of reasonable length. Failure to deliver within this period at the place fixed shall amount to a fundamental breach of the contract.

SCH. 1

ARTICLE 32

1. If delivery is to be effected by handing over the goods to a carrier and the goods have been handed over at a place other than that fixed, the buyer may declare the contract avoided, whenever the failure to deliver the goods at the place fixed amounts to a fundamental breach of the contract. He shall lose this right if he has not promptly declared the contract avoided.

2. The buyer shall have the same right, in the circumstances and on the conditions provided in paragraph 1 of this Article, if the goods have been despatched to some place other than that fixed.

3. If despatch from a place or to a place other than that fixed does not amount to a fundamental breach of the contract, the buyer may only claim damages in accordance with Article 82.

SUB-SECTION 2.—OBLIGATIONS OF THE SELLER AS REGARDS THE
CONFORMITY OF THE GOODSA.—*Lack of conformity*

ARTICLE 33

1. The seller shall not have fulfilled his obligation to deliver the goods, where he has handed over:

- (a) part only of the goods sold or a larger or a smaller quantity of the goods than he contracted to sell ;
- (b) goods which are not those to which the contract relates or goods of a different kind ;
- (c) goods which lack the qualities of a sample or model which the seller has handed over or sent to the buyer, unless the seller has submitted it without any express or implied undertaking that the goods would conform therewith ;
- (d) goods which do not possess the qualities necessary for their ordinary or commercial use ;
- (e) goods which do not possess the qualities for some particular purpose expressly or impliedly contemplated by the contract ;
- (f) in general, goods which do not possess the qualities and characteristics expressly or impliedly contemplated by the contract.

2. No difference in quantity, lack of part of the goods or absence of any quality or characteristic shall be taken into consideration where it is not material.

ARTICLE 34

In the cases to which Article 33 relates, the rights conferred on the buyer by the present Law exclude all other remedies based on lack of conformity of the goods.

ARTICLE 35

1. Whether the goods are in conformity with the contract shall be determined by their condition at the time when risk passes. However, if risk does not pass because of a declaration of avoidance of

the contract or of a demand for other goods in replacement, the conformity of the goods with the contract shall be determined by their condition at the time when risk would have passed had they been in conformity with the contract.

SCHE. 1

2. The seller shall be liable for the consequences of any lack of conformity occurring after the time fixed in paragraph 1 of this Article if it was due to an act of the seller or of a person for whose conduct he is responsible.

ARTICLE 36

The seller shall not be liable for the consequences of any lack of conformity of the kind referred to in sub-paragraphs (d), (e) or (f) of paragraph 1 of Article 33, if at the time of the conclusion of the contract the buyer knew, or could not have been unaware of, such lack of conformity.

ARTICLE 37

If the seller has handed over goods before the date fixed for delivery he may, up to that date, deliver any missing part or quantity of the goods or deliver other goods which are in conformity with the contract or remedy any defects in the goods handed over, provided that the exercise of this right does not cause the buyer either unreasonable inconvenience or unreasonable expense.

B.—Ascertainment and notification of lack of conformity

ARTICLE 38

1. The buyer shall examine the goods, or cause them to be examined, promptly.

2. In case of carriage of the goods the buyer shall examine them at the place of destination.

3. If the goods are redespached by the buyer without transshipment and the seller knew or ought to have known, at the time when the contract was concluded, of the possibility of such redespach, examination of the goods may be deferred until they arrive at the new destination.

4. The methods of examination shall be governed by the agreement of the parties or, in the absence of such agreement, by the law or usage of the place where the examination is to be effected.

ARTICLE 39

1. The buyer shall lose the right to rely on a lack of conformity of the goods if he has not given the seller notice thereof promptly after he has discovered the lack of conformity or ought to have discovered it. If a defect which could not have been revealed by the examination of the goods provided for in Article 38 is found later, the buyer may nonetheless rely on that defect, provided that he gives the seller notice thereof promptly after its discovery. In any event, the buyer shall lose the right to rely on a lack of conformity of the goods if he has not given notice thereof to the seller within a period of two years from the date on which the goods were handed over, unless the lack of conformity constituted a breach of a guarantee covering a longer period.

SCH. 1

2. In giving notice to the seller of any lack of conformity, the buyer shall specify its nature and invite the seller to examine the goods or to cause them to be examined by his agent.

3. Where any notice referred to in paragraph 1 of this Article has been sent by letter, telegram or other appropriate means, the fact that such notice is delayed or fails to arrive at its destination shall not deprive the buyer of the right to rely thereon.

ARTICLE 40

The seller shall not be entitled to rely on the provisions of Articles 38 and 39 if the lack of conformity relates to facts of which he knew, or of which he could not have been unaware, and which he did not disclose.

C.—Remedies for lack of conformity

ARTICLE 41

1. Where the buyer has given due notice to the seller of the failure of the goods to conform with the contract, the buyer may, as provided in Articles 42 to 46:

- (a) require performance of the contract by the seller ;
- (b) declare the contract avoided ;
- (c) reduce the price.

2. The buyer may also claim damages as provided in Article 82 or in Articles 84 to 87.

ARTICLE 42

1. The buyer may require the seller to perform the contract :

- (a) if the sale relates to goods to be produced or manufactured by the seller, by remedying defects in the goods, provided the seller is in a position to remedy the defects ;
- (b) if the sale relates to specific goods, by delivering the goods to which the contract refers or the missing part thereof ;
- (c) if the sale relates to unascertained goods, by delivering other goods which are in conformity with the contract or by delivering the missing part or quantity, except where the purchase of goods in replacement is in conformity with usage and reasonably possible.

2. If the buyer does not obtain performance of the contract by the seller within a reasonable time, he shall retain the rights provided in Articles 43 to 46.

ARTICLE 43

The buyer may declare the contract avoided if the failure of the goods to conform to the contract and also the failure to deliver on the date fixed amount to fundamental breaches of the contract. The buyer shall lose his right to declare the contract avoided if he does not exercise it promptly after giving the seller notice of the lack of conformity or, in the case to which paragraph 2 of Article 42 applies, after the expiration of the period referred to in that paragraph.

ARTICLE 44

SCH. 1

1. In cases not provided for in Article 43, the seller shall retain, after the date fixed for the delivery of the goods, the right to deliver any missing part or quantity of the goods or to deliver other goods which are in conformity with the contract or to remedy any defect in the goods handed over, provided that the exercise of this right does not cause the buyer either unreasonable inconvenience or unreasonable expense.

2. The buyer may however fix an additional period of time of reasonable length for the further delivery or for the remedying of the defect. If at the expiration of the additional period the seller has not delivered to goods or remedied the defect, the buyer may choose between requiring the performance of the contract or reducing the price in accordance with Article 46 or, provided that he does so promptly, declare the contract avoided.

ARTICLE 45

1. Where the seller has handed over part only of the goods or an insufficient quantity or where part only of the goods handed over is in conformity with the contract, the provisions of Articles 43 and 44 shall apply in respect of the part or quantity which is missing or which does not conform with the contract.

2. The buyer may declare the contract avoided in its entirety only if the failure to effect delivery completely and in conformity with the contract amounts to a fundamental breach of the contract.

ARTICLE 46

Where the buyer has neither obtained performance of the contract by the seller nor declared the contract avoided, the buyer may reduce the price in the same proportion as the value of the goods at the time of the conclusion of the contract has been diminished because of their lack of conformity with the contract.

ARTICLE 47

Where the seller has proffered to the buyer a quantity of unascertained goods greater than that provided for in the contract, the buyer may reject or accept the excess quantity. If the buyer rejects the excess quantity, the seller shall be liable only for damages in accordance with Article 82. If the buyer accepts the whole or part of the excess quantity, he shall pay for it at the contract rate.

ARTICLE 48

The buyer may exercise the rights provided in Articles 43 to 46, even before the time fixed for delivery, if it is clear that goods which would be handed over would not be in conformity with the contract.

ARTICLE 49

1. The buyer shall lose his right to rely on lack of conformity with the contract at the expiration of a period of one year after he has given notice as provided in Article 39, unless he has been prevented from exercising his right because of fraud on the part of the seller.

SCH. 1

2. After the expiration of this period, the buyer shall not be entitled to rely on the lack of conformity, even by way of defence to an action. Nevertheless, if the buyer has not paid for the goods and provided that he has given due notice of the lack of conformity promptly, as provided in Article 39, he may advance as a defence to a claim for payment of the price a claim for a reduction in the price or for damages.

Section II.—Handing over of documents

ARTICLE 50

Where the seller is bound to hand over to the buyer any documents relating to the goods, he shall do so at the time and place fixed by the contract or by usage.

ARTICLE 51

If the seller fails to hand over documents as provided in Article 50 at the time and place fixed or if he hands over documents which are not in conformity with those which he was bound to hand over, the buyer shall have the same rights as those provided under Articles 24 to 32 or under Articles 41 to 49, as the case may be.

Section III.—Transfer of property

ARTICLE 52

1. Where the goods are subject to a right or claim of a third person, the buyer, unless he agreed to take the goods subject to such right or claim, shall notify the seller of such right or claim, unless the seller already knows thereof, and request that the goods should be freed therefrom within reasonable time or that other goods free from all rights and claims of third persons be delivered to him by the seller.

2. If the seller complies with a request made under paragraph 1 of this Article and the buyer nevertheless suffers a loss, the buyer may claim damages in accordance with Article 82.

3. If the seller fails to comply with a request made under paragraph 1 of this Article and a fundamental breach of the contract results thereby, the buyer may declare the contract avoided and claim damages in accordance with Articles 84 to 87. If the buyer does not declare the contract avoided or if there is no fundamental breach of the contract, the buyer shall have the right to claim damages in accordance with Article 82.

4. The buyer shall lose his right to declare the contract avoided if he fails to act in accordance with paragraph 1 of this Article within a reasonable time from the moment when he became aware or ought to have become aware of the right or claim of the third person in respect of the goods.

ARTICLE 53

The rights conferred on the buyer by Article 52 exclude all other remedies based on the fact that the seller has failed to perform his obligation to transfer the property in the goods or that the goods are subject to a right or claim of a third person.

Section IV.—Other obligations of the seller

SCH. 1

ARTICLE 54

1. If the seller is bound to despatch the goods to the buyer, he shall make, in the usual way and on the usual terms, such contracts as are necessary for the carriage of the goods to the place fixed.

2. If the seller is not bound by the contract to effect insurance in respect of the carriage of the goods, he shall provide the buyer, at his request, with all information necessary to enable him to effect such insurance.

ARTICLE 55

1. If the seller fails to perform any obligation other than those referred to in Articles 20 to 53, the buyer may:

(a) where such failure amounts to a fundamental breach of the contract, declare the contract avoided, provided that he does so promptly, and claim damages in accordance with Articles 84 to 87, or

(b) in any other case, claim damages in accordance with Article 82.

2. The buyer may also require performance by the seller of his obligation, unless the contract is avoided.

CHAPTER IV.—OBLIGATIONS OF THE BUYER

ARTICLE 56

The buyer shall pay the price for the goods and take delivery of them, as required by the contract and the present law.

Section I.—Payment of the price

A.—Fixing the price

ARTICLE 57

Where a contract has been concluded but does not state a price or make provision for the determination of the price, the buyer shall be bound to pay the price generally charged by the seller at the time of the conclusion of the contract.

ARTICLE 58

Where the price is fixed according to the weight of the goods, it shall, in case of doubt, be determined by the net weight.

B.—Place and date of payment

ARTICLE 59

1. The buyer shall pay the price to the seller at the seller's place of business or, if he does not have a place of business, at his habitual residence, or, where the payment is to be made against the handing over of the goods or of documents, at the place where such handing over takes place.

SCH. 1

2. Where, in consequence of a change in the place of business or habitual residence of the seller subsequent to the conclusion of the contract, the expenses incidental to payment are increased, such increase shall be borne by the seller.

ARTICLE 60

Where the parties have agreed upon a date for the payment of the price or where such date is fixed by usage, the buyer shall, without the need for any other formality, pay the price at that date.

C.—Remedies for non-payment

ARTICLE 61

1. If the buyer fails to pay the price in accordance with the contract and with the present law, the seller may require the buyer to perform his obligation.

2. The seller shall not be entitled to require payment of the price by the buyer if it is in conformity with usage and reasonably possible for the seller to resell the goods. In that case the contract shall be *ipso facto* avoided as from the time when such resale should be effected.

ARTICLE 62

1. Where the failure to pay the price at the date fixed amounts to a fundamental breach of the contract, the seller may either require the buyer to pay the price or declare the contract avoided. He shall inform the buyer of his decision within a reasonable time; otherwise the contract shall be *ipso facto* avoided.

2. Where the failure to pay the price at the date fixed does not amount to a fundamental breach of the contract, the seller may grant to the buyer an additional period of time of reasonable length. If the buyer has not paid the price at the expiration of the additional period, the seller may either require the payment of the price by the buyer or, provided that he does so promptly, declare the contract avoided.

ARTICLE 63

1. Where the contract is avoided because of failure to pay the price, the seller shall have the right to claim damages in accordance with Articles 84 to 87.

2. Where the contract is not avoided, the seller shall have the right to claim damages in accordance with Articles 82 and 83.

ARTICLE 64

In no case shall the buyer be entitled to apply to a court or arbitral tribunal to grant him a period of grace for the payment of the price.

Section II.—Taking delivery

ARTICLE 65

Taking delivery consists in the buyer's doing all such acts as are necessary in order to enable the seller to hand over the goods and actually taking them over.

ARTICLE 66

SCH. 1

1. Where the buyer's failure to take delivery of the goods in accordance with the contract amounts to a fundamental breach of the contract or gives the seller good grounds for fearing that the buyer will not pay the price, the seller may declare the contract avoided.

2. Where the failure to take delivery of the goods does not amount to a fundamental breach of the contract, the seller may grant to the buyer an additional period of time of reasonable length. If the buyer has not taken delivery of the goods at the expiration of the additional period, the seller may declare the contract avoided, provided that he does so promptly.

ARTICLE 67

1. If the contract reserves to the buyer the right subsequently to determine the form, measurement or other features of the goods (sale by specification) and he fails to make such specification either on the date expressly or impliedly agreed upon or within a reasonable time after receipt of a request from the seller, the seller may declare the contract avoided, provided that he does so promptly, or make the specification himself in accordance with the requirements of the buyer in so far as these are known to him.

2. Where the contract is not avoided, the seller shall have the right to require the buyer of the details thereof and shall fix a reasonable period of time within which the buyer may submit a different specification. If the buyer fails to do so the specification made by the seller shall be binding.

ARTICLE 68

1. Where the contract is avoided because of the failure of the buyer to accept delivery of the goods or to make a specification, the seller shall have the right to claim damages in accordance with Articles 84 to 87.

2. Where the contract is not avoided, the seller shall have the right to claim damages in accordance with Article 82.

Section III.—Other obligations of the buyer

ARTICLE 69

The buyer shall take the steps provided for in the contract, by usage or by laws and regulations in force, for the purpose of making provision for or guaranteeing payment of the price, such as the acceptance of a bill of exchange, the opening of a documentary credit or the giving of a banker's guarantee.

ARTICLE 70

1. If the buyer fails to perform any obligation other than those referred to in Sections I and II of this Chapter, the seller may:

- (a) where such failure amounts to a fundamental breach of the contract, declare the contract avoided, provided that he does so promptly, and claim damages in accordance with Articles 84 to 87; or

SCH. 1

(b) in any other case, claim damages in accordance with Article 82.

2. The seller may also require performance by the buyer of his obligation, unless the contract is avoided.

CHAPTER V.—PROVISIONS COMMON TO THE OBLIGATIONS OF THE SELLER AND OF THE BUYER

Section I.—Concurrence between delivery of the goods and payment of the price

ARTICLE 71

Except as otherwise provided in Article 72, delivery of the goods and payment of the price shall be concurrent conditions. Nevertheless, the buyer shall not be obliged to pay the price until he has had an opportunity to examine the goods.

ARTICLE 72

1. Where the contract involves carriage of the goods and where delivery is, by virtue of paragraph 2 of Article 19, effected by handing over the goods to the carrier, the seller may either postpone despatch of the goods until he receives payment or proceed to despatch them on terms that reserve to himself the right of disposal of the goods during transit. In the latter case, he may require that the goods shall not be handed over to the buyer at the place of destination except against payment of the price and the buyer shall not be bound to pay the price until he has had an opportunity to examine the goods.

2. Nevertheless, when the contract requires payment against documents, the buyer shall not be entitled to refuse payment of the price on the ground that he has not had the opportunity to examine the goods.

ARTICLE 73

1. Each party may suspend the performance of his obligations whenever, after the conclusion of the contract, the economic situation of the other party appears to have become so difficult that there is good reason to fear that he will not perform a material part of his obligations.

2. If the seller has already despatched the goods before the economic situation of the buyer described in paragraph 1 of this Article becomes evident, he may prevent the handing over of the goods to the buyer even if the latter holds a document which entitles him to obtain them.

3. Nevertheless, the seller shall not be entitled to prevent the handing over of the goods if they are claimed by a third person who is a lawful holder of a document which entitles him to obtain the goods, unless the document contains a reservation concerning the effects of its transfer or unless the seller can prove that the holder of the document, when he acquired it, knowingly acted to the detriment of the seller.

Section II.—Exemptions

SCH. 1

ARTICLE 74

1. Where one of the parties has not performed one of his obligations, he shall not be liable for such non-performance if he can prove that it was due to circumstances which, according to the intention of the parties at the time of the conclusion of the contract, he was not bound to take into account or to avoid or to overcome; in the absence of any expression of the intention of the parties, regard shall be had to what reasonable persons in the same situation would have intended.

2. Where the circumstances which gave rise to the non-performance of the obligation constituted only a temporary impediment to performance, the party in default shall nevertheless be permanently relieved of his obligation if, by reason of the delay, performance would be so radically changed as to amount to the performance of an obligation quite different from that contemplated by the contract.

3. The relief provided by this Article for one of the parties shall not include the avoidance of the contract under some other provision of the present Law or deprive the other party of any right which he has under the present Law to reduce the price, unless the circumstances which entitled the first party to relief were caused by the act of the other party or of some person for whose conduct he was responsible.

Section III.—Supplementary rules concerning the avoidance of the contract

A.—Supplementary grounds for avoidance

ARTICLE 75

1. Where, in the case of contracts for delivery of goods by instalments, by reason of any failure by one party to perform any of his obligations under the contract in respect of any instalment, the other party has good reason to fear failure of performance in respect of future instalments, he may declare the contract avoided for the future, provided that he does so promptly.

2. The buyer may also, provided that he does so promptly, declare the contract avoided in respect of future deliveries or in respect of deliveries already made or both, if by reason of their interdependence such deliveries would be worthless to him.

ARTICLE 76

Where prior to the date fixed for performance of the contract it is clear that one of the parties will commit a fundamental breach of the contract, the other party shall have the right to declare the contract avoided.

ARTICLE 77

Where the contract has been avoided under Article 75 or Article 76, the party declaring the contract avoided may claim damages in accordance with Articles 84 to 87.

B.—Effects of avoidance

ARTICLE 78

1. Avoidance of the contract releases both parties from their obligations thereunder, subject to any damages which may be due

2. If one party has performed the contract either wholly or in part, he may claim the return of whatever he has supplied or paid under the contract. If both parties are required to make restitution, they shall do so concurrently.

ARTICLE 79

1. The buyer shall lose his right to declare the contract avoided where it is impossible for him to return the goods in the condition in which he received them.

2. Nevertheless, the buyer may declare the contract avoided :

- (a) if the goods or part of the goods have perished or deteriorated as a result of the defect which justifies the avoidance ;
- (b) if the goods or part of the goods have perished or deteriorated as a result of the examination prescribed in Article 38 ;
- (c) if part of the goods have been consumed or transformed by the buyer in the course of normal use before the lack of conformity with the contract was discovered ;
- (d) if the impossibility of returning the goods or of returning them in the condition in which they were received is not due to the act of the buyer or of some other person for whose conduct he is responsible ;
- (e) if the deterioration or transformation of the goods is unimportant.

ARTICLE 80

The buyer who has lost the right to declare the contract avoided by virtue of Article 79 shall retain all the other rights conferred on him by the present Law.

ARTICLE 81

1. Where the seller is under an obligation to refund the price, he shall also be liable for the interest thereon at the rate fixed by Article 83, as from the date of payment.

2. The buyer shall be liable to account to the seller for all benefits which he has derived from the goods or part of them, as the case may be :

- (a) where he is under an obligation to return the goods or part of them ;
- (b) where it is impossible for him to return the goods or part of them, but the contract is nevertheless avoided.

Section IV.—Supplementary rules concerning damages

SCH. 1

A.—Damages where the contract is not avoided

ARTICLE 82

Where the contract is not avoided, damages for a breach of contract by one party shall consist of a sum equal to the loss, including loss of profit, suffered by the other party. Such damages shall not exceed the loss which the party in breach ought to have foreseen at the time of the conclusion of the contract, in the light of the facts and matters which then were known or ought to have been known to him, as a possible consequence of the breach of the contract.

ARTICLE 83

Where the breach of contract consists of delay in the payment of the price, the seller shall in any event be entitled to interest on such sum as is in arrear at a rate equal to the official discount rate in the country where he has his place of business or, if he has no place of business, his habitual residence, plus 1%.

B.—Damages where the contract is avoided

ARTICLE 84

1. In case of avoidance of the contract, where there is a current price for the goods, damages shall be equal to the difference between the price fixed by the contract and the current price on the date on which the contract is avoided.

2. In calculating the amount of damages under paragraph 1 of this Article, the current price to be taken into account shall be that prevailing in the market in which the transaction took place or, if there is no such current price or if its application is inappropriate, the price in a market which serves as a reasonable substitute, making due allowance for differences in the cost of transporting the goods.

ARTICLE 85

If the buyer has bought goods in replacement or the seller has resold goods in a reasonable manner, he may recover the difference between the contract price and the price paid for the goods bought in replacement or that obtained by the resale.

ARTICLE 86

The damages referred to in Articles 84 and 85 may be increased by the amount of any reasonable expenses incurred as a result of the breach or up to the amount of any loss, including loss of profit, which should have been foreseen by the party in breach, at the time of the conclusion of the contract, in the light of the facts and matters which were known or ought to have been known to him, as a possible consequence of the breach of the contract.

ARTICLE 87

If there is no current price for the goods, damages shall be calculated on the same basis as that provided in Article 82.

SCH. 1

C.—General provisions concerning damages

ARTICLE 88

The party who relies on a breach of the contract shall adopt all reasonable measures to mitigate the loss resulting from the breach. If he fails to adopt such measures, the party in breach may claim a reduction in the damages.

ARTICLE 89

In case of fraud, damages shall be determined by the rules applicable in respect of contracts of sale not governed by the present law.

Section V.—Expenses

ARTICLE 90

The expenses of delivery shall be borne by the seller ; all expenses after delivery shall be borne by the buyer.

Section VI.—Preservation of the Goods

ARTICLE 91

Where the buyer is in delay in taking delivery of the goods or in paying the price, the seller shall take reasonable steps to preserve the goods ; he shall have the right to retain them until he has been reimbursed his reasonable expenses by the buyer.

ARTICLE 92

1. Where the goods have been received by the buyer, he shall take reasonable steps to preserve them if he intends to reject them ; he shall have the right to retain them until he has been reimbursed his reasonable expenses by the seller.

2. Where goods despatched to the buyer have been put at his disposal at their place of destination and he exercises the right to reject them, he shall be bound to take possession of them on behalf of the seller, provided that this may be done without payment of the price and without unreasonable inconvenience or unreasonable expense. This provision shall not apply where the seller or a person authorised to take charge of the goods on his behalf is present at such destination.

ARTICLE 93

The party who is under an obligation to take steps to preserve the goods may deposit them in the warehouse of a third person at the expense of the other party provided that the expense incurred is not unreasonable.

ARTICLE 94

1. The party who, in the cases to which Articles 91 and 92 apply, is under an obligation to take steps to preserve the goods may sell them by any appropriate means, provided that there has been unreasonable delay by the other party in accepting them or taking them back or in paying the costs of preservation and provided that due notice has been given to the other party of the intention to sell.

2. The party selling the goods shall have the right to retain out of the proceeds of sale an amount equal to the reasonable costs of preserving the goods and of selling them and shall transmit the balance to the other party.

SEC. 1

ARTICLE 95

Where, in the cases to which Articles 91 and 92 apply, the goods are subject to loss or rapid deterioration or their preservation would involve unreasonable expense, the party under the duty to preserve them is bound to sell them in accordance with Article 94.

CHAPTER VI.—PASSING OF THE RISK

ARTICLE 96

Where the risk has passed to the buyer, he shall pay the price notwithstanding the loss or deterioration of the goods, unless this is due to the act of the seller or of some other person for whose conduct the seller is responsible.

ARTICLE 97

1. The risk shall pass to the buyer when delivery of the goods is effected in accordance with the provisions of the contract and the present Law.

2. In the case of the handing over of goods which are not in conformity with the contract, the risk shall pass to the buyer from the moment when the handing over has, apart from the lack of conformity, been effected in accordance with the provisions of the contract and of the present Law, where the buyer has neither declared the contract avoided nor required goods in replacement.

ARTICLE 98

1. Where the handing over of the goods is delayed owing to the breach of an obligation of the buyer, the risk shall pass to the buyer as from the last date when, apart from such breach, the handing over could have been made in accordance with the contract.

2. Where the contract relates to a sale of unascertained goods, delay on the part of the buyer shall cause the risk to pass only when the seller has set aside goods manifestly appropriated to the contract and has notified the buyer that this has been done.

3. Where unascertained goods are of such a kind that the seller cannot set aside a part of them until the buyer takes delivery, it shall be sufficient for the seller to do all acts necessary to enable the buyer to take delivery.

ARTICLE 99

1. Where the sale is of goods in transit by sea, the risk shall be borne by the buyer as from the time at which the goods were handed over to the carrier.

2. Where the seller, at the time of the conclusion of the contract, knew or ought to have known that the goods had been lost or had deteriorated, the risk shall remain with him until the time of the conclusion of the contract.

SCH. 1

ARTICLE 100

If, in a case to which paragraph 3 of Article 19 applies, the seller, at the time of sending the notice or other document referred to in that paragraph knew or ought to have known that the goods had been lost or had deteriorated after they were handed over to the carrier, the risk shall remain with the seller until the time of sending such notice or document.

ARTICLE 101

The passing of the risk shall not necessarily be determined by the provisions of the contract concerning expenses.

Section 2.

SCHEDULE 2

**THE UNIFORM LAW ON THE FORMATION OF
CONTRACTS FOR THE INTERNATIONAL SALE OF GOODS**

ARTICLE 1

The present Law shall apply to the formation of contracts of sale of goods which, if they were concluded, would be governed by the Uniform Law on the International Sale of Goods.

ARTICLE 2

1. The provisions of the following Articles shall apply except to the extent that it appears from the preliminary negotiations, the offer, the reply, the practices which the parties have established between themselves or usage, that other rules apply.

2. However, a term of the offer stipulating that silence shall amount to acceptance is invalid.

ARTICLE 3

An offer or an acceptance need not be evidenced by writing and shall not be subject to any other requirement as to form. In particular, they may be proved by means of witnesses.

ARTICLE 4

1. The communication which one person addresses to one or more specific persons with the object of concluding a contract of sale shall not constitute an offer unless it is sufficiently definite to permit the conclusion of the contract by acceptance and indicates the intention of the offeror to be bound.

2. This communication may be interpreted by reference to and supplemented by the preliminary negotiations, any practices which the parties have established between themselves, usage and the provisions of the Uniform Law on the International Sale of Goods.

ARTICLE 5

1. The offer shall not bind the offeror until it has been communicated to the offeree ; it shall lapse if its withdrawal is communicated to the offeree before or at the same time as the offer.

2. After an offer has been communicated to the offeree it can be revoked unless the revocation is not made in good faith or in conformity with fair dealing or unless the offer states a fixed time for acceptance or otherwise indicates that it is firm or irrevocable.

3. An indication that the offer is firm or irrevocable may be express or implied from the circumstances, the preliminary negotiations, any practices which the parties have established between themselves or usage.

4. A revocation of an offer shall only have effect if it has been communicated to the offeree before he has despatched his acceptance or has done any act treated as acceptance under paragraph 2 of Article 6.

ARTICLE 6

1. Acceptance of an offer consists of a declaration communicated by any means whatsoever to the offeror.

2. Acceptance may also consist of the despatch of the goods or of the price or of any other act which may be considered to be equivalent to the declaration referred to in paragraph 1 of this Article either by virtue of the offer or as a result of practices which the parties have established between themselves or usage.

ARTICLE 7

1. An acceptance containing additions, limitations or other modifications shall be a rejection of the offer and shall constitute a counter-offer.

2. However, a reply to an offer which purports to be an acceptance but which contains additional or different terms which do not materially alter the terms of the offer shall constitute an acceptance unless the offeror promptly objects to the discrepancy; if he does not so object, the terms of the contract shall be the terms of the offer with the modifications contained in the acceptance.

ARTICLE 8

1. A declaration of acceptance of an offer shall have effect only if it is communicated to the offeror within the time he has fixed or, if no such time is fixed, within a reasonable time, due account being taken of the circumstances of the transaction, including the rapidity of the means of communication employed by the offeror, and usage. In the case of an oral offer, the acceptance shall be immediate, if the circumstances do not show that the offeree shall have time for reflection.

2. If a time for acceptance is fixed by an offeror in a letter or in a telegram, it shall be presumed to begin to run from the day the letter was dated or the hour of the day the telegram was handed in for despatch.

3. If an acceptance consists of an act referred to in paragraph 2 of Article 6, the act shall have effect only if it is done within the period laid down in paragraph 1 of the present Article.

SCH. 2

ARTICLE 9

1. If the acceptance is late, the offeror may nevertheless consider it to have arrived in due time on condition that he promptly so informs the acceptor orally or by despatch of a notice.

2. If however the acceptance is communicated late, it shall be considered to have been communicated in due time, if the letter or document which contains the acceptance shows that it has been sent in such circumstances that if its transmission had been normal it would have been communicated in due time; this provision shall not however apply if the offeror has promptly informed the acceptor orally or by despatch of a notice that he considers his offer as having lapsed.

ARTICLE 10

An acceptance cannot be revoked except by a revocation which is communicated to the offeror before or at the same time as the acceptance.

ARTICLE 11

The formation of the contract is not affected by the death of one of the parties or by his becoming incapable of contracting before acceptance unless the contrary results from the intention of the parties, usage or the nature of the transaction.

ARTICLE 12

1. For the purposes of the present Law, the expression "to be communicated" means to be delivered at the address of the person to whom the communication is directed.

2. Communications provided for by the present Law shall be made by the means usual in the circumstances.

ARTICLE 13

1. "Usage" means any practice or method of dealing which reasonable persons in the same situation as the parties usually consider to be applicable to the formation of their contract.

2. Where expressions, provisions or forms of contract commonly used in commercial practice are employed, they shall be interpreted according to the meaning usually given to them in the trade concerned.



Protection of Birds Act 1967

1967 CHAPTER 46

An Act to amend the law relating to the protection of birds.
[14th 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) The prohibition imposed by section 6(1) of the Protection of Birds Act 1954 (in this Act referred to as “the principal Act”) on a person's selling, offering for sale or having in his possession for sale, and by section 7(1) of that Act on the importation of, the eggs of a lapwing, save as may be authorised by a licence granted under section 10 of that Act, shall, instead of being limited to the period in any year after 14th April, have effect throughout the year; and accordingly in that Act section 6(1)(iii), in section 7(1)(c) the words “on or after the fifteenth day of April in any year” and section 9(4)(c) and (d) are hereby repealed.

Extension of protection for lapwing eggs. 1954 c. 30.

(2) In this section any reference to sale shall be construed as including a reference to barter and exchange.

2. The power of the Secretary of State under section 2 of the principal Act to prescribe common wild birds whose eggs may be taken or destroyed without contravening section 1 of that Act shall cease; and, accordingly, in subsection (4)(a) of the said section 2 the words from “or of any other common wild bird” to the end are hereby repealed.

Extension of protection for eggs of common wild birds.

3.—(1) The prohibition imposed by section 6(1) of the principal Act on a person's selling, offering for sale or having in his possession for sale a dead wild goose, save as may be authorised by a licence granted under section 10 of that Act, shall, instead of being limited to the period in any year commencing with 28th February and ending with 31st August, have effect throughout each year.

Extension of prohibition of sale of dead wild geese.

(2) Accordingly, for paragraph (c) of the said section 6(1) there shall be substituted the following paragraph:—

“(c) a dead wild goose, or, during the period in any year commencing with 28th February and ending with 31st August, any other dead wild bird being a bird included in Schedule 3 to this Act or a wild duck, whether or not so included;”

(3) In this section any reference to sale shall be construed as including a reference to barter and exchange.

Disturbance
of nesting
birds.

4.—(1) Subject to this section, if any person wilfully disturbs any wild bird included in Schedule 1 to the principal Act (wild birds protected by special penalties) while it is on or near a nest containing eggs or unflown young of any such bird he shall be guilty of an offence against that Act and liable to a special penalty under that Act.

(2) An order made with respect to any area under section 3(1) of the principal Act (establishment of bird sanctuaries) may provide, subject to this section, that any person who, within that area, wilfully disturbs any wild bird while it is on or near a nest containing eggs or unflown young shall be guilty of an offence against that Act; and paragraph (d) of the said section 3(1) (which enables the order to direct that a person committing an offence within the area to which the order relates shall be liable to a special penalty) shall have effect accordingly.

(3) A person shall not be guilty of an offence by virtue of subsection (1) of this section or of any order made by virtue of subsection (2) of this section—

(a) by reason of anything done by him for the purpose of examining the nest of any wild bird for scientific or conservation purposes if he is an officer of, or a person for the time being approved for that purpose by, the Natural Environment Research Council; or

(b) by reason of anything done by him for the purpose of photographing any wild bird or its eggs if he is a person for the time being approved for that purpose by that Council.

(4) An authorised person shall not by virtue of any such order be guilty of an offence by reason of disturbing any wild bird included in Schedule 2 to the principal Act.

(5) In section 4 of the principal Act (general exceptions to liability under section 1 or an order under section 3 of that Act) references to the said section 1 shall include references to subsection (1) above, and references to such an order shall include references to such an order made by virtue of subsection (2) above.

(6) A licence under section 10 of the principal Act to take or kill any wild birds or to take the nests or eggs of any wild birds shall be taken as authorising any act reasonably incidental to that taking or killing which would otherwise constitute an offence against that Act by virtue of this section.

5.—(1) If, save as permitted under this Act, any person—

(a) rings or marks any wild bird, other than a bird mentioned in paragraph (b) below; or

(b) not being an authorised person, rings or marks any wild goose or wild duck or any pheasant, partridge, grouse (or moor game), black (or heath) game or ptarmigan,

Restriction
of ringing
and marking.

he shall be guilty of an offence against the principal Act and if that offence is committed in respect of a bird included in Schedule 1 to that Act, he shall be liable to a special penalty under that Act.

(2) So much of section 4(1)(c) of the principal Act as makes lawful the taking of, or an attempt to take, any wild bird, if the bird is taken or to be taken solely for the purpose of ringing or marking that or some other bird and then releasing it, shall cease to apply—

(a) to any bird other than a wild goose or wild duck;

(b) to anything done by any person other than an authorised person.

6.—(1) In section 5(1)(a) of the principal Act (which prohibits the setting in position of articles calculated to cause injury to wild birds) there shall be included among the articles mentioned in that paragraph any electrical device designed to frighten birds, and for the reference to poisoned or stupefying bait there shall be substituted a reference to any poisoned, poisonous or stupefying substance; and section 5(1)(b) of that Act (which prohibits the use of nets and other devices for killing or taking wild birds) shall have effect as if it contained a reference to gas.

Use of
poisonous
substances,
electrical
devices &c.

(2) In section 10(1)(d) of the principal Act (under which a licence may be granted authorising the use of poisoned or stupefying bait for the purpose of killing wild birds included in Schedule 2 to that Act) for the reference to poisoned or stupefying bait there shall be substituted a reference to any poisoned, poisonous or stupefying substance; and that paragraph shall have effect as if it contained a reference to gas and to the use of any net for taking birds in flight and a cannon net for taking birds on the ground.

(3) In section 5(4) of the principal Act (which permits the use of nets, other than rocket-propelled nets, for certain purposes)

and in section 10(1)(e) of that Act (under which a licence may be granted authorising the use of rocket-propelled nets for certain purposes) for the reference to the use of a rocket-propelled net there shall be substituted a reference to the use of any net for taking birds in flight and the use of any rocket-propelled or cannon net for taking birds on the ground.

Special protection in severe weather.

7.—(1) If it appears to the Secretary of State that it is expedient, in consequence of severe weather conditions, that any wild birds included in Schedule 3 to the principal Act should be protected during any period outside the close season for those birds prescribed by or under that Act, he may by order declare any period (which shall not in the case of any order exceed fourteen days) as a period of special protection for those birds.

(2) An order under this section may be made with respect to the whole or any specified part of Great Britain.

(3) Sections 1 and 2(2) of the principal Act (which prohibit the killing or taking of wild birds included in Schedule 3 to that Act in the close season) shall have effect as if any period of special protection declared under this section for any birds formed part of the close season for those birds, and sections 4 and 10 of that Act (which provide for exceptions to the prohibition in the said section 1) shall have effect accordingly.

(4) Before making an order under this section the Secretary of State shall consult—

- (a) a person appointed for the purposes of this section by the appropriate advisory committee;
- (b) the Natural Environment Research Council; and
- (c) a person appearing to the Secretary of State to be a representative of persons interested in the shooting of birds of the species proposed to be protected under the order.

Additional matters for which licences may be granted.

8.—(1) A licence may be granted under section 10 of the principal Act—

- (a) for the purpose of preventing serious damage to crops, vegetables, fruit, growing timber or any other form of property or to fisheries, to kill or take within any area specified in the licence by any means so specified any number so specified of wild birds included in Schedule 1 to that Act of any description so specified;
- (b) for the purpose of ringing or marking, to take within any area specified in the licence wild birds of any description so specified;

- (c) to kill, in the course of falconry, within any area specified in the licence, wild birds of any description so specified by flying birds of prey of any description so specified ;
- (d) for the purpose of aviculture, to take within any area specified in the licence by any means so specified, or to import, any number so specified of wild birds of any description so specified.

(2) The appropriate authority for the grant of a licence under the said section 10 by virtue of subsection (1) above shall be—

- (a) in the case of a licence granted by virtue of paragraph (a), (c) or (d) of that subsection, the Secretary of State after consultation with the appropriate advisory committee ;
- (b) in the case of a licence granted by virtue of paragraph (b) of that subsection, the Natural Environment Research Council.

(3) In subsection (5) of section 10 of the principal Act (licences in respect of importation to Northern Ireland) the reference to subsection (2)(a) of that section shall include a reference to subsection (2)(a) of this section.

(4) In subsection (1)(b) and (c) of this section “wild bird” includes pheasant, partridge, grouse (or moor game), black (or heath) game and, in Scotland, ptarmigan.

9. Notwithstanding anything in section 9 of the principal Act (which enables the Secretary of State by an order made either generally or with respect to any specified part of Great Britain to add any wild bird to Schedule 3 to that Act and to prescribe a close season for that bird ending not earlier than 31st August) any order under that section adding gannets to the said Schedule 3 with respect to the island of Sula Sgeir in the County of Ross and Cromarty may prescribe a close season for such birds on that island ending not earlier than 14th August.

Close season for certain gannets.

10. The council of any county, county borough or London borough and the Common Council of the City of London and, in Scotland, the council of any county or large burgh, may take such steps as they think expedient for bringing the effect of the principal Act and this Act to the attention of the public.

Powers of local authorities.

11. Where a constable has reasonable grounds for suspecting that any person has, in contravention of section 1 of the principal Act, taken or destroyed an egg of a bird included in Schedule 1 to that Act and that evidence of the commission of the offence is to be found on that person or any vehicle, boat or animal which that person may be using, the constable

Search and arrest without warrant for offences against eggs of specially protected birds.

may without warrant stop and search that person and any such vehicle, boat or animal, and may—

- (a) arrest that person if he fails to give his name and address to the constable's satisfaction; and
- (b) seize and detain for the purposes of proceedings under that Act anything which may be in that person's possession which is evidence of the commission of the offence.

Short title,
construction,
extent and
commence-
ment.

1964 c. 59.

12.—(1) This Act may be cited as the Protection of Birds Act 1967.

(2) This Act shall be construed as one with the principal Act (except that section 13(2) to (5) of that Act shall not apply to orders under section 7 of this Act), and that Act, the Protection of Birds Act 1954 (Amendment) Act 1964 and this Act may be cited together as the Protection of Birds Acts 1954 to 1967.

(3) This Act, except so much of section 1(1) as relates to sections 7 and 9 of the principal Act, section 8 so far as it relates to the importation of birds, and this section, shall not extend to Northern Ireland.

(4) This Act shall come into force at the expiration of a period of six months beginning with the day on which it is passed.



Decimal Currency Act 1967

1967 CHAPTER 47

An Act to provide for the introduction of a decimal currency in the year 1971; and to regulate the constitution and functions of the Decimal Currency Board.
[14th 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:—

Currency and coinage

1.—(1) On and after the appointed day the denominations of money in the currency of the United Kingdom shall be the pound sterling and the new penny, the new penny being one-hundredth part of a pound sterling. The new decimal currency.

(2) In this Act “the appointed day” means such day in the year 1971 as the Treasury may by order made by statutory instrument appoint.

2.—(1) Subject to subsection (2) below, all coins of the new currency to be made at the Mint, being coins of the metals and denominations described in column 1 of Schedule 1 to this Act, shall be circular and of the standard weight, diameter and composition specified in columns 2, 3 and 4 of that Schedule. Coinage of the new currency.

(2) In the making of such coins a remedy (that is, a variation from the standard weight, diameter or composition specified as aforesaid) shall be allowed of an amount not exceeding the following, that is to say—

(a) a variation from the said standard weight of an amount per coin (measured as the average of a sample of not

more than one kilogram of the coin in question) specified in column 5 of the said Schedule 1 ; and

(b) a variation from the said standard diameter of 0·125 millimetre per coin ; and

(c) in the case of cupro-nickel coins, a variation from the said standard composition of two per cent.

1870 c. 10. (3) The powers exercisable by proclamation by virtue of section 11 of the Coinage Act 1870 shall include power to determine—

(a) the weight and composition of coins of the new currency to be made at the Mint, other than gold coins and coins of the metals and denominations described in the said Schedule 1 ; and

1946 c. 74. (b) the remedy to be allowed in the making of such coins ; and so much of section 3 of that Act and section 2 of the Coinage Act 1946 as requires coins of other denominations to be of a weight and fineness or composition determined by reference to coins of the denominations described in those Acts shall not apply to coins specified in a proclamation made by virtue of this subsection.

(4) Coins made in accordance with this section may, if so directed by proclamation under the said section 11, be issued for use before the appointed day as current coins of such denominations of the currency in force before that day as may be specified in the proclamation.

Minor amendments of enactments.

3.—(1) In section 5 of the Coinage Act 1870 (prohibition upon making of coins except by the Mint) for the words “ by the Mint ” there shall be substituted the words “ by or with the authority of the Mint ” ; and references in any enactment (including this Act) to coins made by, or at or in, the Mint shall include references to coins made at any place with the authority of the Mint.

(2) The expenses incurred by the Mint in the purchase of metal to be made into coins shall be defrayed out of moneys provided by Parliament, and accordingly section 9 of the Coinage Act 1870, and in section 10 of that Act the words “ and carried to the Consolidated Fund ”, are hereby repealed.

(3) In paragraph (9) of section 11 of the Coinage Act 1870 (application to British possessions) and in section 12 of that Act (trial of the pyx) any reference to that Act shall include a reference to this Act ; and in section 4 of the Coinage Act 1946 (standard trial plates) the reference to a proclamation made under the power conferred by paragraph (c) of section 3 of that Act shall include a reference to a proclamation made by virtue of section 2(3) of this Act.

(4) Any reference to silver coin in any enactment mentioned in Schedule 2 to this Act shall include a reference to coin specified in any proclamation made by virtue of section 2(3) of this Act, not being coin of silver or cupro-nickel or coin of a denomination of less than five new pence.

(5) The form prescribed by any of the following enactments (which relate to certain periodic returns), that is to say—

- (a) Schedule A to the Bank Charter Act 1844 ; 1844 c. 32.
- (b) Schedule A or Schedule B to the Bankers (Ireland) Act 1845 ; and 1845 c. 37.
- (c) Schedule A or Schedule B to the Bank Notes (Scotland) Act 1845, 1845 c. 38.

shall be modified to such extent as the Treasury may direct having regard to the provisions of this Act.

The Decimal Currency Board

4.—(1) The Decimal Currency Board (in this Act referred to as “the Board”) shall consist of a chairman appointed by the Treasury, and not less than six nor more than thirteen other members appointed by the Treasury after consultation with the chairman. Constitution of Decimal Currency Board.

(2) In Part II of Schedule 1 to the House of Commons Disqualification Act 1957 (bodies of which all members are disqualified under that Act) both in its application to the House of Commons of the Parliament of the United Kingdom and in its application to the Senate and House of Commons of Northern Ireland, there shall be inserted at the appropriate point in alphabetical order the words “The Decimal Currency Board”. 1957 c. 20.

(3) The expenses of the Board, to such amount as may be authorised by the Treasury, shall be defrayed out of moneys provided by Parliament.

(4) The provisions of Schedule 3 to this Act shall have effect with respect to the Board and its members and the other matters mentioned in that Schedule.

5.—(1) The functions of the Board are to facilitate the transition from the existing currency and coinage to the new currency and coinage provided for by this Act, and in particular— Functions of Board.

- (a) to examine, in consultation with such organisations and persons as the Board consider appropriate, problems involved in the transition ;
- (b) to furnish information and advice about the new currency and coinage, and to publish, whether by advertisement or otherwise, such information as the

- Board think useful for familiarising the public with it and its relation to the existing currency and coinage ;
- (c) to promote arrangements for the adaptation or replacement of commercial and other equipment designed to record or calculate in the existing currency or to be operated by the existing coinage ;
 - (d) to receive and consider, with a view to such provision (if any) as may hereafter be made by Parliament for the payment of compensation in special circumstances, representations with respect to expenditure or loss incurred or to be incurred by particular persons or classes of persons in consequence of the change ;
 - (e) to make investigations and surveys for obtaining information relevant to the exercise of any of the functions of the Board.

(2) The Treasury may give to the Board directions of a general character as to the exercise of the functions of the Board, and it shall be the duty of the Board to comply with such directions.

(3) The Board shall make to the Treasury, at such time in each year as the Treasury may direct, a report on the exercise of their functions during the preceding year, and any such report shall set out any direction given to the Board by the Treasury during that year under subsection (2) above.

(4) The Treasury shall lay a copy of every report made to them under subsection (3) above before each House of Parliament.

Dissolution of Board.

6.—(1) The Treasury may by order provide for the winding up and dissolution of the Board and for the transfer to any Minister of the Crown of any property, rights, liabilities or obligations of the Board.

(2) An order under this section may contain such incidental, consequential and supplementary provisions as appear to the Treasury to be expedient for the purposes of the order, and may be varied by a subsequent order thereunder.

1957 c. 20.

(3) An order under this section may repeal subsection (2) of section 4 of this Act and the words thereby inserted in the House of Commons Disqualification Act 1957.

(4) The power to make an order under this section shall be exercisable by statutory instrument, and a draft of any statutory instrument proposed to be made under this section shall be laid before Parliament.

1946 c. 31.

(5) In this section "Minister of the Crown" has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act 1946.

Supplemental

7.—(1) This Act may be cited as the **Decimal Currency Act 1967.** Short title interpretation and extent.

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

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

SCHEDULES

Section 2.

SCHEDULE 1

DENOMINATIONS, WEIGHT, DIAMETER AND COMPOSITION OF NEW COINS

1 Metal and denomination	2 Standard weight (grams)	3 Standard diameter (centimetres)	4 Standard composition	5 Weight variation (grams)				
CUPRO-NICKEL								
Ten new pence	11·31036	2·8500	} Three-quarters copper, one-quarter nickel	} ·0646				
Five new pence	5·65518	2·3595			} Mixed metal copper, tin and zinc	} ·0375		
BRONZE			} Mixed metal copper, tin and zinc	} ·1500				
Two new pence	7·12800	2·5910					} Mixed metal copper, tin and zinc	} ·0750
New penny ...	3·56400	2·0320							} Mixed metal copper, tin and zinc	} ·0375
New halfpenny	1·78200	1·7145			} Mixed metal copper, tin and zinc	} ·0375		

Section 3.

SCHEDULE 2

ENACTMENTS REFERRING TO SILVER COIN

- 1830 c. 68. Section 1 of the Carriers Act 1830.
- 1845 c. 37. The Bankers (Ireland) Act 1845.
- 1845 c. 38. The Bank Notes (Scotland) Act 1845.
- 1876 c. 36. Section 42 of the Customs Consolidation Act 1876.
- 1920 c. 70. Section 2 of the Gold and Silver (Export Control, &c.) Act 1920.
- 1928 c. 13. Section 3(2) of the Currency and Bank Notes Act 1928.
- 1928 c. 15. Section 3 of the Bankers (Northern Ireland) Act 1928.
- 1936 c. 16. The Coinage Offences Act 1936.

Section 4.

SCHEDULE 3

THE DECIMAL CURRENCY BOARD

Incorporation and status

1. The Board shall be a body corporate having perpetual succession and a common seal.
2. The functions of the Board shall be exercised on behalf of the Crown.

Membership

3. A member of the Board shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to hold his office, be eligible for re-appointment.
4. Any member may at any time by notice in writing to the Treasury resign his office.

5. If the Treasury are satisfied that a member of the Board— SCH. 3

- (a) has been absent from meetings of the Board for a period longer than three consecutive months without the permission of the Board ; or
- (b) has become bankrupt or made an arrangement with his creditors ; or
- (c) is incapacitated by physical or mental illness ; or
- (d) is otherwise unable or unfit to discharge the functions of a member,

the Treasury may declare his office as a member of the Board to be vacant and shall notify the fact in such manner as the Treasury think fit ; and thereupon the office shall become vacant.

6. In the application of this Schedule to Scotland, for the references in the foregoing paragraph to a member's having become bankrupt and to a member's having made an arrangement with his creditors there shall be substituted respectively references to sequestration of a member's estate having been awarded and to a member's having made a trust deed for behoof of his creditors or a composition contract.

7. The Treasury may if they think fit, after consultation with the chairman, appoint one of the other members of the Board to be deputy chairman.

Remuneration

8. The Board shall pay to its members such salaries or fees and such allowances as the Treasury may determine ; and where a member of the Board is in the employ of any other person the Board may make to that other person in consideration of the services to the Board of that member such payments as the Treasury may determine.

9. If a person ceases to be a member of the Board and it appears to the Treasury that there are special circumstances which make it right that that person should receive compensation, the Treasury may require the Board to pay to him a sum of such amount as the Treasury may determine.

10. The Treasury shall, as soon as possible after the first appointment of any person as a member of the Board, lay before each House of Parliament a statement of the sums that are or will be payable to or in respect of that member under paragraph 8 of this Schedule ; and if any subsequent determination by them under that paragraph involves a departure from the terms of that statement, or if they make a determination under paragraph 9 of this Schedule, the Treasury shall, as soon as possible after the determination, lay a statement before each House of Parliament of the sums that are or will be payable in consequence of that determination.

Staff

11. The Treasury may appoint a secretary of the Board and such other officers and servants of the Board as the Treasury may determine.

SCH. 3

Proceedings

12. The validity of any proceedings of the Board shall not be affected by any vacancy among the members or by any defect in the appointment of any member.

13. The quorum of the Board and the arrangements relating to meetings of the Board shall be such as the Board may determine.

14. A member of the Board who is in any way directly or indirectly interested in a transaction or project of the Board shall disclose the nature of his interest at a meeting of the Board; and the disclosure shall be recorded in the minutes of the Board, and the member shall not take any part in any deliberation or decision of the Board with respect to that transaction or project.

15. The fixing of the seal of the Board shall be authenticated by the signature of the secretary of the Board or of some other person authorised either generally or specially by the Board to act for that purpose.

16. Any document purporting to be a document duly executed under the seal of the Board shall be received in evidence and shall, unless the contrary is proved, be deemed to be a document so executed.



Industrial and Provident Societies Act 1967

1967 CHAPTER 48

An Act to facilitate the borrowing of money by registered societies within the meaning of the Industrial and Provident Societies Act 1965; and for connected purposes. [14th 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

BORROWING BY SOCIETIES REGISTERED IN ENGLAND AND WALES

1.—(1) An instrument which is executed after the commencement of this Act by a registered society whose registered office is in England or Wales and which creates or is evidence of a fixed or floating charge on assets of the society shall not be a bill of sale for the purposes of the Bills of Sale Acts 1878 and 1882 or be invalidated by those Acts if an application for the recording of the charge is made in accordance with subsection (2) of this section.

Charges on assets of English and Welsh societies.

(2) An application for the recording of a charge in pursuance of the foregoing subsection shall be made by delivering by post or otherwise to the central office, within the period of fourteen days beginning with the date of execution of the instrument which creates or is evidence of the charge or within any extended period allowed under subsection (5) of this section,—

- (a) a copy of the instrument authenticated in the prescribed manner and such additional particulars relating to the charge and so authenticated as may be prescribed; and
- (b) such fee as may be determined in pursuance of section 70 of the principal Act as applied by this Act.

PART I

(3) It shall be the duty of the chief registrar to secure—

- (a) that an acknowledgment in the prescribed form of every application made for the purposes of this section is issued to the person by whom the application was made ; and
- (b) that the copy of the instrument included in such an application, a note of any prescribed particulars so included and a copy of the acknowledgment of the application issued in pursuance of the foregoing paragraph are placed on a file maintained by the central office in respect of the society by whom the instrument was executed ; and
- (c) that the file is available for inspection during office hours by members of the public on payment of such fee as may be determined as aforesaid ;

and an acknowledgment issued in pursuance of this subsection shall be conclusive evidence that any document specified by the acknowledgment was delivered to the central office on the date so specified.

(4) Without prejudice to the generality of the power to make regulations conferred by section 71 of the principal Act as applied by this Act, regulations under that section may make provision for the giving of notice to the central office of any release, discharge or other transaction relating to any charge in respect of which an application has been made for the purposes of this section and for the inclusion in the file mentioned in subsection (3) of this section of any such notice appearing to the chief registrar to relate to the charge.

(5) If in the case of such an instrument as is mentioned in subsection (1) of this section it appears to the High Court, on the application of the society by whom the instrument was executed or of any other person claiming the benefit of the instrument, that by reason of inadvertence or other sufficient cause—

- (a) an application for the recording of the charge to which the instrument relates was not made within the period of fourteen days mentioned in subsection (2) of this section ; or
- (b) any matters were omitted from or were mis-stated in such an application,

the Court may, on such terms as it thinks fit, order that the period for making such an application shall be extended or, as the case may be, that the omission or mis-statement shall be rectified.

2.—(1) This Part of this Act does not extend to Scotland.

PART I

(2) Nothing in this Part of this Act shall apply to a debenture registered under section 14 of the Agricultural Credits Act 1928 (which provides for the registration of debentures of registered societies creating floating charges in favour of banks) Application of Part I. 1928 c. 43.

PART II

BORROWING BY SOCIETIES REGISTERED IN SCOTLAND

3.—(1) Subject to the following provisions of this section, the Companies (Floating Charges) (Scotland) Act 1961 (hereinafter in this Act referred to as "the Act of 1961") shall apply to a registered society as it applies to an incorporated company; and accordingly (subject as aforesaid) any reference in that Act (except in section 8(1)(b) thereof) to an incorporated company shall be construed as including a reference to a registered society. Application to registered societies of Companies (Floating Charges) (Scotland) Act 1961.

(2) In its application to a registered society the Act of 1961 shall be construed subject to the modifications set out in the Schedule to this Act. 1961 c. 46.

(3) Where, in the case of a registered society, there are in existence—

(a) a floating charge created by the society under the Act of 1961 as applied by this section, and

(b) an agricultural charge created by the society under Part II of the Agricultural Credits (Scotland) Act 1929, 1929 c. 13.

and any assets of the society are subject to both charges, sections 1(2)(c) and 5(3) of the Act of 1961 shall have effect for the purpose of determining the ranking with one another of those charges as if the agricultural charge were a floating charge created under the Act of 1961 and registered under that Act at the same time as it was registered under the said Part II.

(4) In this section, and in the following provisions of this Part of this Act, "registered society" does not include a registered society whose registered office is situated in England or Wales.

4.—(1) In respect of every floating charge created by a registered society under the Act of 1961 as applied by section 3 above there shall be delivered by post or otherwise to the registrar, within the period of fourteen days beginning with the day of execution of the instrument creating the charge (or within any extended period allowed under subsection (2) of this section),— Filing of information relating to charges.

(a) a copy of the instrument, authenticated in the prescribed manner;

PART II

- (b) a note, so authenticated, of such particulars relating to the charge as may be prescribed ; and
- (c) such fee as may be determined in pursuance of section 70 of the principal Act as applied by this Act ;

and if in the case of any such charge the said copy, note and fee are not delivered as aforesaid within the period limited by this subsection the charge shall be void against any person other than the society concerned.

(2) If in the case of any such charge it appears to the Court of Session, on the application of the society by whom the instrument creating the charge was executed or of any other person claiming the benefit of the instrument, that by reason of inadvertence or other sufficient cause—

- (a) a duly authenticated copy of the instrument was not delivered to the registrar within the period of fourteen days mentioned in subsection (1) of this section ; or
- (b) any matters were omitted from, or were mis-stated in, the note required under that subsection to be delivered to the registrar,

the Court may, on such terms as it thinks fit, order that the said period shall be extended or, as the case may be, that the omission or mis-statement shall be rectified.

(3) Where any person delivers to the registrar any document such as is mentioned in paragraph (a) or paragraph (b) of subsection (1) of this section, together with the fee mentioned in paragraph (c) of that subsection, it shall be the duty of the registrar to secure—

- (a) that there is issued to that person an acknowledgment in the prescribed form stating the date on which, and the time at which, the delivery was effected ;
- (b) that the document delivered and a copy of the acknowledgment are placed on a file maintained by the registrar in respect of the society concerned ; and
- (c) that the file is available for inspection during office hours by members of the public on payment of such fee as may be determined in pursuance of section 70 of the principal Act as applied by this Act.

(4) Any acknowledgment issued in pursuance of paragraph (a) of the last foregoing subsection shall be conclusive evidence that any document specified by the acknowledgment was delivered to the registrar on the date, and at the time, so specified.

5.—(1) Without prejudice to the generality of the power to make regulations conferred by section 71 of the principal Act as applied by this Act, regulations under that section may make provision for the giving of notice to the registrar of—

PART II
Supplemental provisions.

- (a) any release, discharge or other transaction relating to any charge created by an instrument a copy of which has been delivered to the registrar in pursuance of the last foregoing section ;
- (b) any security granted by a registered society over any of its assets otherwise than under the Act of 1961 as applied by this Part of this Act ;

and for the inclusion in the file mentioned in subsection (3)(b) of that section of any such notice.

(2) The Court of Session may by Act of Sederunt make rules prescribing the nature of the documents with which, in relation to any such charge as is mentioned in paragraph (a) of the foregoing subsection, the creditor may require to be furnished for identifying the assets affected by the charge and establishing the title of the society thereto.

6.—(1) In this Part of this Act “the registrar” means the Assistant Registrar of Friendly Societies for Scotland.

Interpretation and application of Part II.

(2) This Part of this Act extends to Scotland only.

PART III

GENERAL

7.—(1) In this Act “the principal Act” means the Industrial and Provident Societies Act 1965, and “prescribed”, “registered” and “registered society” have the same meanings as in that Act.

Interpretation, etc.—general. 1965 c. 12.

(2) Sections 70 to 73 of the principal Act (which contain supplemental provisions relating to fees, regulations, documents, registrars and the central office) shall apply for the purposes of this Act as they apply for the purposes of that Act.

8.—(1) This Act may be cited as the Industrial and Provident Societies Act 1967, and this Act and the principal Act may be cited together as the Industrial and Provident Societies Acts 1965 and 1967.

Citation, commencement and extent.

(2) This Act shall come into operation on the expiration of the period of two months beginning with the date on which it is passed.

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

Section 3.

SCHEDULE

MODIFICATIONS TO COMPANIES (FLOATING CHARGES) (SCOTLAND) ACT 1961 IN ITS APPLICATION TO REGISTERED SOCIETIES BY VIRTUE OF PART II OF THIS ACT

1. In section 1(2), the reference to section 106A of the Act of 1948 shall be omitted.
2. In section 2, the reference to the Court of Session shall be construed as a reference to any sheriff court.
3. In section 3, the reference to the Act of 1948 shall be construed as a reference to such provisions of that Act as apply (by virtue of section 55 of the principal Act) to registered societies.
4. In section 4, the reference to section 399(5) of the Act of 1948 shall be omitted; and the reference to the Court of Session shall be construed as a reference to any sheriff court.
5. Section 5 shall have effect as if, at the end thereof, there were inserted the following subsection:—

“(6) In this section as applied by Part II of the Industrial and Provident Societies Act 1967 to registered societies within the meaning of that Part ‘the registrar’, in relation to a floating charge created by such a society, means the Assistant Registrar of Friendly Societies for Scotland; and references to registration, in relation to such a charge, are references to the deliverance to the registrar of the documents required by section 4(1) of the said Act of 1967 to be so delivered”.
6. Section 6 and Schedule 2 shall be omitted.
7. Paragraph (d) of section 8 shall be omitted.
8. In this Schedule, “Act of 1948” has the same meaning as in the Act of 1961.



Llangollen International Musical Eisteddfod Act 1967

1967 CHAPTER 49

An Act to make further provision for contributions by local authorities in Wales (including Monmouthshire) towards the expense of the Llangollen International Musical Eisteddfod. [14th 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. The power conferred on a local authority by section 132 of the Local Government Act 1948 to contribute towards the expenses of an entertainment held in the area of another authority shall, in relation to the Llangollen International Musical Eisteddfod, be exercisable by any local authority in Wales (including Monmouthshire), whether or not the place in which it is held is convenient for residents in their area, and whether or not the other authority consent. Contributions towards expenses of Llangollen Eisteddfod. 1948 c. 26.

2. Any increase attributable to this Act in the sums payable by way of rate support grant under the enactments relating to local government in England and Wales shall be defrayed out of moneys provided by Parliament. Consequential increases in rate support grant.

3. This Act may be cited as the Llangollen International Musical Eisteddfod Act 1967. Short title.



Farm and Garden Chemicals Act 1967

1967 CHAPTER 50

An Act to make provision for the labelling of farm and garden chemicals, and matters related thereto.

[14th 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:—

Regulations as to labelling and marking of farm and garden chemicals.

1.—(1) The Ministers may make regulations for imposing requirements as to, and otherwise regulating, the labelling and marking of products consisting of or containing any substance to which this Act applies, or in the preparation of which any such substance has been used as an ingredient, being products intended for sale for use in agriculture or gardening for protecting, or controlling the growth of, plants or for destroying weeds, and, without prejudice to the generality of the foregoing provision—

- (a) for providing for the name to be used for any such substance in any label attached to or written on the container for, or supplied with, any product in which the substance is contained or in the preparation of which it has been used as an ingredient; and
- (b) for requiring any such label to bear a prescribed mark, symbol or colour to indicate the extent of any hazard which the product constitutes to human beings or other forms of life and to bear prescribed words of explanation or warning.

(2) Regulations under this section may include such ancillary and incidental provisions as appear to the Ministers to be necessary or desirable, may confer exemptions from the provisions of the regulations and may make different provision for different cases.

(3) Before making any regulations under this section (other than regulations which reproduce, without substantive modifications, any regulations in force immediately before the coming into operation of the new regulations) the Ministers shall consult with such organisations as appear to them to be representative of interests substantially affected by the new regulations.

(4) The power to make regulations 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.

(5) No regulations under this section shall come into force before the expiration of the period of fifteen months beginning with the passing of this Act.

2. This Act applies to any substance (whether organic or inorganic) having any of the following properties:—

Substances to which this Act applies.

- (a) destroying or repelling any insect, mite, mollusc, nematode, fungus, bacterial organism, virus, or other pest capable of destroying or damaging plants;
- (b) directly or indirectly controlling the activity of, or preventing or mitigating the harmful effect on plants of, any such pest;
- (c) destroying weeds;
- (d) acting as a bird or animal repellent, plant growth regulator, defoliant, desiccant or agent for thinning fruit or preventing the premature fall of fruit.

3.—(1) Subject to the provisions of this section, no person shall (whether personally or by another, and whether on his own behalf or as servant or agent for another)—

Transactions in unlabelled products.

- (a) sell, or offer or expose for sale, for use in agriculture or gardening for protecting, or controlling the growth of, plants or for destroying weeds, any product required by regulations under this Act to be labelled or accompanied by a label; or
- (b) consign or deliver any such product with a view to or in connection with its sale for such use;

unless the requirements of the regulations under this Act which are applicable to the transaction in question are complied with, and, if he does so, he shall be guilty of an offence.

(2) Subject as aforesaid, any person who causes or permits another person to contravene the provisions of the foregoing subsection shall be guilty of an offence.

(3) Any person guilty of an offence under this section shall be liable on summary conviction, in the case of a first conviction of such an offence, to a fine not exceeding one hundred pounds

and, in the case of a second or subsequent conviction thereof, to a fine not exceeding two hundred pounds.

(4) A person shall not be guilty of an offence under this section consisting of consigning or delivering, or causing or permitting the consignment or delivery of, a product by reason only that he was a carrier of the product for another person, whether for reward or otherwise.

(5) It shall be a defence for a person charged with an offence under this section to prove that he used all due diligence to secure compliance with this section.

(6) Where a contravention of subsection (1) or (2) of this section by a person was due to an act or default of another person, then, whether proceedings are or are not taken against the first-mentioned person, that other person may be charged with, and convicted of, the contravention and shall, on conviction, be liable to the punishment prescribed by subsection (3) of this section.

(7) For the purposes of this section any product commonly used in agriculture or gardening for protecting, or controlling the growth of, plants or for destroying weeds shall, if sold or offered or exposed for sale, or consigned or delivered with a view to or in connection with its sale, be presumed, until the contrary is proved, to have been sold or, as the case may be, to have been or to be intended for sale for such use.

Evidence of
analysis of
products.

4.—(1) In proceedings for an offence under this Act the prosecutor shall not call evidence of the results of any analysis of the product in relation to which the offence is alleged to have been committed unless the following provisions of this subsection are complied with, that is to say—

- (a) the summons for the offence shall be served on the defendant not less than eighteen days before the date of the hearing and shall be accompanied by a notice in writing that the prosecutor proposes to rely on such evidence, together with a statement or a summary of the results of the analysis;
- (b) the prosecutor shall, not less than eighteen days before the date of the hearing, give the defendant a sample of the product in sufficient quantity to make a proper analysis of the sample, or shall include in the notice given under the foregoing paragraph a statement that the defendant may at any time not later than eleven days before that date request the prosecutor to give him such a sample;
- (c) the prosecutor shall, where so requested in response to a statement under the last foregoing paragraph, give the defendant such a sample not later than seven days before the date of the hearing;

(d) the prosecutor shall retain another such sample and produce it at the hearing.

(2) The requirement imposed by the foregoing subsection to give a sample of a product may be satisfied in the case of a product contained in unopened containers by giving a container purchased at the same time as that product and sold as containing, or appearing from the appearance of the container, or from any label attached to, written on or supplied with it, to contain, the identical product.

(3) A document purporting to be a certificate by an analyst possessing the requisite qualifications for appointment as a public analyst under section 89 of the Food and Drugs Act 1955 as to the result of an analysis of a sample shall in proceedings for an offence under this Act be admissible as evidence of the matters stated therein, provided, in the case of a certificate tendered by the prosecutor, that a copy of the certificate has been given to the defendant together with the notice under subsection (1) of this section; but either party may require the person by whom the analysis was made to be called as a witness. 1955 c. 5
(4 & 5 Eliz. 2).

(4) If in proceedings for an offence under this Act evidence is given of the results of an analysis of the product in relation to which the offence is alleged to have been committed, the court may, if it thinks fit, and upon the request of either party shall, cause the sample produced before the court under subsection (1) of this section to be sent to the Government Chemist, who shall make an analysis and transmit to the court a certificate of the result thereof, and the cost of the analysis shall be paid by the prosecutor or the defendant as the court may order.

(5) If, in a case where an appeal is brought, no action has been taken under the last foregoing subsection, that subsection shall apply also in relation to the court by which the appeal is heard.

(6) Any sample required to be given to the defendant under this section may be given to him either—

(a) by delivering it to him; or

(b) in the case of an individual, by leaving it, or sending it by registered post or the recorded delivery service addressed to him, at his usual or last known residence; or

(c) in the case of an incorporated company or body, by delivering it to their secretary or clerk at their registered or principal office, or by sending it by registered post or the recorded delivery service addressed to him at that office.

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

- (a) for the references to the defendant there shall be substituted references to the accused;
- (b) for the references in subsection (1) to the summons and the hearing there shall be respectively substituted references to the complaint and the trial; and
- (c) in subsection (3), for the reference to section 89 of the Food and Drugs Act 1955 there shall be substituted a reference to section 27 of the Food and Drugs (Scotland) Act 1956, after “evidence”, there shall be inserted the words “and in Scotland sufficient evidence”, and at the end there shall be inserted the words “and in that event in Scotland the evidence of the analyst shall be sufficient evidence of the aforesaid matters”.

1955 c. 5 (4 &
5 Eliz. 2.).
1956 c. 30.

Inter-
pretation.

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

“agriculture” has, as respects England and Wales, the same meaning as in the Agriculture Act 1947 and, as respects Scotland, the same meaning as in the Agriculture (Scotland) Act 1948;

“container” includes any form of packaging of goods for sale as a single item whether by way of wholly or partly enclosing the goods or by way of attaching the goods to, or winding the goods round, some other article, and in particular includes a wrapper or confining band;

“gardening” includes destroying weeds in drives, paths and court-yards;

“the Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly;

“plants” includes trees, bushes and seeds.

(2) References in this Act to any enactment shall be construed as references to that enactment as amended or applied by or under any other enactment, including this Act.

Short title
and extent.

6.—(1) This Act may be cited as the Farm and Garden Chemicals Act 1967.

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



Licensing (Amendment) Act 1967

1967 CHAPTER 51

An Act to amend Part VII of the Licensing Act 1964 in regard to the provision of off-licences in licensing planning areas. [14th 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. Part VII of the Licensing Act 1964 shall not apply to justices' off-licences or to licensed premises for which a justices' off-licence only is in force.

Exclusion of off-licences from Part VII of Licensing Act 1964.
1964 c. 26.

2.—(1) This Act may be cited as the Licensing (Amendment) Act 1967, and the Licensing Act 1964 and this Act may be cited together as the Licensing Acts 1964 and 1967.

Short title, citation and commencement.

(2) This Act shall come into force at the expiration of the period of one month beginning with the day on which it is passed.



Tokyo Convention Act 1967

1967 CHAPTER 52

An Act to make provision with a view to the ratification on behalf of the United Kingdom of the Convention on Offences and certain other Acts Committed on board Aircraft, signed in Tokyo on 14th September 1963, and to give effect to certain provisions relating to piracy of the Convention on the High Seas, signed in Geneva on 29th April 1958; and for purposes connected with the matters aforesaid.

[14th 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:—

Application
of criminal
law to
aircraft.

1.—(1) Any act or omission taking place on board a British-controlled aircraft while in flight elsewhere than in or over the United Kingdom which, if taking place in, or in a part of, the United Kingdom, would constitute an offence under the law in force in, or in that part of, the United Kingdom shall constitute that offence:

Provided that this subsection shall not apply to any act or omission which is expressly or impliedly authorised by or under that law when taking place outside the United Kingdom.

(2) No proceedings for any offence under the law in force in, or in a part of, the United Kingdom committed on board an aircraft while in flight elsewhere than in or over the United Kingdom (other than an offence under, or under any instrument made under, the Civil Aviation Acts 1949 and 1960 or the Civil Aviation (Eurocontrol) Act 1962) shall be instituted—

(a) in England and Wales, except by or with the consent of the Director of Public Prosecutions; or

1962 c. 8.

(b) in Northern Ireland, except by or with the consent of the Attorney General for Northern Ireland ;

but the foregoing provisions of this subsection shall not prevent the arrest, or the issue of a warrant for the arrest, of any person in respect of any offence, or the remanding in custody or on bail of any person charged with any offence.

(3) For the purpose of conferring jurisdiction, any offence under the law in force in, or in a part of, the United Kingdom committed on board an aircraft in flight shall be deemed to have been committed in any place in the United Kingdom (or, as the case may be, in that part thereof) where the offender may for the time being be; and section 62(1) of the Civil Aviation Act 1949 is hereby repealed.

2.—(1) For the purposes of the application of the Extradition Act 1870 to crimes committed on board an aircraft in flight, any aircraft registered in a Convention country shall at any time while that aircraft is in flight be deemed to be within the jurisdiction of that country, whether or not it is for the time being also within the jurisdiction of any other country; and paragraphs (1) to (3) of section 16 of that Act (which have effect where a person's surrender is sought in respect of a crime committed on board a vessel on the high seas which comes into any port of the United Kingdom) shall have effect also where a person's surrender is sought in respect of a crime committed on board an aircraft in flight which lands in the United Kingdom, but as if in the said paragraph (3) for references to the port where the vessel lies there were substituted references to the place at which the person whose surrender is sought is disembarked.

Provisions as to extradition.
1870 c. 52.

(2) Sections 17 and 22 of the said Act of 1870 (which relate to the extent of that Act) shall apply to subsection (1) of this section as if that subsection were included in that Act.

3.—(1) The provisions of subsections (2) to (5) of this section shall have effect for the purposes of any proceedings before any court in the United Kingdom.

Powers of commander of aircraft.

(2) If the commander of an aircraft in flight, wherever that aircraft may be, has reasonable grounds to believe in respect of any person on board the aircraft—

(a) that the person in question has done or is about to do any act on the aircraft while it is in flight which jeopardises or may jeopardise—

(i) the safety of the aircraft or of persons or property on board the aircraft; or

(ii) good order and discipline on board the aircraft; or

(b) that the person in question has done on the aircraft while in flight any act which in the opinion of the

commander is a serious offence under any law in force in the country in which the aircraft is registered, not being a law of a political nature or based on racial or religious discrimination,

then, subject to subsection (4) of this section, the commander may take with respect to that person such reasonable measures, including restraint of his person, as may be necessary—

- (i) to protect the safety of the aircraft or of persons or property on board the aircraft ; or
- (ii) to maintain good order and discipline on board the aircraft ; or
- (iii) to enable the commander to disembark or deliver that person in accordance with subsection (5) of this section ;

and for the purposes of paragraph (b) of this subsection any British-controlled aircraft shall be deemed to be registered in the United Kingdom whether or not it is in fact so registered and whether or not it is in fact registered in some other country.

(3) Any member of the crew of an aircraft and any other person on board the aircraft may, at the request or with the authority of the commander of the aircraft, and any such member shall if so required by that commander, render assistance in restraining any person whom the commander is entitled under subsection (2) of this section to restrain ; and at any time when the aircraft is in flight any such member or other person may, without obtaining the authority of the commander, take with respect to any person on board the aircraft any measures such as are mentioned in the said subsection (2) which he has reasonable grounds to believe are immediately necessary to protect the safety of the aircraft or of persons or property on board the aircraft.

(4) Any restraint imposed on any person on board an aircraft under the powers conferred by the foregoing provisions of this section shall not be continued after the time when the aircraft first thereafter ceases to be in flight unless before or as soon as is reasonably practicable after that time the commander of the aircraft causes notification of the fact that a person on board the aircraft is under restraint and of the reasons therefor to be sent to an appropriate authority of the country in which the aircraft so ceases to be in flight, but subject to such notification may be continued after that time—

- (a) for any period (including the period of any further flight) between that time and the first occasion thereafter on which the commander is able with any requisite consent of the appropriate authorities to disembark or deliver the person under restraint in accordance with subsection (5) of this section ; or

- (b) if the person under restraint agrees to continue his journey under restraint on board that aircraft.
- (5) The commander of an aircraft—
- (a) if in the case of any person on board the aircraft he has reasonable grounds—
- (i) to believe as mentioned in subsection (2)(a) of this section ; and
 - (ii) to believe that it is necessary so to do in order to protect the safety of the aircraft or of persons or property on board the aircraft or to maintain good order and discipline on board the aircraft,
- may disembark that person in any country in which that aircraft may be ; and
- (b) if in the case of any person on board the aircraft he has reasonable grounds to believe as mentioned in subsection (2)(b) of this section, may deliver that person—
- (i) in the United Kingdom, to a constable or immigration officer ; or
 - (ii) in any other country which is a Convention country, to an officer having functions corresponding to the functions in the United Kingdom either of a constable or of an immigration officer.
- (6) The commander of an aircraft—
- (a) if he disembarks any person in pursuance of subsection (5)(a) of this section, in the case of a British-controlled aircraft, in any country or, in the case of any other aircraft, in the United Kingdom, shall report the fact of, and the reasons for, that disembarkation to—
- (i) an appropriate authority in the country of disembarkation ; and
 - (ii) the appropriate diplomatic or consular office of the country of nationality of that person ;
- (b) if he intends to deliver any person in accordance with subsection (5)(b) of this section in the United Kingdom or, in the case of a British-controlled aircraft, in any other country which is a Convention country, shall before or as soon as reasonably practicable after landing give notification of his intention and of the reasons therefor—
- (i) where the country in question is the United Kingdom, to a constable or immigration officer or, in the case of any other country, to an officer having functions corresponding to the functions in the United Kingdom either of a constable or of an immigration officer ;

(ii) in either case to the appropriate diplomatic or consular office of the country of nationality of that person ;

and any commander of an aircraft who without reasonable cause fails to comply with the requirements of this subsection shall be liable on summary conviction to a fine not exceeding one hundred pounds.

Piracy.

4. For the avoidance of doubt, it is hereby declared that for the purposes of any proceedings before a court in the United Kingdom in respect of piracy, the provisions set out in the Schedule to this Act of the Convention on the High Seas signed at Geneva on 29th April 1958 shall be treated as constituting part of the law of nations ; and any such court having jurisdiction in respect of piracy committed on the high seas shall have jurisdiction in respect of piracy committed by or against an aircraft wherever that piracy is committed.

Provisions as to evidence in connection with aircraft.

5.—(1) Where in any proceedings before a court in the United Kingdom for an offence committed on board an aircraft the testimony of any person is required and the court is satisfied that the person in question cannot be found in the United Kingdom, there shall be admissible in evidence before that court any deposition relating to the subject matter of those proceedings previously made on oath by that person outside the United Kingdom which was so made—

(a) in the presence of the person charged with the offence ; and

(b) before a judge or magistrate of a country such as is mentioned in section 1(3) of the British Nationality Act 1948 as for the time being in force, or which is part of Her Majesty's dominions, or in which Her Majesty for the time being has jurisdiction, or before a consular officer of Her Majesty's Government in the United Kingdom.

1948 c. 56.

(2) Any such deposition shall be authenticated by the signature of the judge, magistrate or consular officer before whom it was made who shall certify that the person charged with the offence was present at the taking of the deposition.

(3) It shall not be necessary in any proceedings to prove the signature or official character of the person appearing so to have authenticated any such deposition or to have given such a certificate, and such a certificate shall, unless the contrary is proved, be sufficient evidence in any proceedings that the person charged with the offence was present at the making of the deposition.

(4) If a complaint is made to such a consular officer as aforesaid that any offence has been committed on a British-controlled aircraft while in flight elsewhere than in or over the United Kingdom, that officer may inquire into the case upon oath.

(5) In this section—

(a) the expression “deposition” includes any affidavit, affirmation or statement made upon oath; and

(b) the expression “oath” includes an affirmation or declaration in the case of persons allowed by law to affirm or declare instead of swearing;

and nothing in this section shall prejudice the admission as evidence of any deposition which is admissible in evidence apart from this section.

6.—(1) In any legal proceedings—

Provisions
as to
documentary
evidence.

(a) a document purporting to be certified by such authority or person as may be designated for the purpose by regulations made by the Board of Trade as being, or being a true copy of, or of part of, a document issued or record kept in pursuance of—

(i) an Order in Council made under section 8 of the Civil Aviation Act 1949; or

1949 c. 67.

(ii) the Civil Aviation (Licensing) Act 1960 or this Act,

1960 c. 38.

by, or by the Minister in charge of, a government department, by an official of a government department who is specified for the purpose in any such Order in Council, or by the Air Registration Board or the Air Transport Licensing Board; or

(b) a document printed by Her Majesty's Stationery Office and purporting to be the publication known as the “United Kingdom Air Pilot” or a publication of the series known as “Notam—United Kingdom”,

shall be evidence, and in Scotland sufficient evidence, of the matters appearing from that document.

(2) Section 5 of the Civil Aviation (Eurocontrol) Act 1962 (which relates to the use as evidence of certain records of the position of an aircraft or of any message or signal transmitted to or received from an aircraft) shall apply to any legal proceedings; and the authorities or persons to be designated for the purposes of subsection (1) of that section shall, instead of being designated as mentioned in subsection (2) of that section, be designated in all cases by regulations made under this subsection by the Board of Trade; and—

(a) the said subsection (2) is hereby repealed; but

(b) any provision made by regulations or Order in Council by virtue of that subsection and in force immediately before the commencement of this subsection shall continue in force as if contained in regulations made by the Board of Trade under this subsection until varied or revoked by regulations so made.

(3) Any regulations made under this section shall be made by statutory instrument and be subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation,
etc.

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

“ aircraft ” means any aircraft, whether or not a British-controlled aircraft, other than—

(a) a military aircraft ; or

(b) an aircraft which, not being a military aircraft, belongs to or is exclusively employed in the service of Her Majesty in right of the United Kingdom ;

but Her Majesty may by Order in Council, which may be varied or revoked by a subsequent Order in Council, provide that any of the provisions of this Act shall apply with or without modifications to aircraft such as are mentioned in paragraph (b) of this definition ;

“ British-controlled aircraft ” means an aircraft—

(a) which is for the time being registered in the United Kingdom ; or

(b) which is not for the time being registered in any country but in the case of which either the operator of the aircraft or each person entitled as owner to any legal or beneficial interest in it satisfies the following requirements, namely—

(i) that he is a person qualified to be the owner of a legal or beneficial interest in an aircraft registered in the United Kingdom ; and

(ii) that he resides or has his principal place of business in the United Kingdom ; or

(c) which, being for the time being registered in some other country, is for the time being chartered by demise to a person who, or to persons each of whom, satisfies the requirements aforesaid ;

“ commander ” in relation to an aircraft means the member of the crew designated as commander of that aircraft by the operator thereof, or, failing such a person, the person who is for the time being the pilot in command of the aircraft ;

“Convention country” means a country in which the Tokyo Convention is for the time being in force; and Her Majesty may by Order in Council certify that any country specified in the Order is for the time being a Convention country, and any such Order in Council for the time being in force shall be conclusive evidence that the country in question is for the time being a Convention country but may be varied or revoked by a subsequent Order in Council;

“military aircraft” means—

- (a) an aircraft of the naval, military or air forces of any country; or
- (b) any other aircraft in respect of which there is in force a certificate issued in accordance with any Order in Council in force under the Civil Aviation Act 1949 c. 67. Act 1949 that the aircraft is to be treated for the purposes of that Order in Council as a military aircraft;

and a certificate of the Secretary of State that any aircraft is or is not a military aircraft for the purposes of this Act shall be conclusive evidence of the fact certified;

“operator” in relation to any aircraft at any time means the person who at that time has the management of that aircraft;

“pilot in command” in relation to an aircraft means a person who for the time being is in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft;

“Tokyo Convention” means the Convention on Offences and certain other Acts Committed on board Aircraft signed at Tokyo on 14th September 1963.

(2) For the purposes of this Act, the period during which an aircraft is in flight shall be deemed to include—

- (a) any period from the moment when power is applied for the purpose of the aircraft taking off on a flight until the moment when the landing run (if any) at the termination of that flight ends; and
- (b) for the purposes of section 3 of this Act—
 - (i) any further period from the moment when all external doors, if any, of the aircraft are closed following embarkation for a flight until the moment when any such door is opened for disembarkation after that flight; and
 - (ii) if the aircraft makes a forced landing, any period thereafter until the time when competent authorities of the country in which the forced landing

takes place take over the responsibility for the aircraft and for the persons and property on board the aircraft (being, if the forced landing takes place in the United Kingdom, the time when a constable arrives at the place of landing) ;

and any reference in this Act to an aircraft in flight shall include a reference to an aircraft during any period when it is on the surface of the sea or land but not within the territorial limits of any country.

(3) In this Act, except where the context otherwise requires, any reference to a country or the territorial limits thereof shall be construed as including a reference to the territorial waters, if any, of that country, and references to a part of the United Kingdom shall be construed as including references to so much of the territorial waters of the United Kingdom as are adjacent to that part.

(4) If the Board of Trade are satisfied that the requirements of Article 18 of the Tokyo Convention have been satisfied (which Article makes provision as to the country which is to be treated as the country of registration of certain aircraft operated by joint air transport organisations or international operating agencies established by two or more Convention countries) the Board may by order provide that for the purposes of this Act such aircraft as may be specified in the order shall be treated as registered in such Convention country as may be so specified ; and any such order shall be made by statutory instrument and may be varied or revoked by a subsequent order under this subsection.

1952 c. 48.

(5) For the purposes of section 7 of the Costs in Criminal Cases Act 1952 (which makes provision with respect to England and Wales as to the costs payable out of county or county borough funds) any offence—

- (a) which is committed on board an aircraft while in flight, whether in or over or outside the United Kingdom ; or
- (b) in respect of which jurisdiction is conferred by section 4 of this Act,

shall be treated as having been committed within Admiralty jurisdiction ; and subsections (2) and (3) of the said section 7 (which make provision with respect to offences committed within Admiralty jurisdiction including provision for the repayment out of moneys provided by Parliament of costs paid out of any such fund as aforesaid) shall apply accordingly.

(6) The powers conferred on the Board of Trade by section 6 of this Act and subsection (4) of this section shall be exercisable 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.

8.—(1) Her Majesty may by Order in Council direct that such of the provisions of this Act other than section 2 as may be specified in the Order shall extend, with such exceptions, adaptations and modifications as may be so specified, to any of the Channel Islands, to the Isle of Man or to any other territory outside the United Kingdom for the international relations of which Her Majesty's Government in the United Kingdom are responsible. Channel Islands, Isle of Man, etc.

(2) Any Order in Council made under this section may be varied or revoked by a subsequent Order in Council so made.

9.—(1) This Act may be cited as the Tokyo Convention Act 1967. Citation and commencement.

(2) This Act, the Civil Aviation Acts 1949 and 1960, and the Civil Aviation (Eurocontrol) Act 1962 may be cited together as the Civil Aviation Acts 1949 to 1967. 1962 c. 8.

(3) This Act shall come into force on such day as Her Majesty may by Order in Council appoint and different days may be appointed for different purposes.

Section 4.

SCHEDULE

PROVISIONS OF GENEVA CONVENTION ON THE HIGH SEAS TO BE
TREATED AS PART OF THE LAW OF NATIONS

ARTICLE 15

Piracy consists of any of the following acts :

(1) Any illegal acts of violence, detention or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed :

(a) On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft ;

(b) Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State ;

(2) Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft ;

(3) Any act of inciting or of intentionally facilitating an act described in sub-paragraph (1) or sub-paragraph (2) of this article.

ARTICLE 16

The acts of piracy, as defined in article 15, committed by a warship, government ship or government aircraft whose crew has mutinied and taken control of the ship or aircraft are assimilated to acts committed by a private ship.

ARTICLE 17

A ship or aircraft is considered a pirate ship or aircraft if it is intended by the persons in dominant control to be used for the purpose of committing one of the acts referred to in article 15. The same applies if the ship or aircraft has been used to commit any such act, so long as it remains under the control of the persons guilty of that act.



Prices and Incomes Act 1967

1967 CHAPTER 53

An Act to make, in relation to prices and charges and in relation to terms and conditions of employment, further provision to supplement or amend the Prices and Incomes Act 1966. [14th 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 by virtue of a reference to the National Board for Prices and Incomes under section 2(1) or (3) of the Prices and Incomes Act 1966 either—
- (a) an increase of prices or charges is forbidden by section 7(3)(b) or section 8(2) of that Act; or
- (b) the implementation of an award or settlement relating to terms or conditions of employment is forbidden by section 14(6)(b) or section 15(2) of that Act;
- Power to extend periods of standstill under Part II of Prices and Incomes Act 1966. 1966 c. 33.

and, before it ceases to be so forbidden, a report of the Board on the reference is published with a recommendation adverse in any respect to the increase of the prices or charges or to the implementation of the award or settlement, then for the period and to the extent provided for by this section the standstill provision (that is to say, the relevant provision of the Prices and Incomes Act 1966 referred to in paragraph (a) or (b) above) shall continue to apply as it applied up to the date of publication of the report.

(2) The standstill provision shall continue to apply (subject as hereinafter provided)—

- (a) for a period ending ten days after the date of publication of the Board's report and, if within that period the Secretary of State gives notice of a proposal to make

an order under paragraph (b) below, then for a period ending thirty days after the date of publication of the report; and

- (b) if, after giving notice as aforesaid and before the end of those thirty days, the Secretary of State by order so directs, then for a further period extending until the expiration of the six months beginning with the date of publication of the reference to the Board or until such earlier time as may be specified in the order.

(3) The provisions of the Schedule to this Act shall have effect to regulate the extent to which the standstill provision is in any case to apply by virtue of this section, and other matters in connection with the operation of this section.

Imposition of standstill after increase of prices or implementation of award, but before publication of Board's report.
1966 c. 33.

2.—(1) Where section 8 of the Prices and Incomes Act 1966 is applied to any prices or charges, or section 15 of that Act is applied to an award or settlement, the direction applying the section may provide that it shall apply in relation to those prices or charges, or to that award or settlement, by reference to a specified date not more than three months before the date of publication of the direction; and, if the direction does so provide, then Part II of that Act together with section 1 of this Act shall, in relation to the direction and in relation to matters arising therefrom, have effect as if—

- (a) in the case of a direction applying section 8 to any prices or charges, increases in those prices or charges made in the interval between the specified date and the coming into force of the direction had not been made; and
- (b) in the case of a direction applying section 15 to an award or settlement, the award or settlement had not been implemented in that interval.

(2) Where a direction applying section 8 or section 15 of the Prices and Incomes Act 1966 makes provision in accordance with subsection (1) above,—

- (a) the notice giving the direction shall be published in the Gazette, but so much of section 8(1) or 15(1) as requires it to be published in the same issue as the text of the reference to the National Board for Prices and Incomes shall not apply (and accordingly a direction may be given in connection with a reference published before the coming into force of this section or the passing of this Act);
- (b) the direction may be given so as to come into force on a date after that on which the notice giving the direction is published;
- (c) section 1(2)(b) above shall have effect with the substitution of the six months beginning with the date when the

direction comes into force for the six months beginning with the date of publication of the reference.

3.—(1) Where—

- (a) on a reference to the National Board for Prices and Incomes under section 2(1) or (3) of the Prices and Incomes Act 1966 a report of the Board contains a recommendation adverse in any respect to an increase of prices or charges or to the implementation of an award or settlement (being a matter to which the reference related), but the standstill provisions referred to in section 1(1) above did not at any time apply to forbid the increase or implementation; and
- (b) it appears to the Secretary of State that (before or after publication of the report) there has been an increase of prices or charges, or implementation of the award or settlement, which does not accord with the recommendation of the Board;

Imposition of standstill after publication of Board's report.
1966 c. 33.

then, subject to the provisions of this section, the Secretary of State may by order provide, as respects any prices or charges or any award or settlement to which the reference related, for section 8(2) or 15(2) of that Act to apply for a period not exceeding three months (beginning with the date of the order or a later date) as it would have applied, up to the date of publication of the Board's report, by virtue of a direction duly given before that date.

(2) An order shall not be made under subsection (1) above in consequence of a report of the Board, if the report was not published by a date within three months from the publication of the reference to the Board under section 2(1) of the Prices and Incomes Act 1966 (whether or not varied under section 2(3)), nor shall an order be made as aforesaid more than six months after the date of publication of that reference; but this section shall apply notwithstanding that the Board's report was made, or the relevant increase of prices or charges or implementation of the award or settlement took place, before the coming into force of this section or the passing of this Act.

(3) Where an order is made under subsection (1) above, the relevant provisions of the Prices and Incomes Act 1966 shall, for purposes of the order and matters arising therefrom, have effect as if—

- (a) in the case of an order applying section 8(2) to any prices or charges, increases in those prices or charges made in the interval between the day preceding the publication of the reference to the Board and the time from which section 8(2) is applied had not been made; and

(b) in the case of an order applying section 15(2) to an award or settlement, the award or settlement had not been implemented in that interval.

(4) Before making an order under subsection (1) above the Secretary of State shall give notice of the proposal to make it; and the provisions of the Schedule to this Act shall have effect to regulate the extent to which section 8(2) or 15(2) of the Prices and Incomes Act 1966 is in any case to apply by virtue of this section, and other matters in connection with the operation of this section.

1966 c. 33.

Modification
or
clarification
of certain
provisions of
Prices and
Incomes Act
1966.

4.—(1) Section 16 of the Prices and Incomes Act 1966 (which relates to the enforcement of Part II as regards terms and conditions of employment) shall have effect—

- (a) as if at the end of subsection (1) there were added the words “ or (after the implementation is forbidden) to implement it in respect of employment at a time before the implementation is forbidden ”; and
- (b) as if accordingly in subsection (4) for the words “ to implement an award or settlement in respect of employment at a time when implementation of that award or settlement is forbidden under the foregoing provisions of this Part of this Act ” there were substituted the words “ to implement an award or settlement in contravention of subsection (1) above ”;

and in subsection (6) of that section (under which prohibitions imposed by the section are to be treated as irrelevant for the purposes of civil proceedings in Scotland) for the words “ by this section ” there shall be substituted the words “ by subsection (4) above ”.

(2) The effect of Part II of the Prices and Incomes Act 1966 in forbidding the implementation of an award or settlement and thereby restricting the remuneration to be paid in respect of employment at any time shall not be to make wholly invalid contracts providing for remuneration in respect of that employment in excess of the remuneration permitted by the restriction, but shall be that, as regards payments due before the coming to an end of the restriction, any contract to pay such remuneration is invalidated so far as relates to the excess (and accordingly does not revive or become enforceable as regards the excess on the coming to an end of the restriction by the lapse of any provision of that Act or otherwise); and sections 28 and 29 of that Act are hereby declared to be of the like effect in restricting the remuneration to be paid for work for any period.

(3) Where section 15(2) or section 28 of the Prices and Incomes Act 1966 is or has been made (either expressly or impliedly) to apply in relation to persons employed by or under the Crown, then although the Crown is not thereby made subject to any

obligation, any claims to remuneration by persons so employed and the lawfulness of things done in relation thereto are subject by the operation of section 15(2) or 28, as the case may be, to the like restrictions as if those persons were employees of a private person.

(4) In the Prices and Incomes Act 1966 section 7(3)(a) shall have effect as if after the word "prices" there were inserted the words "or charges".

5.—(1) Subject to the following subsections, where but for this provision an agreement entered into between an employer and an employee before the 21st July 1966 would (if given effect according to its terms) have required the employer to pay to the employee for work for any period before July 1967 remuneration at a higher rate than the basis rate, the agreement shall have, and be deemed to have had, effect subject (as regards work for any such period) to a condition allowing the employer not to pay remuneration at that higher rate if he pays or has paid it at a rate not less than the basis rate nor less, where any enactment as to the minimum remuneration to be paid to any workers is applicable, than the rate necessary for compliance with that enactment.

Protection of employers who have withheld pay increases before July 1967.

For this purpose "the basis rate" means the rate which was last applied by the employer before the 21st July 1966 in making payments of remuneration to the employee for the same kind of work; and, in the case of remuneration agreed to be paid at a rate varying from time to time, the basis rate shall be the rate as it was for the time being effective when so applied, and "higher rate" shall be construed accordingly.

(2) Subject to subsection (5) below, the condition implied under subsection (1) above in any agreement shall be limited to remuneration for periods not exceeding in the aggregate six months; but—

- (a) the periods covered by the condition may be either continuous or not, and may include periods before the making of the agreement; and
- (b) the aggregate of six months shall be reckoned by including earlier periods to which the higher rate applied under the agreement in preference to later periods, but including only periods for which the employee has not received the remuneration provided for (apart from the condition) by the agreement.

(3) Where subsection (1) above applies to an agreement resulting (if given effect according to its terms) in two or more increases for different periods in the rate of the employee's remuneration, then the like condition shall be implied in relation to each of the successive rates of remuneration resulting therefrom which exceeds the basis rate (with subsection (2) above applying

separately to each condition so implied); but where any of the successive rates is under the agreement to apply for a fixed period only, and the condition is to be implied in relation to the immediately succeeding rate, then the agreement shall have, and be deemed to have had, effect as if it provided that the earlier rate should, subject (if it is not the basis rate) to the condition implied in relation to it, continue to apply until superseded by payment of the next succeeding rate.

(4) Subject to subsections (5) and (6) below, subsection (1) above (but not subsections (2) and (3)) shall have effect in relation to an agreement entered into on or after the 21st July 1966 and before the 5th June 1967 as it has effect in relation to an agreement entered into before the 21st July 1966, except that the basis rate shall be determined by reference to the rate last applied before the agreement instead of the rate last applied before the 21st July 1966.

(5) Where under an agreement entered into between an employer and an employee before the 21st July 1966 the remuneration to be paid to the employee was, without any further agreement being entered into between them, affected by any provision as to rates of remuneration made by an award or settlement on or after that date, then this section shall have effect in relation to that remuneration as if, so far as relates to any increase in it attributable to that provision, the said agreement were an agreement entered into between the employer and the employee on the date of the award or settlement; and similarly with an agreement entered into before the 5th June 1967 and an award or settlement made on or after that date.

(6) Where under an agreement entered into between an employer and an employee the terms and conditions of the employment were those applicable to other persons working, or who have worked, for the employer on the same kind of work (whether or not the agreement was so expressed), and either—

(a) subsection (1) above, without subsection (4), has or would have had effect to modify the terms and conditions in the case of those other persons but, apart from this provision, subsection (1) above—

(i) would do so in the case of that employee by virtue of subsection (4); or

(ii) would not in his case do so; or

(b) subsection (1) above, together with subsection (4), has or would have had effect to modify the terms and conditions in the case of those other persons but, apart from this provision, subsection (1) above would not in the case of that employee do so;

then subsections (1) to (3) above or, in a case within paragraph (b) above, subsections (1) and (4) shall have effect in relation to that

agreement as they have or would have had effect in relation to the agreements of those other persons, the basis rate being determined accordingly by reference to the remuneration of those persons (or the most nearly comparable of them) instead of the remuneration of that employee:

Provided that for purposes of subsection (2)(b) above as it applies by virtue of this subsection the employee shall be treated as having worked for the employer on the work in question, and having received for it remuneration at the basis rate, throughout the interval between the 20th July 1966 and the earliest date thereafter when he in fact so worked.

(7) Effect shall be given to the foregoing provisions of this section in legal proceedings begun before the passing of this Act as well as in those begun afterwards; and where in any such proceedings an order, judgment or decree has been made or given which is not in accordance with those provisions, the court by which it was made or given shall, on the application of the person liable thereunder, set it aside in whole or in part and make such further order, if any, as the case requires:

Provided that—

- (a) proceedings to have an order, judgment or decree set aside under this subsection shall not be instituted after the end of one month beginning with the date this Act is passed; and
- (b) where proceedings were begun before the 5th June 1967, or an order, judgment or decree made in any proceedings has been satisfied in whole or in part before the date this Act is passed, then this subsection shall not apply in relation to those proceedings or any further proceedings by way of appeal or otherwise.

(8) Where for any period an employee's right to remuneration was subject to a restriction under section 28, 29 or 30 of the Prices and Incomes Act 1966, then for purposes of subsection (2)(b) above the periods to which the higher rate applied under the agreement with his employer, and the amount of the remuneration provided for by the agreement, shall be determined without regard to the effect of that restriction; but this section shall not be taken to override any such restriction. 1966 c. 33.

(9) This section shall not apply to remuneration for work other than work to be performed wholly or substantially within the United Kingdom or on British ships or aircraft; but where a person employed by or under the Crown has any enforceable claim to remuneration for that employment, this section shall apply as it applies in the case of an employee of a private person.

(10) In subsection (1) above "enactment" includes an enactment of the Parliament of Northern Ireland.

Supplementary.
1966 c. 33.

6.—(1) This Act may be cited as the Prices and Incomes Act 1967, and the Prices and Incomes Act 1966 and this Act may be cited together as the Prices and Incomes Acts 1966 and 1967.

(2) Sections 34 and 36 of the Prices and Incomes Act 1966 (which relate to the interpretation of that Act and to its operation as regards Northern Ireland) shall, so far as relevant, apply in relation to this Act as if references in those sections to that Act were references to this Act; and references in this Act to employment by or under the Crown shall be construed in accordance with section 18(3) and (4) of that Act.

(3) Sections 1 to 3 above shall not come into force until the 12th August 1967; and no order or direction for the application of any provision of the Prices and Incomes Act 1966 shall be made or given under sections 1 to 3 above, nor shall any such provision continue to apply by virtue of section 1(2)(a), after the 11th August 1968 or any earlier date on which Part II of that Act or the relevant provisions of it cease to be in force otherwise than for the purpose of orders previously made under this Act.

SCHEDULE

PROVISIONS RELATING TO THE OPERATION OF SECTIONS 1 AND 3

1. In this Schedule “the principal section” and “the standstill provision”—

- (a) for purposes of section 1 of this Act, mean respectively that section of this Act and the relevant provision of the Prices and Incomes Act 1966 referred to in subsection (1)(a) or (b) of that section; and
- (b) for purposes of section 3 of this Act, mean respectively that section of this Act and section 8(2) or 15(2), as the case may be, of the Prices and Incomes Act 1966.

2.—(1) The standstill provision, where it applies by virtue of the principal section, shall not preclude an increase of prices or charges or the implementation of an award or settlement in any respect in which the National Board for Prices and Incomes in the relevant report recommend that it should not be precluded (whether by allowing part of any proposed increase of prices or charges or of any proposed increase of remuneration or otherwise); and an order under the principal section—

- (a) may restrict in any manner the respects in which the standstill provision is to apply by virtue of the order; and
- (b) may at any time be revoked or varied by a further order of the Secretary of State so as to shorten the period for which, or to restrict or further restrict the respects in which, the standstill provision is to apply by virtue of the order.

(2) The standstill provision shall not by virtue of section 1 of this Act apply so as to preclude an increase of prices or charges or the implementation of an award or settlement in any respect in which the Secretary of State, by notice given during the continuance of the standstill provision under section 1(2)(a), states that it is not to be precluded; and an order under section 1 shall not provide for the standstill provision to apply so that an increase of prices or charges or the implementation of an award or settlement is in any respect precluded beyond any time beyond which the Board in their report recommend that it should not be precluded.

(3) Section 8(2) or 15(2) of the Prices and Incomes Act 1966, where it applies by virtue of the principal section, shall not preclude an increase of prices or charges or the implementation of an award or settlement with the written consent of the Minister or Ministers who referred the matter to the Board.

3.—(1) Any notice under the principal section of a proposal to make an order under that section shall invite representations about the proposal to be made to the Secretary of State in writing within a stated period (not being less than fourteen days) by or on behalf of those concerned, that is to say,—

- (a) in the case of a proposal relating to prices or charges, by or on behalf of any persons or undertakings selling goods or performing services for which the prices or charges are affected by the proposals; and

(b) in the case of a proposal relating to an award or settlement, by or on behalf of employers or employees affected by the award or settlement or by or on behalf of any employers' organisation, trade union or trade union organisation directly or indirectly representing employers or employees so affected; and before making the order the Secretary of State shall take into consideration any representations so made.

(2) An order under the principal section may give effect with such modifications as the Secretary of State thinks proper to the proposal of which notice has been given, other than modifications lengthening the period for which the standstill provision is to apply or enlarging the respects in which it is to apply.

4. Any power to make orders under the principal section or under paragraph 2(1) above shall be exercisable by statutory instrument, which in the case of orders under the principal section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

5.—(1) Any written consent under paragraph 2(3) above shall be notified in the Gazette; and, subject to sub-paragraph (2) below, any notice of a proposal to make an order under the principal section, and any notice under paragraph 2(2) above, shall be given by publication in the Gazette.

(2) Where a notice of a proposal to make an order under the principal section or a notice under paragraph 2(2) above relates only to the prices or charges for transactions effected by one or more named persons, then instead of being published in the Gazette it may be given by written notice to him or them.

1966 c. 33. 6.—(1) Where an order is made under the principal section for the standstill provision to apply for any purpose, the lapse after the making of the order of any provisions of Part II of the Prices and Incomes Act 1966 on the expiration of a period specified in an Order in Council under section 6 of that Act, or on the revocation of such an Order in Council, shall not affect the operation of the order under the principal section or the operation of those provisions for purposes of that order and matters arising therefrom.

(2) The lapse of the standstill provision for any purpose on the expiration of the period for which it has been applied by an order under the principal section, or on the revocation or variation of such an order, shall not affect liability for any offence committed before the lapse.



Finance Act 1967

1967 CHAPTER 54

An Act to grant certain duties, to alter other duties, and to amend the law relating to the National Debt and the Public Revenue, and to make further provision in connection with Finance. [21st July 1967]

Most Gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

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CUSTOMS AND EXCISE

1.—(1) As from 12th April 1967 or, in the case of the duties referred to in subsection (3) of this section, as from six o'clock in the evening on 11th April 1967, the adjustment of ten per cent. having effect under subsection (2) of section 9 of the Finance Act 1961 by virtue of the Surcharge on Revenue Duties Order 1966 shall no longer have effect in relation to the duties or taxes to which that Order applies or any drawback, rebate, allowance or other payments in connection with any of those duties or taxes; but—

Termination of surcharge under Finance Act 1961 s. 9 and related increases in duties.
1961 c. 36.
S.I. 1966/884.

(a) the provisions of subsections (2) to (4) of this section shall have effect with a view to making in the rates of those duties and taxes increases which, taking into

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account international agreements and other relevant matters, are comparable to the amount of the adjustment aforesaid, together, in the case of goods to which certain of those duties relate, with a further amount towards offsetting in part the loss of revenue in connection with those goods resulting from the provisions of sections 4 and 5 of this Act ; and

1966 c. 18.

- (b) the period after which orders of the Treasury under the said section 9 may not be made or continue in force (which, by section 16 of the Finance Act 1966, was extended until the end of August 1967) shall extend until the end of August 1968 or such later date as Parliament may hereafter determine.

1964 c. 49.

1965 c. 25.

(2) As from 12th April 1967, for the following provisions of the Finance Act 1964, as amended by section 1(1) of the Finance Act 1965, setting out rates of customs and excise duties and of drawback, namely—

- (a) Table 1 in Schedule 1 (spirits other than imported perfumed spirits) ;
 (b) Schedule 2 (beer) ;
 (c) Schedule 3 (wine) ;
 (d) Schedule 4 (British wine),

there shall be substituted the provisions set out in Schedules 1, 2, 3 and 4 respectively to this Act ; but this subsection shall not affect the rates of drawback payable in the case of goods in respect of which duty has been paid otherwise than at the rates having effect by virtue of this subsection.

(3) As from six o'clock in the evening of 11th April 1967—

1964 c. 92.

- (a) section 2 of the Finance (No. 2) Act 1964 (which provides for a duty of customs at the rate of three shillings and threepence a gallon to be charged on imported hydrocarbon oils and for a duty of excise at the same rate to be charged on hydrocarbon oils produced in the United Kingdom, on petrol substitutes, and on spirits used for making power methylated spirits) shall have effect with the substitution for the words “ three shillings and threepence ” of the words “ three shillings and sevenpence ” ;
- (b) the rate at which rebate of the customs or excise duty on hydrocarbon oils is allowed under section 199 of the Act of 1952 for heavy oils delivered for home use shall in all cases be a rate 2·2 pence a gallon less than the rate at which the duty in question is for the time being chargeable ;

(c) section 6(4) of the Finance Act 1964 (which provides in certain cases where light oils charged with the customs or excise duty on hydrocarbon oils are delivered for home use as furnace fuel for a rebate of duty at a rate twopence a gallon less than the rate at which the duty is charged) shall have effect with the substitution for the word "twopence" of the words "2·2 pence"; PART I
1964 c. 49.

(d) subsection (2) of section 92 of the Finance Act 1965 (which provides that the amount of a grant under subsection (1) of that section by the Minister of Transport to the operator of a bus service towards defraying customs or excise duties charged on bus fuel shall not exceed sixpence for every gallon of fuel used or estimated to have been used in operating the bus service during the period to which the grant relates) and section 1(1)(b) of the Bus Fuel Grants Act 1966 (which amends the said subsection (2)) shall have effect as if for any reference therein to sixpence there were substituted a reference to tenpence, and so much of subsection (9) of the said section 92 as enables the Parliament of Northern Ireland to make laws for purposes similar to the purposes of the provisions of that section shall apply to those provisions as amended by this paragraph. 1965 c. 25.
1966 c. 46.

(4) As from 12th April 1967, Schedule 1 to the Purchase Tax Act 1963 shall have effect with the substitution for any reference to 10 per cent., 15 per cent. or 25 per cent. of a reference respectively to 11 per cent., 16½ per cent. or 27½ per cent. 1963 c. 9.

(5) The provisions of Schedule 5 to this Act shall have effect for the purpose of—

(a) revising the definition of light oils for the purposes of the duties on hydrocarbon oils; and

(b) making certain amendments as respects drawback, remission, or repayment of duty on beer.

2.—(1) Any goods brought into the United Kingdom which are shown to the satisfaction of the Commissioners to have been grown, produced or manufactured in any area for the time being designated under section 1(7) of the Continental Shelf Act 1964 and to have been so brought direct from that area shall be deemed for the purposes of any charge to duty under the Import Duties Act 1958 not to be imported. Provisions as to
continental
shelf.
1964 c. 29.
1958 c. 6.

(2) The Board of Trade may by regulations prescribe cases in which, with a view to exempting any goods from any duty, or charging any goods with duty at a reduced or preferential rate, under any of the enactments relating to duties of customs

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the continental shelf of any country prescribed by the regulations, or of any country of a class of countries so prescribed, shall be treated for the purposes of such of those enactments or of any instruments made thereunder as may be so prescribed as if that shelf formed part of that country and any goods brought from that shelf were consigned from that country; and in this subsection the expression "continental shelf", in relation to any country, means—

- (a) if that country is the United Kingdom, any area for the time being designated as aforesaid;
- (b) in any other case, the seabed and sub-soil of the submarine areas adjacent to the coast, but outside the seaward limits of the territorial waters, of that country over which the exercise by that country of sovereign rights in accordance with international law is recognised or authorised by Her Majesty's Government in the United Kingdom.

(3) Any regulations under subsection (2) of this section shall be made by statutory instrument and be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

(4) Anything required or authorised by or under subsections (2) and (3) of this section 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.

Disclosure of information by Commissioners.

3.—(1) On being notified at any time by the Secretary of State that he is satisfied that it is in the national interest that the information in question should be disclosed to persons other than the Commissioners, the Commissioners may disclose through such person as may be specified in the notification such information to which this section applies in respect of imported goods of such descriptions as may be so specified.

(2) The information to which this section applies is information contained in any document with which the Commissioners have been provided after 7th March 1967 in pursuance of the Act of 1952 for the purpose of making entry of any goods on their importation, being information of the following descriptions only, namely—

- (a) the description of the goods, including any maker's catalogue number;
- (b) the quantities of the goods imported in a particular period, so, however, that if any quantity is given by value it shall not also be given in any other form;

- (c) the name of the maker of the goods ;
- (d) the country of origin of the goods ;
- (e) the country from which the goods were consigned.

(3) The Secretary of State may by order add to the descriptions of information to which this section applies any further description of information contained in any document such as is mentioned in subsection (2) of this section other than the price of the goods or the name of the importer of the goods ; and any such order shall be made by statutory instrument and—

- (a) may vary or revoke any previous order under this subsection ; and
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

4.—(1) The duty of excise charged on—

- (a) a licence to manufacture spirits granted under section 93 of the Act of 1952 ; or
- (b) a licence to brew beer for sale granted under section 125 of that Act ; or
- (c) a licence to add solutions to beer granted under section 126 of that Act ; or
- (d) a licence to manufacture tobacco granted under section 175 of that Act,

Amendments
as to excise
licences for
certain trades.

shall in every case be fifteen pounds fifteen shillings ; and accordingly in subsection (2) of each of the said sections 93, 125, 126 and 175 for the words from “calculated” to “Act” there shall in each case be substituted the words “of fifteen pounds fifteen shillings”, and Schedules 1, 2, 3 and 5 to the Act of 1952 shall cease to have effect.

(2) Section 168 of the Act of 1952 (which provides for a reduced duty on certain part-year licences) shall apply to any licence such as is mentioned in paragraph (a), (b), (c) or (d) of subsection (1) of this section as it applies to the licences mentioned in the said section 168 ; and section 169(2) of the Act of 1952 (which provides for relief from duty on the permanent discontinuance of a trade) shall apply to a licence such as is mentioned in the said paragraph (d) as it applies to the licences mentioned in the said paragraphs (a), (b) and (c).

(3) The foregoing provisions of this section shall have effect in relation to licences bearing a date after 11th April 1967.

(4) In subsection (5) of the said section 93 (which provides that the Commissioners may in certain cases refuse to grant a

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distiller a licence to manufacture spirits unless he provides lodgings for the officers placed in charge of his distillery) for the words "equal to the gross annual value of the lodgings as determined for the purposes of income tax under Schedule A" (being words relating to the rent to be paid for the lodgings in default of agreement) there shall be substituted the words "equal—

- 1967 c. 9. (a) if the lodgings are in England or Wales, to their gross value for the purposes of section 19 of the General Rate Act 1967 ;
- 1956 c. 60. (b) if the lodgings are in Scotland, to their gross annual value ascertained in accordance with the provisions of section 6(2) to (4) of the Valuation and Rating (Scotland) Act 1956 for the purpose of making up the valuation roll ;
- 1963 c. 25. (c) if the lodgings are in Northern Ireland, to their annual value ascertained in accordance with Schedule 5 to the Finance Act 1963."

(5) Without prejudice to the provisions of section 226 of the Act of 1952 (which requires a licence under that section to be held by any person keeping or using a still otherwise than as a holder of a licence of certain descriptions), an excise licence shall not be required for the purpose of carrying on the trade of a maker of vinegar for sale ; and accordingly—

- (a) the following provisions of the Act of 1952 shall cease to have effect, namely—
- (i) section 225 ;
 - (ii) in section 226(1) the words "or vinegar-maker" ;
 - (iii) in section 227(1)(a) and (c), the words "or vinegar-makers" ;
 - (iv) section 237(2)(d) ;
 - (v) in section 307(1), the paragraph beginning "vinegar-maker" ; and
- (b) in section 106(1)(d) of that Act at the beginning there shall be inserted the words "not being a vinegar-maker," ;

and the foregoing provisions of this subsection shall be deemed to have come into force on 6th July 1967, and, in the case of any licence under the said section 225 bearing a date after 11th April 1967, no excise duty shall be chargeable thereon and any duty paid thereon shall be repaid.

(6) Subsections (1) to (4) of this section shall extend to Northern Ireland, but— PART I

- (a) their application to Northern Ireland shall be without prejudice to the operation after the passing of this Act of section 21(3) of the Government of Ireland Act 1920; 1920 c. 67.
- (b) section 22(1) of that Act shall not apply to the duty on any licence such as is mentioned in the said subsection (1) which bears a date after 11th April 1967;
- (c) for the purposes of section 6 of that Act, the said subsections (1) to (4) shall be deemed to have been passed before the day appointed for the purposes of that section; and
- (d) it is hereby declared that the Parliament of Northern Ireland has power to make laws for purposes similar to the purposes of sections 93(3) to (6) and 125(4), and of the proviso to section 175(1), of the Act of 1952, but that, for the purpose of the exercise of that power in relation to section 93(5) of that Act, section 314(1) of that Act shall apply only to the first reference to the Commissioners in the said section 93(5).

5.—(1) As from 1st October 1967, an excise licence shall not be required for the sale by retail of intoxicating liquor or for the supply of such liquor in a registered club to members of that club and their guests; and accordingly as from that date— Abolition of retailer's licences and club licences and consequential provisions.

- (a) the enactments specified in Part I of Schedule 16 to this Act (other than section 4(6) of the Finance Act 1959) shall cease to have effect; 1959 c. 58.
- (b) the provisions of the excise Acts specified in Schedule 6 to this Act shall have effect subject to the amendments so specified;
- (c) the Licensing Act 1964 shall have effect subject to the provisions of Schedule 7 to this Act; 1964 c. 26.
- (d) the Licensing (Scotland) Acts 1959 and 1962 shall have effect subject to the provisions of Schedule 8 to this Act;
- (e) in section 107(1) of the Children and Young Persons Act 1933, in the definition of "intoxicating liquor", for the words from "means" onwards there shall be substituted the words "has the same meaning as in the Licensing Act 1964". 1933 c. 12.

(2) No duty of excise shall be charged on any licence under any of sections 149 to 154 of the Act of 1952 or section 4 of the Finance Act 1959 which is granted so as to come into force after 11th April 1967, and any such duty paid on such

PART I a licence so granted shall be repaid; and as from 11th April 1967 section 4(6) of the said Act of 1959 (which relates to certain repayments in respect of club licences under the said section 4) shall have effect as if—

(a) for paragraphs (a) and (b) there were substituted the words “before 1st February 1968 or such later date as the Commissioners may allow”;

(b) in paragraph (i) for the words “period for which the licence was in force” there were substituted the words “period beginning with the coming into force of the licence and ending with 31st December 1967”.

1964 c. 26. (3) In this section the expression “registered club” means a club which is registered within the meaning of the Licensing Act 1964 or which is a registered club within the meaning of the
1959 c. 51. Licensing (Scotland) Act 1959.

Abolition of permits for spirits and tobacco and consequential provisions.

6.—(1) It shall not be necessary for—

(a) spirits sent out from a distillery, or removed from a warehouse, or otherwise removed from any place in the United Kingdom to any other such place; or

(b) unmanufactured tobacco removed from a warehouse or otherwise removed as aforesaid,

to be accompanied by a permit; but the provisions of subsections (2) and (3) of this section shall apply to the sending out or removal of spirits.

(2) The person by whom any spirits—

(a) are sent out from a distillery; or

(b) are removed from a warehouse; or

1960 c. 44. (c) not being spirits to which the requirement imposed by the Finance Act 1960 to send a spirits consignment note applies, are otherwise removed from any place in the United Kingdom to any other such place in a quantity exceeding one gallon of the same denomination at a time for any one person,

shall, subject to any dispensation granted by the Commissioners, send to the person to whom the spirits are to be delivered a spirits advice note, and shall send that note either with the spirits or so that it is either delivered or posted on the day on which the spirits are sent out or removed.

(3) A distiller shall not send out from his distillery, or, save as permitted by the Commissioners in the case of samples, remove from a distiller's warehouse associated with his distillery, any spirits in a quantity of less than nine gallons.

(4) The following provisions shall cease to have effect, PART I
namely—

(a) in the Act of 1952, section 108, section 147(1) from “ and where ” onwards, and sections 147(2), 174, 241(1), (3) and (4) and 242(1)(a) and (b) ;

(b) in the Finance Act 1960, section 3(3) ;

1960 c. 44.

and the provisions of the Act of 1952 specified in Schedule 9 to this Act shall have effect subject to the amendments there specified, being amendments for the purpose of applying those provisions to spirits advice notes or otherwise consequential on the provisions of this section.

(5) In this Act and the Act of 1952, the expression “ spirits advice note ” means a document containing such particulars as the Commissioners may direct.

(6) This section and the said Schedule 9 shall have effect as from the expiration of the period of seven days beginning with the date of the passing of this Act.

7.—(1) As from 1st September 1967, and without prejudice Pool betting duty.
to the requirements of any other enactment, no person shall carry on a business the carrying on of which involves or may involve any sums becoming payable by him by way of the pool betting duty unless he holds a permit authorising him to carry on that business granted by the Commissioners in respect of his relevant premises ; and paragraph 2(a) of Schedule 1 to the principal Act (which requires seven days’ notice of intention to carry on such a business to be given to the Commissioners) shall cease to apply in relation to the carrying on of such a business without prejudice to its application by virtue of paragraph 2 of Schedule 3 to the Finance Act 1966 to the carrying 1966 c. 18.
on of any other business.

(2) A permit under this section shall be granted by the Commissioners within fourteen days of the date (which may be any time after the passing of this Act) when application is made therefor, and shall continue in force unless and until revoked under subsection (4) of this section, except that—

(a) the Commissioners may refuse to grant such a permit to any person or in respect of any premises if within the twelve months immediately preceding the application therefor a previous permit under this section granted to that person or in respect of those premises has been revoked under the said subsection (4) ; and

(b) the Commissioners may at any time revoke such a permit by notice in writing to the holder if it appears to them that the holder is not carrying on a business for which such a permit is required or is not using the premises in respect of which the permit was granted for the purposes of such a business.

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(3) If any dispute arises between the Commissioners and a conductor of dutiable betting as to the basis on which the pool betting duty payable by that conductor should be computed in connection with betting in accordance with any particular terms—

- (a) the Commissioners shall by notice in writing to that conductor specify what in their opinion that basis should be ; and
- (b) in connection with betting in accordance with these terms the amount from time to time computed in accordance with that basis shall be recoverable as the duty properly due ;

but if that conductor disputes the correctness of the basis specified by the notice—

- (i) he may at any time within three months of the date of the notice, and subject to his having paid and continuing to pay the full amount which, in accordance with that basis, is due from him by way of the duty, apply to the High Court or, in Scotland, to the Court of Session for a declaration as to the basis on which the duty should be computed in connection with betting in accordance with the terms in question ; and
- (ii) if on any such application the Court makes a declaration specifying a different basis from that specified in the notice, the notice shall be amended accordingly and any amount by which duty is found to have been overpaid shall be repaid by the Commissioners together with interest thereon from the date of the overpayment at such rate as the Court may determine or, as the case may be, any amount by which duty is found to have been underpaid shall be recoverable as duty properly due.

(4) The pool betting duty chargeable on any bet shall be recoverable jointly and severally from all or any of the following persons, namely—

- (a) the conductor of the dutiable betting by way of which the bet was made ;
- (b) any other person responsible for the management of that conductor's relevant premises ;
- (c) where that conductor or that other person is a company, any director of that company ;

and if, after a notice under subsection (3) of this section has been given to any such conductor in respect of betting in accordance with particular terms, any amount determined in accordance with the basis specified in that notice which has become due from that conductor by way of the duty in respect of such betting is not

paid in accordance with paragraph 1 of Schedule 1 to the principal Act, the Commissioners may by notice in writing to that conductor revoke his permit under this section.

PART I

(5) If any person carries on any business in contravention of subsection (1) of this section, he shall be liable to a penalty of five hundred pounds, and if any person so carries on any business after receiving notice under subsection (4) of this section of the revocation of a permit under this section previously granted to him he shall be liable to an additional penalty of twenty-five pounds for each day after the date of that notice on which he has so carried on his business; and where a person is convicted of an offence under this subsection the Court may, in lieu of or in addition to ordering him to pay such a penalty as aforesaid, order him to be imprisoned for a term not exceeding two years; and paragraph 6 of Schedule 1 to the principal Act (which relates to offences committed by a body corporate) shall apply to any offence under this subsection as it applies to an offence under that Schedule.

(6) Where a person is convicted of an offence under subsection (5) of this section and the offence continues after the conviction, he shall be guilty of a further offence under that subsection and may, on conviction, be punished accordingly.

(7) If at any time the holder of a permit under this section fails to produce his permit for examination within such period, and at such time and place, as may be reasonably required by an officer, he shall be liable to a penalty of twenty pounds.

(8) Paragraph 13(f) of Schedule 2 to the Betting, Gaming 1963 c. 2. and Lotteries Act 1963 (which requires the rules applying to any competition promoted by a registered pools promoter to be notified to the accountant appointed for the purpose by the registering authority before the first of the relevant sporting or other events takes place) shall have effect with the insertion after the word "notified" of the words "to the Commissioners of Customs and Excise and"; and if any such promoter is, under paragraph 29(2) of the said Schedule 2, guilty of an offence by reason of a failure to comply with the duty imposed on him by virtue of this subsection—

- (a) paragraph 29(3) of that Schedule (which empowers the registering authority to take proceedings for such an offence in England) shall not apply; but
- (b) sections 281 and 287 of the Act of 1952 (which relate respectively to the institution of proceedings and the application of penalties imposed and costs or, in Scotland, expenses awarded under the excise Acts) shall apply in relation to that offence and to any fine imposed or costs or expenses awarded in connection therewith

PART I

as if they were an offence or, as the case may be, a penalty imposed or costs or expenses awarded under the excise Acts.

(9) In this section, the following expressions have the following meanings respectively, namely—

“conductor of dutiable betting” means a person carrying on such a business as is mentioned in subsection (1) of this section ;

“dutiable betting” means betting by way of pool betting or coupon betting ;

“premises” includes a totalisator ;

1963 c. 3.

“principal Act” means the Betting Duties Act 1963 ;

“relevant premises”, in relation to any person, means premises of which that person has made entry in pursuance of paragraph 2 of Schedule 1 to the principal Act or about which that person has notified the Commissioners in accordance with section 7(4)(a) of the Finance Act 1964 ;

1964 c. 49.

and any other expression used in this section which is also used in the principal Act or in section 7(3) of the Finance Act 1964 has the same meaning in this section as in that Act or, as the case may be, in the said section 7(3).

Relief from purchase tax for certain imported goods.

1963 c. 9.

8.—(1) Where any goods or articles such as are mentioned in subsection (4) of section 21 of the Purchase Tax Act 1963 have been imported into the United Kingdom for a registered wholesale merchant as stock for his business or for a registered manufacturer as materials, the provisions of this section shall have effect for the purpose of giving relief from tax on any chargeable transaction in the United Kingdom after the importation of the goods or articles in lieu of the relief from tax on their importation which, but for the exception from chargeability to tax on importation contained in section 11 of that Act, would have been given under the said section 21.

(2) If—

(a) the importer makes application that relief be given from tax on the goods or articles on any such chargeable transaction ; and

(b) the Treasury are satisfied that, if the said exception had not been contained in the said section 11 and an application for relief had been made under subsection (1) of the said section 21, they would have given a direction under that subsection,

the Treasury may direct that tax shall not be payable on the goods or articles on any such transaction or, if it has already been paid, shall be repaid.

(3) Subsections (2) and (3) of the said section 21 shall apply to any application or direction under subsection (2) of this section as they apply to any application or direction under subsection (1) of that section and as if the reference in the said subsection (3) to the tax of which the importer was relieved by a direction under the said subsection (1) included a reference to the tax from which relief was given by a direction under this section.

9.—(1) If in the case of any vehicle in respect of which the tax which would otherwise be payable by the manufacturer is remitted under section 23(1) of the Purchase Tax Act 1963 (which relates to vehicles acquired for export)—

Purchase tax
vehicles
acquired for
export.
1963 c. 9.

- (a) the vehicle is found in the United Kingdom after the date by which the Commissioners on granting the remission directed that it should be exported ; or
- (b) any other condition imposed by the Commissioners under the said section 23(1) on granting the remission is not complied with,

and the presence of the vehicle in the United Kingdom after that date or the non-observance of that condition has not been authorised for the purposes of this section by the Commissioners, the tax which, but for the said section 23(1), would have been payable by the manufacturer shall become payable forthwith by the person by whom the vehicle was acquired from the manufacturer, or by any other person in whose possession the vehicle is found in the United Kingdom, and be recoverable as a debt due to Her Majesty unless, or except to the extent that, the Commissioners see fit to waive payment of the whole or part thereof, and the vehicle shall be liable to forfeiture under the Act of 1952.

(2) Where a vehicle in respect of which tax has been remitted under the said section 23(1) has been exported but is subsequently brought back into the United Kingdom, then, without prejudice to subsection (1) of this section, the vehicle shall not when so brought back be treated for the purposes of section 11 of the said Act of 1963 as imported into the United Kingdom.

(3) Section 23(2) of the said Act of 1963 (which imposes upon the manufacturer liability for tax in the event of non-observance of any conditions imposed under the said section 23(1)) shall cease to have effect.

(4) This section shall come into force on such day as the Commissioners may by order made by statutory instrument appoint ; and any such order shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

PART I

Abolition of functions of Commissioners and officers of Customs and Excise with respect to grants of representation in the case of small estates.

10. As from such date as the Lord Chancellor and the Secretary of State acting jointly may by order made by statutory instrument appoint, the enactments specified in Part V of Schedule 16 to this Act, being enactments conferring on the Commissioners and officers of Customs and Excise certain functions with respect to applications for grants of representation in the case of small estates, shall cease to have effect.

Vehicles excise duty: increased penalties for evasion, and effect of transferring vehicle without licence.
1962 c. 13.

11.—(1) The following provisions of the Vehicles (Excise) Act 1962—

- (a) section 7 (offence of using or keeping unlicensed vehicle),
- (b) section 10(4) (offence of failing to pay additional duty before using licensed vehicle so as to attract higher rate), and
- (c) section 12(9) (offence of exceeding number of vehicles authorised to be used by trade licence),

being provisions under which the person convicted is liable to an excise penalty of twenty pounds or, if greater, three times the duty there specified, shall be amended by substituting “ fifty ” for “ twenty ” and “ five ” for “ three ”.

This subsection shall not have effect in relation to offences committed before the passing of this Act.

(2) Where a vehicle for which a licence is in force under that Act is transferred by the holder of the licence to another person, the licence shall be treated for the purposes of the said section 7 as no longer in force unless it is delivered to that other person with the vehicle.

Vehicles excise duty: additional liability for keeping unlicensed vehicle.

12.—(1) Where a person convicted of an offence under section 7 of the Vehicles (Excise) Act 1962 (using or keeping an unlicensed vehicle) is the person by whom the vehicle in respect of which the offence was committed was kept at the time it was committed, the court shall, in addition to any penalty which it may impose under that section, order him to pay an amount calculated in accordance with subsections (2) to (4) below.

(2) The said amount shall, subject to subsection (3) below, be an amount equal to one-twelfth of the annual rate of duty appropriate to the vehicle in question for each calendar month or part of a calendar month in the relevant period, and the relevant period shall be one ending with the date of the offence and beginning—

- (a) if the person convicted has before that date notified the county council of his acquisition of the vehicle in accordance with regulations under the said Act of 1962, with the date on which the notification was

PART I

received by the council or, if later, with the expiry of the licence last in force for the vehicle, or

- (b) in any other case, with the expiry of the licence last in force for the vehicle before the date of the offence or, if there has not at any time before that date been a licence in force for the vehicle, with the date on which the vehicle was first kept by that person :

Provided that, where the person convicted has been ordered to pay an amount under this section on the occasion of a previous conviction in respect of the same vehicle, and the offence then charged was committed after the date specified above for the beginning of the relevant period, that period shall begin instead with the calendar month immediately following that in which the former offence was committed.

- (3) Where the person convicted proves—

(a) that throughout any month or part of a month comprised in the relevant period the vehicle in question was not kept by him, or was neither used nor kept by him on a public road in Great Britain, or was not chargeable with duty, or

(b) that he has paid duty in respect of the vehicle for any such month or part, whether or not on a licence,

the said amount shall be calculated as if that month or part were not comprised in the relevant period.

(4) In relation to any month or part of a month comprised in the relevant period, the reference in subsection (2) above to the annual rate of duty appropriate to the vehicle in question is a reference to the annual rate applicable to it at the beginning of that month or part ; and, except so far as it is proved to have fallen within some other class or description for the whole of any such month or part, a vehicle shall be taken for the purposes of this section to have belonged throughout the relevant period to that class or description of vehicle to which it belonged for the purposes of duty at the date of the offence or, if the prosecution so elect, the date when a licence for it was last issued.

(5) Where, on a person's conviction of an offence under the said section 7, an order is made under Part I of the Criminal Justice Act 1948 placing him on probation or discharging him absolutely or conditionally, the foregoing provisions of this section shall apply as if the conviction were deemed to be a conviction for all purposes. 1948 c. 58.

(6) In the foregoing provisions of this section "duty" and "licence" mean respectively the duty chargeable under, and a licence issued under, the said Act of 1962 or any enactment repealed by that Act, and any reference to the expiry of a licence

PART I includes a reference to its surrender, and to its being treated as no longer in force for the purposes of the said section 7 by virtue of section 11(2) above; and, in the case of a conviction for a continuing offence, the offence shall be taken for the purposes of those provisions to have been committed on the date or latest date to which the conviction relates.

1952 c. 55. (7) The foregoing provisions of this section shall have effect subject to the provisions (applying with the necessary modifications) of any enactment relating to the imposition of fines by magistrates' courts, other than one conferring a discretion as to their amount; and any sum payable by virtue of an order under this section shall be treated as a fine, and the order as a conviction, for the purposes of Part III of the Magistrates' Courts Act 1952 (including any enactment having effect as if contained in that Part) and of any other enactment relating to the recovery or application of sums ordered to be paid by magistrates' courts.

(8) Any person who is alleged to have used a vehicle in contravention of the said section 7 shall, if required to do so by or on behalf of a chief officer of police or a county council, give such information as it is in his power to give as to the identity of the person by whom the vehicle was kept at the time, and a person failing to comply with a requirement under this subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

(9) This section shall not have effect in relation to any offence committed before the passing of this Act.

(10) In its application to Scotland, this section shall have effect as if for subsections (5) and (1) there were substituted the following subsections respectively:—

1949 c. 94. “(5) Where a person is convicted on indictment of, or is charged before a court of summary jurisdiction with, an offence under the said section 7, and an order is made under Part I of the Criminal Justice (Scotland) Act 1949 discharging him absolutely or placing him on probation, the foregoing provisions of this section shall apply as if the conviction on indictment were a conviction for all purposes, or, as the case may be, the making of the order by the court of summary jurisdiction were a conviction.”

“ (7) The foregoing provisions of this section shall have effect subject to the provisions (applying with the necessary modifications) of any enactment relating to the imposition of fines by courts of summary jurisdiction, other than one conferring a discretion as to their amount; and any sum payable by virtue of an order under this section shall be treated as a fine, and the order as a conviction, for the

purposes of any enactment relating to the recovery or application of sums ordered to be paid by courts of summary jurisdiction.” PART I

PART II

INCOME TAX

13. Income tax for the year 1967-68 shall be charged at the standard rate of 8s. 3d. in the pound, and in the case of an individual whose total income exceeds £2,000 at such higher rates in respect of the excess as Parliament may hereafter determine. Charge of income tax for 1967-68.

14. Income tax for the year 1966-67 shall be charged, in the case of an individual whose total income exceeded £2,000, in respect of the excess at rates in the pound which respectively exceed the standard rate by the amounts by which the higher rates for the year 1965-66, without the increase made by the next following section, exceeded the standard rate for that year (and so that the surtax rates applied by this section are the same as those applied successively for the years 1951-52 to 1964-65). Surtax rates for 1966-67.

15.—(1) Section 18 of the Finance Act 1966 (surtax rates for 1965-66) shall have effect as if each of the surtax rates applied by that section (that is to say, each of the amounts specified in the second column of the table in section 16(1) of the Finance Act 1951, being the surtax rates applied successively for the years 1951-52 to 1964-65) were increased by ten per cent. Increase of surtax rates for 1965-66. 1966 c. 18. 1951 c. 43.

(2) The surtax charged by any assessment for the year 1965-66 made before 1st September 1967 and by reference to the rates applied by the said section 18 as originally enacted shall, unless by that date a further assessment has been made in respect of the tax attributable to subsection (1) above, be treated as from that date as varied in accordance with that subsection by virtue of this Act and without more.

(3) In relation to so much of any surtax for the year 1965-66 as is attributable to subsection (1) above—

- (a) section 229(1) of the Income Tax Act 1952 (due date for payment of surtax by individuals), and section 249(4)(a) of that Act (date for recourse to company in respect of company surtax which a member has failed to pay) shall have effect as if for the references to 1st January (that is to say, 1st January 1967) there were substituted references to 1st September 1967, and 1952 c. 10.
- (b) paragraph (b) of the said section 249(4) (date for recourse to member where company fails to pay) shall have effect as if for the reference to 2nd January (that is to say, 2nd January 1967) there were substituted a reference to 2nd September 1967.

PART II

- 1960 c. 44. (4) The due date for payment of so much of any surtax for the year 1965-66 as is attributable to subsection (1) above shall also be taken to be 1st September 1967, instead of 1st January 1967, for the purposes of section 58(1) of the Finance Act 1960 (interest on tax recovered to make good loss due to taxpayer's fault).
- 1952 c. 10. (5) For the purposes of section 495(3) of the Income Tax Act 1952 (interest on overdue tax charged by any assessment not to be payable unless the tax exceeds one thousand pounds) the tax charged by any assessment by virtue of subsection (2) above shall be treated as if it had been charged by an assessment separately made.
- (6) Sections 359 and 360 of the said Act of 1952 (recovery of tax attributable to wife's income) shall have effect in relation to the tax charged by any assessment by virtue of subsection (2) above as if it had been charged by an assessment separately made, as if that assessment had been made before the service of any notice for the year 1965-66 under subsection (1) of the said section 360, and with any other necessary modifications.
- (7) Section 236 of the said Act of 1952 (relief where surtax payer dies in year of assessment for which surtax rates are higher than for previous year) shall, as respects surtax for the year 1965-66, apply to a person who died after the end of that year but before 21st July 1966 as it applies to a person who died in that year.
- 1966 c. 18. (8) Where surtax for the year 1965-66 has been assessed on any person in the name of a company which is dissolved before the end of September 1967 (and whether before or after the passing of this Act) and, the assessment having been made by reference to the rates applied for that year by section 18 of the Finance Act 1966 as originally enacted, a notice of charge under section 249(4) of the said Act of 1952 is served on that person for the additional tax attributable to subsection (1) above, the tax to which the notice relates shall become payable by that person, without any election under the said section 249(4), on whichever of the following is the latest, that is to say, 1st September 1967, the day after the service of the notice, and the day after the dissolution of the company.
- 1965 c. 25. (9) Section 21 of the Finance Act 1965 (under which the rate of capital gains tax may depend on the rates of income tax, including surtax) shall have effect as if the rates of surtax for the year 1965-66 had been those applied by the said section 18 as originally enacted.

16.—(1) In section 13 of the Finance Act 1957 (relief for persons over sixty-five with small incomes), as amended by section 10(6) of the Finance Act 1965, for the references to £390 and £625 (the income limits for exemption) there shall be substituted references to £401 and £643; and (as regards marginal relief) for the reference to £160 (the addition to the income limit) there shall be substituted a reference to £180. PART II
Alterations
in reliefs.
1957 c. 49.
1965 c. 25.

(2) In section 216(1) of the Income Tax Act 1952 (relief for dependent relative), as amended by section 10(3) of the Finance Act 1965, for the reference to £210 (lower income limit of dependent relative) there shall be substituted a reference— 1952 c. 10.

(a) for the year 1967-68, to £221,

(b) for subsequent years of assessment, to £235,

and, subject to the next following subsection, for the reference to £285 (the higher income limit) there shall be substituted a reference, for the year 1967-68, to £296, and for subsequent years of assessment, to £310.

(3) Where the claimant under section 216 of the Income Tax Act 1952 is a woman other than a married woman living with her husband,—

(a) for the references in subsection (1) of that section to £75 there shall be substituted references to £110, and

(b) for the reference in that subsection (limit on dependent relative's total income) to £285 there shall be substituted a reference to, for the year 1967-68, £331, and for subsequent years of assessment, £345.

(4) Where, without subsection (3) above, the claimant's relief would fall to be reduced by any proportion under subsection (2) of the said section 216 (dependent relative jointly maintained by two or more claimants) any increase in the claimant's relief attributable to subsection (3) above shall be reduced by the same proportion; and accordingly the said subsection (2) shall be read without regard to the amendments made by subsection (3) of this section in subsection (1) of the said section 216.

(5) In section 17(2) of the Finance Act 1960 (additional relief for widows and others in respect of children) for the reference to £40 there shall be substituted a reference to £75, and section 218 of the Income Tax Act 1952 (which, in cases all of which are within subsection (1) of the said section 17, affords alternative relief of the same amount as that afforded by the said section 17 as amended by this section) shall cease to have effect, except so far as any provisions of that section are applied for the purposes of the said section 17. 1960 c. 44.

PART II
1952 c. 10.

(6) This section shall not be deemed to have required any change in the amounts deducted or repaid under section 157 (pay as you earn) of the Income Tax Act 1952 before 22nd June 1967.

Relief where
copyright
sold after
ten years or
more.

17.—(1) Where not less than ten years after the first publication of the work the author of a literary, dramatic, musical or artistic work assigns the copyright therein wholly or partially, or grants any interest in the copyright by licence, and—

(a) the consideration for the assignment or grant consists wholly or partially of a lump sum payment the whole amount of which would, but for this section, be included in computing the amount of his profits or gains for a single year of assessment, and

(b) the copyright or interest is not assigned or granted for a period of less than two years,

1964 c. 37.

he shall be entitled to claim that effect shall be given to the following provisions of this section in connection with that payment, and section 9 of the Income Tax Management Act 1964 shall apply to the claim.

(2) Except where the copyright or interest is assigned or granted for a period of less than six years, the amount of the payment shall for income tax purposes be treated as becoming receivable in six equal instalments at yearly intervals, the first of which becomes receivable on the date on which the payment actually became receivable.

(3) Where the copyright or interest is assigned or granted for a period of less than six years, the payment shall for income tax purposes be treated as becoming receivable in a number of equal instalments at yearly intervals the first of which becomes receivable on the date when the payment actually became receivable, the number being the number of whole years in that period.

(4) Subject to subsection (5) below, if the author dies, any instalment which under this section would, but for the death, be treated as becoming receivable after the death shall for income tax purposes be treated as becoming receivable on the date when the last instalment before the death is to be treated as becoming receivable.

(5) If the personal representatives so elect—

(a) the total amount of income tax (including surtax) which would have been payable by the deceased or out of his estate in respect of the payment if the copyright or interest had been assigned or granted for a period beginning with the date when the first instalment is treated as becoming receivable and ending with the day before the death shall be computed, and

- (b) the income tax (including surtax) payable out of the estate by reason of the provisions of subsection (4) above shall be reduced so as not to exceed the amount at (a) above. PART II

The references in this subsection to the income tax (including surtax) payable by a person include, in cases where the income of a wife is deemed to be income of the husband, references to the income tax (including surtax) payable by his wife or her husband, as the case may be.

(6) If the payment would, apart from this section, have been taken into account in assessing the profits or gains of a profession or vocation, and the profession or vocation is permanently discontinued (otherwise than on death) after the date on which the payment actually became receivable, any instalment which under this section would, but for the discontinuance, be treated as receivable on a date after the discontinuance shall for income tax purposes be treated as becoming receivable when the last instalment before the discontinuance is to be treated as becoming receivable, unless the author elects to be treated (for all purposes) as if the copyright or interest had been assigned or granted for a period beginning with the date when the first instalment is treated as becoming receivable and ending with the day before the discontinuance.

(7) Notice of any election under subsection (5) or subsection (6) above shall be served on the inspector within two years of the death, or as the case may be of the discontinuance.

(8) Where, but for this section, the payment would be included in computing any profits or gains chargeable to tax under Case VI of Schedule D, and any amount would be deductible from that payment in computing those profits or gains (whether under the general provisions relating to Case VI or under section 32(4) of the Finance Act 1960 (post-cessation receipts)), 1960 c. 44. the amount which, under this section, is to be treated as receivable in instalments shall be the amount of the payment after that deduction, and effect shall not be given to that deduction in any other way.

(9) A claim cannot be made under this section in respect of a payment if a prior claim has been made under section 471 of the Income Tax Act 1952 (relief by spreading payment backwards) as respects that payment, and a claim cannot be made under the said section 471 in respect of a payment if a prior claim has been made under this section as respects that payment. 1952 c. 10.

(10) Where it is necessary, in order to give effect to a claim or election under this section, or as a result of the claim or election, to make any adjustment by way of an assessment on

PART II

any person, the assessment shall not be out of time if it is made within one year of the final determination of the claim, or as the case may be within one year from the giving of notice of the election.

(11) In this section—

“author” includes a joint author,

“lump sum payment” includes an advance on account of royalties which is not returnable,

and the reference to the first publication of a work is a reference to the first occasion on which the work or a reproduction of it is published, performed or exhibited.

(12) This section shall apply to payments falling to be included in computing profits or gains for the year 1967-68 or any subsequent year of assessment.

Lloyd's and
other under-
writers.
1952 c. 10.

18.—(1) Arrangements under Schedule 21 to the Income Tax Act 1952 (special reserve funds for underwriters) may authorise the making of payments pursuant to paragraph 7(1) of that Schedule (withdrawals from special reserve funds into premiums trust fund to meet a loss) on a provisional basis before the amount of the loss has been finally ascertained and certified by the inspector.

(2) The amount so withdrawn shall not exceed such proportion of the estimated loss as may be specified in the arrangements.

(3) When the amount of the loss has been certified by the inspector such adjustments shall be made by repayment to the underwriter's special reserve fund or funds, or by further withdrawal of sums for payment into the underwriter's premiums trust fund, as will secure that the net amount withdrawn from the underwriter's special reserve fund or funds in respect of the loss is that required pursuant to paragraph 7(1) of the said Schedule 21; and no tax consequences shall ensue on the withdrawal of sums in respect of a loss until the amount of the loss has been so certified and any such adjustments have been made.

(4) This section shall be construed as one with the said Schedule 21.

PART III

CORPORATION TAX AND INCOME TAX

Charge of
corporation
tax for
financial
year 1966.

19.—(1) Corporation tax shall be charged for the financial year 1966 at the rate of 40 per cent.

(2) It is hereby declared that where an Act charges corporation tax for any financial year the Corporation Tax Acts apply, without any express provision, for that year accordingly.

20.—(1) Relief for trading losses and other amounts eligible for relief from corporation tax may in accordance with Schedule 10 to this Act be surrendered by a company (called “the surrendering company”) which is a member of a group of companies and claimed by another company (called “the claimant company”) which is a member of the same group by way of a new relief from corporation tax to be called group relief. PART III
Group relief.

(2) Group relief shall also be available in accordance with Schedule 10 to this Act—

- (a) where the surrendering company is a trading company which is owned by a consortium and which is not a subsidiary of any company, and the claimant company is a member of the consortium, or
- (b) where the surrendering company is a trading company—
 - (i) which is a ninety per cent. subsidiary of a holding company which is owned by a consortium, and
 - (ii) which is not a subsidiary of a company other than the holding company,
 and the claimant company is a member of the consortium, or
- (c) where the surrendering company is a holding company which is owned by a consortium and which is not a subsidiary of any company, and the claimant company is a member of the consortium:

Provided that no claim may be made by a member of a consortium if a profit on a sale of the share capital of the surrendering or holding company which that member owns would be treated as a trading receipt of that member.

(3) Subject to Schedule 10 to this Act, two or more claimant companies may make claims relating to the same surrendering company, and to the same accounting period of that surrendering company.

(4) A payment for group relief—

- (a) shall not be taken into account in computing profits or losses of either company for corporation tax purposes, and
- (b) shall not for any of the purposes of the Corporation Tax Acts be regarded as a distribution or a charge on income,

and in this subsection “payment for group relief” means a payment made by the claimant company to the surrendering company in pursuance of an agreement between them as respects an amount surrendered by way of group relief, being a payment not exceeding that amount.

PART III
1953 c. 34.
1965 c. 25.

(5) Section 20 of the Finance Act 1953 (subvention payments) as applied to corporation tax by paragraph 10 of Schedule 15 to the Finance Act 1965 shall not have effect in respect of the deficit of any accounting period ending after the passing of this Act.

(6) For the purposes of this section and Schedule 10 to this Act—

- (a) two companies shall be deemed to be members of a group of companies if one is the subsidiary of the other or both are subsidiaries of a third company,
- (b) “holding company” means a company the business of which consists wholly or mainly in the holding of shares or securities of companies which are its ninety per cent. subsidiaries, and which are trading companies,
- (c) “subsidiary” has the meaning assigned to it for certain purposes of the profits tax by section 42 of the Finance Act 1938, and subsections (2) and (3) of that section shall apply as they applied for the purposes of that section, except that in the application of that section any share capital of a registered industrial and provident society shall be treated as within the definition of ordinary share capital,
- (d) “trading company” means a company whose business consists wholly or mainly of the carrying on of a trade or trades.

1938 c. 46.

(7) References in this section and the said Schedule to a company apply only to bodies corporate resident in the United Kingdom; and in determining for the purposes of this section and that Schedule whether one company is a subsidiary of another, the other company shall be treated as not being the owner—

- (a) of any share capital which it owns directly in a body corporate if a profit on a sale of the shares would be treated as a trading receipt of its trade, or
 - (b) of any share capital which it owns indirectly, and which is owned directly by a body corporate for which a profit on the sale of the shares would be a trading receipt, or
 - (c) of any share capital which it owns directly or indirectly in a body corporate not resident in the United Kingdom.
- (8) For the said purposes—
- (a) a company shall be deemed to be a ninety per cent. subsidiary of another company if not less than ninety per cent. of its ordinary share capital is directly owned by that other company,

- (b) a company is owned by a consortium if all of the ordinary share capital of that company is directly owned between them by five or fewer companies, and those companies are called the members of the consortium,
- (c) a member's share in a consortium shall be the percentage of the ordinary share capital of the surrendering company, or as the case may be of the holding company through which the surrendering company is owned, which is owned by that member in the relevant accounting period of the surrendering company, and if that percentage has fluctuated in the accounting period, the average percentage over the period shall be taken,

and in this subsection references to ownership and to ordinary share capital shall be construed in accordance with section 42(3) of the Finance Act 1938.

1938 c. 46.

21.—(1) The rate of any initial allowance falling to be made under section 17 of the Finance Act 1956 (dredging) in respect of expenditure to which section 15 of the Finance Act 1958 applies shall be three-twentieths except where reduced to one-twentieth under section 21(4)(b) of the Finance Act 1959 (initial allowance in addition to investment allowance), and the amendment of the said section 17 made by paragraph 10(1) of Schedule 14 to the Finance Act 1965 (which mentions only the rate of one-twentieth) shall be deemed always to have had effect accordingly.

Capital allowances.
1956 c. 54.
1958 c. 56.
1959 c. 58.
1965 c. 25.

(2) In subsection (6) of section 56 of the Finance Act 1965 (set-off of capital allowances against total profits chargeable to corporation tax) the reference to an allowance to be made for an accounting period does not include any amount carried forward from a previous accounting period under subsection (5) of that section, and so much of the said subsection (5) as requires an amount so carried forward from one accounting period to another to be treated as the amount of a corresponding allowance for the later period shall not affect the said subsection (6).

The said section 56 of the Finance Act 1965 shall be deemed always to have had effect as amended by this subsection.

(3) The repeals set out in Part IV of Schedule 13 to the Finance Act 1966 (abolition of investment allowances) shall be deemed never to have extended to paragraph 6 or paragraph 7 of Schedule 2 to the Finance Act 1954 (which amend sections 292 and 296 of the Income Tax Act 1952 in connection with cases where no initial allowance is made in respect of machinery or plant, whether or not in consequence of the making of an investment allowance), or to so much of section 16(8) of that Act of 1954 as relates to those paragraphs.

1966 c. 18.
1954 c. 44.
1952 c. 10.

PART III

(4) For the avoidance of doubt it is hereby declared—

1952 c. 10.

(a) that section 270(6) of the Income Tax Act 1952 (classes of income against which allowances in respect of industrial buildings or structures may be made) applies to allowances under section 274 of that Act (temporary disuse of industrial buildings or structures),

(b) that the reference in section 286 of that Act (allowances for machinery or plant for part of a year of assessment) to a writing down (or annual) allowance computed in accordance with the preceding provisions of Chapter II of Part X of that Act includes, where relevant, a reference to an allowance computed in accordance with those provisions and section 14 of the Finance Act 1965 (new ships),

1965 c. 25.

(c) that by virtue of section 298(2) of the Income Tax Act 1952 references in Acts passed after that Act to writing down (or annual) allowances in respect of machinery or plant include, except where otherwise expressly provided or where the context otherwise requires, references to allowances under subsection (1) of the said section 298 (allowances for lessors of machinery or plant), and

(d) that section 279(2) of the Income Tax Act 1952 (which relates to expenditure incurred by a person for the purposes of a trade before he begins to carry it on) applies, where relevant, for the construction of references to the date when expenditure was incurred in subsections (1) and (3) of section 13 of the Finance Act 1965 (withdrawal of initial allowances for cars in respect of expenditure incurred after 6th April 1965).

Farming and market gardening: restriction of relief for losses and capital allowances.

22.—(1) Any loss incurred in a trade of farming or market gardening shall be excluded from section 341 of the Income Tax Act 1952 (set-off of losses and capital allowances against total income) if in each of the prior five years a loss was incurred in carrying on that trade, and where a loss is so excluded any related capital allowance shall also be excluded from the said section 341.

(2) Any loss incurred in any accounting period by a company in carrying on a trade of farming or market gardening shall be excluded from section 58(2) of the Finance Act 1965 (set-off of losses against total profits) if a loss, computed without regard to capital allowances, was incurred in carrying on that trade in that accounting period, and in each of the chargeable periods wholly or partly comprised in the prior five years.

(3) Subsections (1) and (2) above shall not restrict relief for any loss or for any capital allowance, if it is shown by the claimant that the whole of his farming or market gardening activities in the year next following the prior five years are of such a nature, and carried on in such a way, as would have justified a reasonable expectation of the realisation of profits in the future if they had been undertaken by a competent farmer or market gardener, but that if that farmer or market gardener had undertaken those activities at the beginning of the prior period of loss he could not reasonably have expected the activities to become profitable until after the end of the year next following the prior period of loss.

(4) Subsections (1) and (2) above shall not restrict relief where the carrying on of the trade forms part of, and is ancillary to, a larger trading undertaking.

(5) In this section—

“basis year” in relation to any capital allowance shall be construed in accordance with section 18(2) of the 1962 c. 44. Finance Act 1962;

“chargeable period”, in relation to a company, means any accounting period, or any basis period ending before its first accounting period, “basis period” having the meaning given in section 325 of the Income Tax Act 1952 c. 10. 1952;

“prior five years”—

(a) in relation to a loss incurred in a year of assessment, means the last five years of assessment before that year;

(b) in relation to a loss incurred in a company's accounting period, means the last five years before the beginning of the accounting period;

“prior period of loss” means the prior five years except that if losses were incurred in the trade in successive years of assessment or chargeable periods amounting in all to a period longer than five years (and ending when the prior five years end), it means that longer period, and in applying this definition to a chargeable period of a company “losses” means losses computed without regard to capital allowances;

“farming” and “market gardening” shall be construed in accordance with the definitions of those terms in section 526 of the Income Tax Act 1952, but as if those definitions were not restricted to activities in the United Kingdom,

and the reference in this section to section 341 of the Income Tax Act 1952 includes a reference to that section as extended

PART III
1953 c. 34.

by section 15(3) of the Finance Act 1953 (set-off of losses and capital allowances against total income of following year).

(6) For the purposes of this section a capital allowance is related to a loss incurred in a trade if it falls to be made in taxing that trade and its basis year is the year of assessment in which the loss was incurred.

1965 c. 25.

(7) In ascertaining for the purposes of this section whether a loss was incurred in any part of the prior five years, or earlier, the rules applicable to Case I of Schedule D shall be applied, and in this section "loss computed without regard to capital allowances" means, in relation to a chargeable period of a company, a loss so ascertained but so that, notwithstanding section 56(2) of the Finance Act 1965, no account shall be taken of any allowance or charge under Part X or Part XI of the Income Tax Act 1952 (capital allowances).

1952 c. 10.

(8) Subsections (1) and (2) above shall not restrict relief for any loss or capital allowance if the trade was set up and commenced within the prior five years, and for the purposes of this subsection a trade shall be treated as discontinued, and a new trade set up, in any event which under any of the provisions of the Income Tax Acts or the Corporation Tax Acts is to be treated as equivalent to the permanent discontinuance or setting up of a trade:

1954 c. 44.

Provided that a trade shall not be treated as discontinued if under section 61(2) of the Finance Act 1965 or section 17 of the Finance Act 1954 (company reconstructions without change of ownership) it is not to be treated as discontinued for the purpose of capital allowances and charges.

(9) Where at any time before or after the passing of this Act there has been a change in the persons engaged in carrying on a trade this section shall, notwithstanding subsection (8) above, apply to any person who was engaged in carrying on the trade immediately before and immediately after the change as if the trade were the same before and after without any discontinuance, and as if—

(a) a husband and his wife were the same person,

(b) a husband or his wife were the same person as any company of which either the husband or the wife has control, or of which the two of them have control,

and accordingly relief from income tax or from corporation tax may be restricted under this section by reference to losses some of which are incurred in years of assessment and some, computed without regard to capital allowances, are incurred in a company's chargeable periods.

In this subsection "control" has the meaning given by paragraph 3 of Schedule 18 to the Finance Act 1965.

(10) This section shall not apply to restrict relief in respect of a loss incurred in, or any capital allowance the basis year for which is, a year of assessment before 1967-68, or a loss incurred in a company's accounting period beginning before 1st April 1967 (but can apply to a company to prevent a loss from being set off against profits of any such accounting period).

23.—(1) This section has effect where paragraphs (a) and (b) of section 436(2) of the Income Tax Act 1952 (interest on tax-free Treasury securities excluded from computation of profits, or profits of annuity business) apply to a business for any accounting period or year of assessment.

Tax-free income of banking businesses, etc., carried on by non-residents.

1952 c. 10.

(2) Up to the amount determined under this section (called the amount ineligible for relief) interest on money borrowed for the purposes of the business—

(a) shall be excluded in any computation under the Corporation Tax Acts or the Income Tax Acts of the profits (or loss) arising from the business or, where subsection (5) below applies, arising from any annuity business forming part of the life assurance business, and

(b) shall be excluded from the definition of "charges on income" in section 52(2) of the Finance Act 1965.

1965 c. 25.

(3) In determining the amount ineligible for relief, account shall be taken of all money borrowed for the purposes of the business which is outstanding in the accounting or basis period, up to the total cost of the tax-free Treasury securities held for the purpose of the business in that period:

Provided that where the person carrying on the business is a company, account shall not be taken of any borrowed money carrying interest which, apart from subsection (2) above, does not fall to be included in the computations under paragraph (a) of that subsection, and is not to be treated as a charge on income for the purposes of the Corporation Tax Acts.

(4) Subject to subsection (5) below, the amount ineligible for relief shall be equal to a year's interest on the amount of money borrowed which is to be taken into account under subsection (3) above at a rate equal to the average rate of interest in the accounting or basis period on money borrowed for the purposes of the business, except that in the case of a period of less than twelve months, interest shall be taken for that shorter period instead of for a year.

(5) Where relief for expenses of management is to be granted to an assurance company for any accounting period, and that relief falls to be reduced under section 436(3)(b) of the Income Tax Act 1952 (by applying the fraction which is investment income of the life assurance fund other than income from tax-free Treasury securities divided by that total investment income)

PART III the amount ineligible for relief shall be a fraction of the amount of interest in the accounting period on money borrowed for the purposes of the business, and that fraction shall be the fraction which is income from tax-free Treasury securities divided by total investment income of the life assurance fund (that is to say one minus the fraction to be applied under the said section 436(3)(b)).

(6) In this section “ tax-free Treasury securities ” means securities issued by the Treasury with a condition regulating the treatment of the interest thereon for income tax or corporation tax purposes such that interest on the securities is excluded in computing the income or profits.

(7) For the purposes of this section the cost of a holding of tax-free Treasury securities which has fluctuated in the accounting or basis period shall be the average cost of acquisition of the initial holding, and of any subsequent acquisitions in the accounting or basis period, applied to the average amount of the holding in the accounting or basis period, and this subsection shall be applied separately to securities of different classes.

(8) In this section “ accounting or basis period ” means the company’s accounting period or the period by reference to which the profits or gains arising in the year of assessment are to be computed.

1952 c. 10. (9) In section 436(2) of the Income Tax Act 1952 the references to expenses shall not include a reference to interest on borrowed money, and the words “ any interest on money borrowed for the purpose of acquiring the securities ” and the word “ other ” (which are superseded by this section) shall cease to have effect.

(10) This section shall be construed as one with the said section 436.

1965 c. 25. (11) This section shall apply for income tax purposes for the year 1967-68 and subsequent years of assessment, and, without prejudice to section 53(2) of the Finance Act 1965 (which applies income tax law for corporation tax), shall apply for corporation tax purposes to accounting periods ending on or after 6th April 1967.

Amendments of Corporation Tax Acts. 24. Schedule 11 to this Act, which contains amendments of the Corporation Tax Acts relating to life assurance business, company distributions, close companies, companies which are wound up and the collection of income tax on payments made by companies and other matters dealt with in Schedule 12 to the Finance Act 1965, shall have effect.

PART IV

SELECTIVE EMPLOYMENT TAX

25.—(1) Where the employer in respect of one or more employments of an employed person has paid selective employment tax in respect of that person for any contribution week beginning on or after 4th September 1967 in which that person either worked in the employment or employments in question for an aggregate of less than twenty-one hours or did no work in the employment or employments in question, then, except where—

Additional provision for refunds of, and other provisions as to, selective employment tax.

- (a) the employed person was treated for the purpose of the tax as a boy or girl under the age of eighteen ; or
- (b) any contract in pursuance of which he worked in that employment or any of those employments, or the holding of any office constituting that employment or one of those employments, normally involved that person's working in the employment or employments in question for an aggregate of twenty-one or more hours weekly,

and subject to paragraphs 2, 3 and 5 of Schedule 12 to this Act, the Minister of Social Security (hereafter in this section and in that Schedule referred to as "the Minister") shall make to that employer in respect of that person and that week a payment of an amount equal to half the tax paid; and for the purposes of this subsection—

- (i) in the case of any employment in which any of the employed person's remuneration was calculated by reference to an hourly rate in respect of each hour for which he worked or was treated as working in that employment, there shall be taken into account as his hours of work in that employment those hours, and those hours only, for which he was paid remuneration calculated wholly or partly by reference to such a rate;
- (ii) in the case of any other employment, there shall be taken into account as part of that person's hours of work in that employment any intervals allowed for meals and rest;
- (iii) a person employed in any contribution week in different employments by different employers who are associated companies shall, except as the Minister may in any particular case or class of cases otherwise direct, be treated as employed in that week in both or all of those employments by the employer by whom the tax in respect of that person for that week was paid.

(2) Where an employer has paid selective employment tax in respect of an employed person for a continuous period of more than thirteen contribution weeks during which that person has been employed by him wholly outside both the United Kingdom

PART IV
1964 c. 29.

and any area for the time being designated under section 1(7) of the Continental Shelf Act 1964, then, subject to paragraphs 2, 4 and 5 of Schedule 12 to this Act, in respect of each of those contribution weeks which, not being earlier than the fourteenth of them, began on or after 4th September 1967, the Minister shall make to that employer a payment of an amount equal to the tax paid in respect of that person for that week; and for the purposes of this subsection—

(a) an employed person may be treated as having been employed wholly as aforesaid during any period notwithstanding that he has within that period been present in the United Kingdom or any such area as aforesaid if he has not at any time during that period been so present for a period of consecutive days which includes more than twenty-one disqualifying days, that is to say, days which are neither days in a week left out of account by virtue of paragraph (b) of this subsection nor other days on which either he was incapable of work by reason of some specific disease or bodily or mental disablement or he was on leave, whether paid or unpaid, but—

(i) for the purposes of this paragraph a day on which that person would not in the normal course have worked in his employment and on which he did not so work shall be treated as a day of leave if, but only if, it is a day in a period of seven consecutive days of leave; and

(ii) the employer shall not be entitled in respect of that person to a payment under this subsection in respect of any contribution week which contains one or more of those disqualifying days other than a day or days on which he did no work in his employment;

(b) in determining whether any contribution weeks form a continuous period, there shall be left out of account any such week for which tax was not paid by reason of the employed person's being either incapable of work as aforesaid or on unpaid leave, whether that person was in or outside the United Kingdom or any such area as aforesaid during that week ;

(c) a person employed in different contribution weeks forming a continuous period by different employers who are associated companies shall, except as the Minister may in any particular case or class of cases otherwise direct, be treated as respects any contribution week in that period as if he had been employed in, and tax in respect of him had been paid for, all previous contribution

weeks in that period by the employer by whom the tax in respect of him was paid for the contribution week in question.

PART IV

(3) The supplementary and additional provisions contained in Schedule 12 to this Act shall have effect for the purposes of this section and the other enactments relating to selective employment tax.

26.—(1) Where, in the case of a person in an employment to which section 1 of the principal Act applies in respect of whom a payment under that section falls to be made to the employer, the establishment in or from which that employment is carried out is situated wholly within a development area, then, subject to subsections (2), (4) and (5) of this section, the amount of that payment shall, in respect of any contribution week beginning on or after 4th September 1967, be increased—

Regional
employment
premium.

- (a) if that person was treated for the purpose of selective employment tax for that week as a man over the age of eighteen, by thirty shillings ; or
- (b) if that person was treated for that purpose as a woman over the age of eighteen, by fifteen shillings ; or
- (c) if that person was treated for that purpose as a boy under the age of eighteen, by fifteen shillings ; or
- (d) if that person was treated for that purpose as a girl under the age of eighteen, by nine shillings and six-pence.

(2) Where in any contribution week the person aforesaid was employed by the employer in question in an employment to which section 1 of the principal Act applies, but—

- (a) he worked in that employment for an aggregate of less than twenty-one hours, or he did no work in that employment ; and
- (b) that employment was not in pursuance of a contract or as the holder of an office which normally involved that person's working in that employment for an aggregate of twenty-one or more hours weekly,

the amount of any increase in respect of that person and that week by virtue of subsection (1) of this section, instead of being that for the time being specified in paragraph (a), (b), (c) or (d), as the case may be, of that subsection, shall be one half of the amount for the time being so specified ; and paragraphs (i) and (ii) of section 25(1) of this Act shall apply for the purposes of this subsection as they apply for the purposes of the said section 25(1).

(3) In section 3(2)(a) of the principal Act (which provides for the making to certain employers who are public bodies of

PART IV

payments corresponding to the payments made to other employers under section 1 of that Act), the reference to the appropriate additions specified in paragraphs (a) to (d) of section 1(1) of that Act shall, in relation to persons employed in any such part of the undertaking of an employer to whom the said section 3 applies as is specified in Part III of Schedule 1 to that Act who are so employed at or from places situated wholly within development areas, be construed as including a reference to the appropriate increases for the time being specified in paragraphs (a) to (d) of subsection (1) or in subsection (2) of this section.

(4) The Minister of Labour shall not be required by virtue of subsection (1) of this section to increase any payment to an employer under section 1 of the principal Act in respect of any person and any contribution week unless the employer produces such records as that Minister may reasonably require—

- (a) of the number of hours worked by that person in that week ; and
- (b) of the number of hours of work in a week normally involved for that person in consequence of the terms of any contract or by reason of any office held by him.

(5) The Treasury may by order made by statutory instrument—

- (a) substitute for all or any of the amounts specified in subsection (1)(a) to (d) of this section such other amount or amounts as may be specified in the order ;
- (b) in a case where increases by virtue of this section have been paid in connection with any establishment but cease to be payable by reason of a change in the development areas, provide for increases to continue to be paid by virtue of this section in connection with that establishment for such period as may be specified in the order and of such amount or amounts as may be so specified either in relation to the whole of that period or in relation to different parts of that period ;

and any such order may be made either in relation to all development areas or in relation only to such development areas or parts of development areas as are specified in the order, and may vary or revoke any previous order under this subsection ; but no such order shall be made unless a draft thereof has been approved by resolution of each House of Parliament.

(6) In this section—

- (a) the expression “ development area ” means an area for the time being specified as a development area under section 15(2) of the Industrial Development Act 1966, and includes any such locality outside that area as is specified in section 15(6) of that Act ;

(b) the expression "the principal Act" means the Selective Employment Payments Act 1966. PART IV
1966 c. 32.

(7) If any enactment of the Parliament of Northern Ireland makes provision with respect to Northern Ireland which appears to the Treasury to correspond to the provision made with respect to development areas by this section, there shall from time to time be paid out of the Consolidated Fund of the United Kingdom into the Exchequer of Northern Ireland such sums towards the expenditure incurred in making payments under that enactment as the Treasury, after consultation with the Ministry of Finance for Northern Ireland, may see fit to direct.

PART V

STAMP DUTIES

27.—(1) As respects instruments executed on or after 1st August 1967, section 55(1) of, and Part I of Schedule 11 to, the Finance Act 1963 (under which duty is not chargeable on conveyances or transfers certified at £4,500, and is chargeable at a special rate on those certified at £6,000) shall have effect with the substitution of "£5,500" for "£4,500" and "£7,000" for "£6,000", wherever occurring, and "£5,500" shall also be substituted for "£4,500" in section 34(8) of the Finance Act 1958 (which makes supplemental provision as to receipts). Conveyances and transfers on sale: reduction of duty, and amendment of provisions for exemption.
1963 c. 25.
1958 c. 56.

(2) Section 42 of the Finance Act 1930 (which exempts from duty conveyances and transfers complying with subsection (2) of that section, that is to say, between companies with limited liability, where one owns ninety per cent. of the issued share capital of the other or a third owns ninety per cent. of the issued share capital of each) shall be amended as respects instruments executed on or after the said 1st August by substituting for the said subsection (2) the following subsections— 1930 c. 28.

"(2) This section applies to any instrument as respects which it is shown to the satisfaction of the Commissioners that the effect thereof is to convey or transfer a beneficial interest in property from one body corporate to another, and that the bodies in question are associated, that is to say, one is beneficial owner of not less than ninety per cent. of the issued share capital of the other, or a third such body is beneficial owner of not less than ninety per cent. of the issued share capital of each.

(3) The ownership referred to in subsection (2) above is ownership either directly or through another body corporate or other bodies corporate, or partly directly and

PART V
1938 c. 46.

partly through another body corporate or other bodies corporate, and Part I of Schedule 4 to the Finance Act 1938 (determination of amount of capital held through other bodies corporate) shall apply for the purposes of this section with the substitution of references to issued share capital for references to ordinary share capital.”

(3) The said section 42 shall not apply to any instrument executed on or after the said 1st August unless it is also shown to the satisfaction of the Commissioners that the instrument was not executed in pursuance of or in connection with an arrangement whereunder—

- (a) the consideration, or any part of the consideration, for the conveyance or transfer was to be provided or received, directly or indirectly, by a person other than a body corporate which at the time of the execution of the instrument was associated within the meaning of the said section 42 with either the transferor or the transferee (meaning, respectively, the body from whom and the body to whom the beneficial interest was conveyed or transferred), or
- (b) the said interest was previously conveyed or transferred, directly or indirectly, by such a person, or
- (c) the transferor and the transferee were to cease to be associated within the meaning of the said section 42 by reason of a change in the percentage of the issued share capital of the transferee in the beneficial ownership (within the meaning of that section) of the transferor or a third body corporate ;

and, without prejudice to the generality of paragraph (a) above, an arrangement shall be treated as within that paragraph if it is one whereunder the transferor or the transferee, or a body corporate associated with either as there mentioned, was to be enabled to provide any of the consideration, or was to part with any of it, by or in consequence of the carrying out of a transaction or transactions involving, or any of them involving, a payment or other disposition by a person other than a body corporate so associated.

This subsection shall, as respects instruments executed on or after the said 1st August, have effect in substitution for section 50 of the Finance Act 1938.

Loan capital:
increase of
duty, and
amendments
as to
exemptions
and reliefs.
1899 c. 9.

28.—(1) The duty on statements of loan capital imposed by section 8 of the Finance Act 1899 shall, as respects capital issued on or after 1st August 1967, be charged at the rate of ten shillings (instead of two shillings and sixpence) per hundred pounds or part thereof.

(2) To the extent that duty under that section is shown to the satisfaction of the Commissioners to have been paid as respects

any capital so issued, no trust deed or other instrument securing the capital shall be chargeable with duty under the heading "Marketable Security", or that beginning "Mortgage, Bond, Debenture, Covenant", in Schedule 1 to the Stamp Act 1891; and the Commissioners shall, upon application, denote on any such instrument the payment of the duty on the capital. PART V
1891 c. 39.

This subsection shall, as respects capital so issued, have effect in substitution for subsection (3) of the said section 8 (which exempts a statement if duty has been paid on the trust deed or other instrument); and, in consequence of that subsection ceasing to have effect, the definition of "loan capital" in subsection (5) of the said section 8 shall be amended by inserting after the words "or in any other form" the words "and whether the loan thereof is secured by a mortgage, marketable security or other instrument, or is unsecured".

(3) Section 29 of the Finance Act 1934 (which provides that, for the purposes of the said section 8, "loan capital" does not include capital which cannot be dealt in on a stock exchange in the United Kingdom) shall not apply to loan capital issued on or after the said 1st August by a company unless it is to be repaid within five years of the date of issue, or is repayable on demand or after notice not exceeding twelve months by the person for the time being entitled to repayment; and where any loan capital has been issued without payment of duty under the said section 8 by reason of the terms as to its repayment, and those terms are varied in such a manner that it would have been chargeable with duty under that section if the new terms had been the terms of issue— 1934 c. 32

- (a) the said section 8 shall apply thereto as if it were an amount of loan capital issued by the company at the time when the variation took effect, but
- (b) if duty under the heading "Marketable Security", or that beginning "Mortgage, Bond, Debenture, Covenant", in Schedule 1 to the Stamp Act 1891 has been paid on one or more trust deeds or other instruments securing the capital or any part thereof, or securing it together with other loan capital, the duty chargeable by virtue of paragraph (a) above shall be reduced by an amount equal to the excess of the duty paid on those instruments over that which would have been so payable if they had not secured it or, as the case may be, that part of it.

(4) For the purposes of the last preceding subsection, loan capital shall not be treated as falling to be repaid within five years of its date of issue if it is issued pursuant to an agreement under or by virtue of which the borrower is or may be entitled to receive another loan for a period which will or may expire more than five years after that date.

PART V
1907 c. 13.

(5) Section 10(1) of the Finance Act 1907 (relief from duty where loan capital is applied in the conversion or consolidation of existing loan capital) shall have effect in relation to duty paid at the increased rate provided for by subsection (1) above as if it provided for repayment at the rate of nine shillings and sixpence (instead of two shillings) per hundred pounds; and where loan capital is issued on or after the said 1st August—

1927 c. 10.

(a) in connection with such a scheme for reconstruction or amalgamation as is referred to in section 55 of the Finance Act 1927 (relief from capital and transfer duty), and in exchange for holdings of loan capital of the existing company referred to in that section, by a company which satisfies the Commissioners that the conditions specified in subsection (1) of that section exist in connection with the scheme, or

(b) by a body corporate not having a share capital, in exchange for holdings of loan capital of any undertaking which it acquires,

the capital so issued shall, to an amount not exceeding that of the holdings for which it is exchanged, be treated for the purposes of the said section 10(1) as having been applied in the conversion of existing loan capital, but so that where, in a case falling within paragraph (a) above, subsection (6) of the said section 55 operates to withdraw an exemption from the company, or would have so operated had any exemption been granted under that section, an amount equal to any repayment made to the company by virtue of this subsection shall be recoverable from the company as a debt due to the Crown, together with interest thereon at the rate of five per cent per annum from the date of the repayment.

1891 c. 39.

(6) Subsection (1) above shall apply to loan capital issued on or after the said 1st August notwithstanding that a statement relating to it (whether or not with other loan capital) was delivered pursuant to the said section 8 before that day, and the additional duty chargeable by virtue of that subsection shall in such a case be payable on the day on which the capital in question is issued; and where duty under the heading "Marketable Security", or that beginning "Mortgage, Bond, Debenture, Covenant", in Schedule 1 to the Stamp Act 1891 has been paid on one or more trust deeds or other instruments executed before the said 1st August and securing loan capital any part of which is issued on or after that day, the duty chargeable under the said section 8 as respects that part by virtue of subsections (1) and (2) above shall be payable on the day on which it is issued, but shall be reduced by an amount equal to the excess of the duty paid on those instruments over that which would have been so payable if they had not secured that part.

29.—(1) Section 8 of the Finance Act 1899 (duty on loan capital of local authorities and other bodies) shall not apply to capital issued by a local authority on or after 1st August 1967. PART V
Local authorities:
exemption of
loan capital
and securities,
and of
transfers of
their stock.
1899 c. 9.

(2) Stamp duty shall not be chargeable—

(a) in respect of any instrument executed or issued on or after the said 1st August and securing money lent to a local authority, or

(b) in respect of the transfer on or after that date of any stock issued by, or other security for money lent to, a local authority.

(3) In subsections (1) and (2) above “local authority” has the meaning given by section 66(2) of the Finance Act 1965. 1965 c. 25.

(4) In consequence of subsection (1) above, section 8 of the said Act of 1899 shall be amended as respects loan capital issued on or after the said 1st August by omitting the words “local authority” in each place where they occur, and the definition of that expression in subsection (5) of that section; and the reference in subsection (1) of that section to any corporation, company or body of persons formed or established in the United Kingdom shall be construed as from that date as a reference to any corporation, company or body of persons formed or established in Great Britain other than a local authority within the meaning of section 66 of the said Act of 1965.

(5) In consequence of subsection (2) above—

(a) section 115 of the Stamp Act 1891 (composition agreements by local authorities and others with respect to transfer duty) shall cease as from the said 1st August to apply to any local authority to which that subsection applies, and 1891 c. 39.

(b) section 66 of the Finance Act 1963 (composition of stamp duty on issue of local authorities’ securities) shall cease to have effect as from that date, 1963 c. 25.

but this subsection shall not affect the operation of the said section 115 in relation to accounts falling due thereunder before that date, or that of the said section 66 in relation to instruments issued before that date or accounts relating to instruments so issued.

30.—(1) Subject to subsection (2) below, no duty shall be chargeable under the heading “Bearer Instrument” in Schedule 1 to the Stamp Act 1891 on the issue on or after 1st August 1967 of any instrument which relates to stock expressed in the currency of a territory outside the scheduled territories, or on the transfer on or after that date of the stock constituted by, or transferable by means of, any such instrument. Exemption for
bearer
instruments
relating to
stock in
foreign
currencies.

PART V

(2) Where the stock to which any instrument relates consists of a loan for the repayment of which there is an option between one or more currencies within subsection (1) above and one or more other currencies, that subsection shall apply to the instrument if the option is exercisable only by the holder of the stock, and shall not apply to it in any other case.

(3) Where the capital stock of any company or body of persons is not expressed in terms of any currency, it shall be treated for the purposes of subsection (1) above as expressed in the currency of the territory under the law of which the company or body is formed or established; and a unit under a unit trust scheme, or a share in a foreign mutual fund, shall be treated for the purposes of this section as capital stock of a company or body formed or established in the territory by the law of which the scheme or fund is governed.

(4) Where there is a change in the territories comprised in the scheduled territories, any instrument which was exempt from duty on issue by virtue of subsection (1) above, but would not have been so exempt if it had been issued immediately after the change, shall be chargeable with duty under the heading mentioned in that subsection on any transfer in Great Britain of the stock constituted by, or transferable by means of, the instrument, and sections 60 and 61 of the Finance Act 1963 shall apply accordingly.

1963 c. 25.

(5) In this section—

“foreign mutual fund” means a fund administered under arrangements governed by the law of a territory outside the United Kingdom whereby subscribers to the fund are entitled to participate in, or receive payments by reference to, profits or income arising to the fund from the acquisition, holding, management or disposal of investments, and “share”, in relation to a foreign mutual fund, means the right of a subscriber, or of another in his right, to participate in, or receive payments by reference to, profits or income so arising;

1947 c. 14.

“the scheduled territories” means the territories specified in Schedule 1 to the Exchange Control Act 1947 as for the time being in force;

“stock”, except in the expression “capital stock”, shall be construed in accordance with section 59(4) of the Finance Act 1963; and

1946 c. 64.

“unit trust scheme”, and “unit” in relation to a unit trust scheme, have the meanings given to them by section 57 of the Finance Act 1946.

- 31.—(1)** The Commissioners may enter into an agreement with any banker whereby—
- PART V
Stamping of
foreign bills
of exchange.
- (a) the banker pays a sum to them on account of the stamp duty chargeable on bills of exchange drawn or made outside the United Kingdom which are presented to him for payment, and
- (b) in substitution for the requirements of the Stamp Act 1891 with respect to the fixing and cancelling of adhesive stamps, but subject to—
- 1891 c. 39.
- (i) compliance with such terms and conditions as the Commissioners may think proper to cause to be contained in the agreement, and
- (ii) the aggregate amount of the duty chargeable on instruments marked in accordance with the agreement not exceeding the sum so paid on account, any such instrument may be marked by or on behalf of the banker with such indication of the payment of stamp duty as the Commissioners may require ;
- and any instrument marked in accordance with such an agreement shall be treated as duly stamped for all purposes.

(2) Where a banker has paid a sum on account under any such agreement, the Commissioners may, on a claim made not later than two years after it was paid, repay so much of that sum as they are satisfied can no longer be required for payment of duty on bills presented to him for payment as mentioned in subsection (1) above.

(3) Except in so far as the context otherwise requires, any reference in sections 9 and 10 of the Stamp Duties Management Act 1891 (which relate to allowances for spoiled stamps) to a stamp shall include a reference to any such indication of the payment of stamp duty as is referred to in subsection (1)(b) above.

1891 c. 38.

PART VI

MISCELLANEOUS

32. Schedule 13 to this Act (amendments of the enactments relating to chargeable gains and tax on short-term capital gains) shall have effect.

Capital gains.

33.—(1) Subject to subsection (3) below, in computing for the purposes of Part III of the Finance Act 1965 the amount of any gain accruing to a person on a disposal of land on or after 6th April 1967 it shall be assumed—

Chargeable
gains:
exclusion of
development
value of land
in Great
Britain.
1965 c. 25.

(a) that his acquisition of the land was for a consideration of an amount equal to the current use value of the land at the time when he acquired it, and

PART VI

(b) that his disposal of the land was for a consideration of an amount equal to the current use value of the land at the time of the disposal:

Provided that this subsection shall not apply to a disposal if immediately before the time of the disposal the market value of the land, including in the case of a part disposal, the land which remains undisposed of, does not exceed the current use value of that land.

(2) Schedule 14 to this Act shall have effect for interpreting and supplementing this section, which is there referred to as the principal section.

1965 c. 25. (3) If the person making a disposal so elects, Part III of the Finance Act 1965 shall apply in relation to that disposal as if the preceding subsections of this section, and the said Schedule, had not been enacted, and had not affected any prior disposal or other transaction or the apportionment of expenditure on any prior disposal.

An election under this subsection shall be made by notice in writing to the inspector given within two years from the end of the year of assessment in which the disposal is made or such further time as the Board may by notice in writing allow, and "year of assessment" here means, for corporation tax as well as for capital gains tax, a year beginning on 6th April.

(4) It is hereby declared that a payment of betterment levy is not a sum allowable as a deduction in the computation under Part III of the Finance Act 1965 of a gain accruing on a disposal of land or of any other asset.

(5) If in computing a gain accruing on a disposal of land to which subsection (1) above applies, or would apply but for an election under this section, the expenditure allowable as a deduction would otherwise include any expenditure incurred before 6th April 1965, it shall be assumed in relation to the disposal that the land was sold by the person making the disposal, and immediately re-acquired by him, on 6th April 1965 and that the gain accruing on any previous part disposal was computed on the same footing.

(6) Where subsection (1) above is displaced by an election under this section, subsection (5) above shall have effect in substitution for sub-paragraphs (1), (2) and (3) of paragraph 23 of Schedule 6 to the Finance Act 1965 (assumed sale and re-acquisition at market value), but subject to sub-paragraph (4) of that paragraph, construing references to sub-paragraph (2) of that paragraph as references to subsection (5) above, and the sale and re-acquisition under subsection (5) above shall be deemed to be at market value.

(7) For the purposes of subsection (1) above a disposal shall be regarded as made on or after 6th April 1967 if the conveyance or other instrument giving effect to the disposal is executed on or after that date, and subsection (1) above shall not apply to a conveyance which is a disposition within paragraph 1 of Schedule 9 to the Land Commission Act 1967 (which exempts from betterment levy a purchase made by an authority possessing compulsory purchase powers where the notice to treat was before the first appointed day). 1967 c. 1.

(8) All such adjustments shall be made, whether by way of discharge or repayment of tax, or the making of assessments or otherwise, as are required to give effect to the provisions of this section and of the said Schedule to this Act.

(9) This section and the said Schedule to this Act shall not apply to land outside Great Britain.

34.—(1) Schedule 15 to this Act (allowance in respect of betterment levy for purposes of charge to tax under Case VIII or Case VI of Schedule D, and relief in respect of betterment levy from estate duty on gifts inter vivos, etc.) shall have effect. Provisions consequential on introduction of betterment levy (including repeal of mineral rights duty). 1910 c. 8.

(2) The mineral rights duty imposed by section 20 of the Finance (1909-10) Act 1910 shall not be charged for the financial year beginning on 1st April 1967 or for any subsequent financial year. 1910 c. 8.

35.—(1) Where any investments or other assets are, in accordance with a policy issued in the course of life assurance business carried on by an assurance company, transferred to the policy holder, the policy holder's acquisition of the assets, and the disposal of them to him, shall be deemed to be for a consideration equal to the market value of the assets— Life policies carrying rights not in money.

(a) for the purposes of Part III of the Finance Act 1965 (chargeable gains), and 1965 c. 25.

(b) for the purposes of computing income in accordance with Case I or Case VI of Schedule D, and

(c) for the purposes of Part II of the Finance Act 1962 (tax on short-term capital gains). 1962 c. 44.

(2) In section 28(3) of the Finance Act 1965 (payment of sum assured by policy purchased from original holder to be treated as disposal of the policy) the reference to payment of the sum assured shall include a reference to the transfer of investments or other assets to the owner of the policy in accordance with the policy.

(3) This section has effect as respects investments or other assets transferred on or after 6th April 1967.

PART VI
1952 c. 10.

(4) In this section "assurance company" and "life assurance business" have the meanings given by section 437 of the Income Tax Act 1952.

Basis for
determining
unilateral
relief from
double
taxation.
1965 c. 25.

36.—(1) Paragraph 1 of Part I of Schedule 17 to the Income Tax Act 1952 (under which, as extended by sections 39 and 64 of the Finance Act 1965, unilateral relief from double taxation is to be given by allowing credit for tax paid abroad in respect of any income or gains against the United Kingdom tax chargeable in respect of that income or those gains) shall be amended by substituting—

- (a) for the words "in respect of", where first occurring, the words "and computed by reference to", and
- (b) for the words "chargeable in respect of", the words "computed by reference to";

and the words "and computed by reference to" shall also be substituted for the words "in respect of" in both places where they occur in paragraph 1(b) of Part II of that Schedule (which contains supplemental provisions).

(2) The above amendments shall have effect as respects income and gains arising or accruing on or after 6th April 1967.

Grants for
giving up
agricultural
land.
1967 c. 22.

37. For the purposes of the capital gains tax, a sum payable to an individual by virtue of a scheme under section 27 of the Agriculture Act 1967 (grants for relinquishing occupation of uncommercial agricultural units) shall not be treated as part of the consideration obtained by him for, or otherwise as accruing to him on, the disposal of any asset; and a sum so payable by way of annuity shall be treated for all the purposes of the Income Tax Acts as earned income unless the annuity was granted to the individual by reason of his having relinquished occupation before attaining the age of fifty-five.

Central
African
Pension Fund.

38.—(1) A pension paid out of the Central African Pension Fund shall not be liable to charge to income tax if it is the income of a person who, on a claim to the Board for relief under this subsection, satisfies the Board that he is not resident in the United Kingdom.

1964 c. 37.

Section 9 of the Income Tax Management Act 1964 shall apply to any claim under this subsection.

(2) Income derived from investments or deposits of that Fund shall not be charged to income tax, and any income tax deducted from any such income shall be repaid by the Board to the persons entitled to receive the income.

1962 c. 44.

(3) Sections 36(2) of the Finance Act 1965 and 15(3) of the Finance Act 1962 (exemptions from the capital gains tax, and the tax on gains under Case VII of Schedule D, for funds whose

income is exempt under certain enactments) shall each have effect as if subsection (2) above were included among the enactments there referred to.

PART VI

(4) For the purposes of the enactments relating to estate duty, a pension paid out of the said Fund shall be treated as if it had been paid by the government of a territory outside the United Kingdom.

(5) In this section "the Central African Pension Fund" means the fund established under that name by section 24 of the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council 1963, and "pension" includes a gratuity or any sum payable on or in respect of death, and a return of contributions with or without interest thereon or any other addition thereto. S.I. 1963/2085.

(6) This section shall have effect for the purposes of income tax as respects the year 1963-64 and all subsequent years of assessment, for the purposes of the capital gains tax as respects the year 1965-66 and all subsequent years, and for the purposes of estate duty in relation to deaths occurring at any time after the establishment of the Fund.

39.—(1) A pension paid out of the Overseas Service Pensions Fund shall not be liable to charge to income tax if it is the income of a person who, on a claim to the Board for relief under this subsection, satisfies the Board that he is not resident in the United Kingdom. Overseas Service Pensions Fund.

Section 9 of the Income Tax Management Act 1964 shall apply to any claim under this subsection. 1964 c. 37.

(2) In respect of income derived from investments or deposits of that Fund the Board shall, on a claim being made to them for the purpose, give by way of repayment such relief from income tax as is necessary to secure that the income is exempt to the like extent (if any) as if it were income of a person not domiciled, ordinarily resident or resident in the United Kingdom.

This subsection shall have effect as respects the year 1966-67 as well as subsequent years of assessment.

(3) Sections 36(2) of the Finance Act 1965 and 15(3) of the Finance Act 1962 (exemptions from the capital gains tax, and the tax on gains under Case VII of Schedule D, for funds whose income is exempt under certain enactments) shall each have effect as if subsection (2) above were included among the enactments there referred to. 1965 c. 25. 1962 c. 44.

(4) In this section "the Overseas Service Pensions Fund" means the Fund established under that name pursuant to section 7(1) of the Overseas Aid Act 1966, and "pension" includes a 1966 c. 21.

PART VI gratuity or any sum payable on or in respect of death or ill-health, and a return of contributions with or without interest thereon or any other addition thereto.

Interest on
unpaid tax.
1952 c. 10.

40.—(1) The rate of interest prescribed by—

(a) section 495(1) of the Income Tax Act 1952 (interest on overdue tax),

1960 c. 44.

(b) section 58(1) of the Finance Act 1960 (interest on tax recovered to make good loss due to taxpayer's default),

1947 c. 9.
(11 & 12
Geo. 6.)

(c) section 8 of the Finance (No. 2) Act 1947 (interest on unpaid profits tax and excess profits tax), and

(d) paragraph 10(1) of Schedule 7 to the Finance Act 1960 (interest on profits tax recovered to make good loss due to taxpayer's default),

shall, subject to the next following subsection, be 4 per cent. per annum (instead of 3 per cent. per annum).

(2) The Treasury may, by order in a statutory instrument, subject to annulment in pursuance of a resolution of the Commons House of Parliament, from time to time increase or decrease the rate of interest prescribed by subsection (1) above, either for the purposes of all the enactments mentioned in that subsection, or so as to prescribe different rates for different purposes.

(3) Subsection (1) above shall apply to interest for any period beginning on or after 19th April 1967 whether or not interest runs from before that date; and any variation of the rate of interest prescribed under subsection (2) above shall apply to interest for periods beginning on or after the date when the order is expressed to come into force, whether or not interest runs from before that date.

(4) Interest charged under the said section 495(1) or the said section 58(1) shall be treated for the purposes—

1964 c. 37.

(a) of sections 74, 76, 78 and 79 of the Income Tax Act 1952 and of section 8 of the Income Tax Management Act 1964 (recovery of tax by distress or in court proceedings), and

1947 c. 44.

(b) of section 35(2)(g)(i) of the Crown Proceedings Act 1947 (rules of court to impose restrictions on set-off and counterclaim where the proceedings, or set-off or counterclaim, relate to taxes) and of any rules of court (including county court rules) for England and Wales or Northern Ireland, made before or after the passing of this Act, which impose such a restriction, and

(c) of section 35(2)(b) of the said Act of 1947 as set out in section 50 of that Act (which imposes corresponding restrictions in Scotland),

as if it were tax charged and due and payable under the assessment to which it relates.

(5) In section 495(3)(b) of the Income Tax Act 1952 (exemption for interest not exceeding one pound) five pounds shall be substituted for one pound as respects tax becoming due and payable on or after 19th April 1967. 1952 c. 10.

(6) Without prejudice to the general interpretative provisions of this Act, this section applies to the enactments mentioned in subsection (1) above as extended by any other enactment, and in particular—

(a) it applies to sections 495(1) of the Income Tax Act 1952 and section 58(1) of the Finance Act 1960 as extended to capital gains tax and corporation tax, and 1960 c. 44.

(b) it applies to section 8 of the Finance (No. 2) Act 1947 as extended to the excess profits levy. 1947 c. 9.
(11 & 12
Geo. 6.)

41.—(1) The Provisional Collection of Taxes Act 1913, section 265 of the Customs and Excise Act 1952 (security for new duties) and section 49(6) of the Finance Act 1965 (assessment of corporation tax before passing of annual Act) shall apply to resolutions of the House of Commons and not to resolutions of the Committee of Ways and Means, and accordingly shall have effect subject to the repeals in Part IX of Schedule 16 to this Act. Provisional
collection
of taxes.
1913 c. 3.
1952 c. 44.
1965 c. 25.

(2) A resolution having statutory effect under section 1 of the Provisional Collection of Taxes Act 1913 shall cease to have statutory effect unless within the next twenty-five days on which the House sits after the day on which the resolution is passed—

(a) a Bill varying or renewing the tax is read a second time by the House of Commons, or

(b) a Bill is amended by the House of Commons so as to include provision for the variation or renewal of the tax.

Proviso (a) to section 1(1) of the said Act of 1913 (which required a Bill varying or renewing the tax to have been read a second time within twenty sitting days after the resolution of the Committee of Ways and Means is agreed to by the House) shall cease to have effect, and the said section 1(1) shall be construed as one with this subsection.

(3) The period for which a resolution shall have statutory force under section 1 of the Provisional Collection of Taxes Act 1913 shall, if the resolution is passed in March or April in any

PART VI year, expire with 5th August in the same calendar year, and section 1(2) of the said Act shall have effect subject to this subsection.

1913 c. 3. (4) Section 1 of the Provisional Collection of Taxes Act 1913 shall apply to a resolution of the House of Commons providing for the repeal or abolition of an existing tax (within the meaning of that Act) as it applies to such a resolution providing for the variation of any existing tax; and in relation to a resolution to which this subsection applies, the references in subsection (2) above and in proviso (b) to the said section 1(1) to the variation of the tax by a Bill or an Act shall be construed as references to its repeal or abolition by, as the case may require, a Bill or an Act.

1965 c. 25. (5) Section 49(6) of the Finance Act 1965 shall apply to a resolution passed in March or April in any year as if for the period of four months from the passing of the resolution referred to in that subsection (as a period within which an assessment may be made by virtue of the resolution) there were substituted a reference to a period beginning with the passing of the resolution and ending with 5th August in the same calendar year.

1952 c. 44. (6) In subsection (1) of section 265 of the Customs and Excise Act 1952 (which restricts that section to new duties of customs or excise in respect of any goods) the words "in respect of any goods" shall cease to have effect.

(7) This and the next following section shall come into force on such date, not earlier than 1st September 1967, as may be appointed by the Treasury by order in a statutory instrument.

(8) This and the next following section shall not affect the Provisional Collection of Taxes Act 1913 as that Act applies to the House of Commons of the Parliament of Northern Ireland.

Collection of taxes before passing of ways and means resolutions.

42.—(1) This section shall apply if the House of Commons resolves that provisional statutory effect shall be given to one or more motions to be moved by the Chancellor of the Exchequer, or some other Minister, and which, if agreed to by the House, would be resolutions—

(a) to which statutory effect could be given under section 1 of the Provisional Collection of Taxes Act 1913, or

(b) to which section 265 of the Customs and Excise Act 1952 (new duties of customs or excise) could be applied, or

(c) in accordance with which assessments to corporation tax could be made under section 49(6) of the Finance Act 1965.

(2) Subject to subsection (3) below, on the passing of the resolution under subsection (1) above the Provisional Collection of Taxes Acts shall apply as if each motion to which the resolution applies had then been agreed to by a resolution of the House.

(3) Subsection (2) above shall cease to apply to a motion if that motion, or a motion containing the same proposals with modifications, is not agreed to by a resolution of the House (in this section referred to as "a confirmatory resolution") within the next ten days on which the House sits after the resolution under subsection (1) above is passed, and, if it ceases to apply, all such adjustments, whether by way of discharge or repayment of tax, or discharge of security, or otherwise, shall be made as may be necessary to restore the position to what it would have been if subsection (2) above had never applied to that motion, and to make good any deductions which have become unauthorised deductions.

(4) The Provisional Collection of Taxes Acts shall have effect as if—

- (a) any confirmatory resolution passed within the said period of ten sitting days had been passed when the resolution under subsection (1) was passed, and
- (b) everything done in pursuance of subsection (2) above by reference to the motion to which the confirmatory resolution relates had been done by reference to the confirmatory resolution,

but any necessary adjustments shall be made, whether by way of discharge or repayment of tax, or modification of the terms of any security, or further assessment, or otherwise, where the proposals in the confirmatory resolution are not the same as those in the original motion to which that resolution relates.

(5) In this section "the Provisional Collection of Taxes Acts" means:—

- (a) the Provisional Collection of Taxes Act 1913 (with 1913 c. 3. subsections (2), (3) and (4) of the last preceding section),
- (b) section 265 of the Customs and Excise Act 1952, 1952 c. 44.
- (c) section 49(6) of the Finance Act 1965, and 1965 c. 25.
- (d) section 492 of the Income Tax Act 1952 (over- 1952 c. 10. deductions from preference dividends before passing of annual Act).

43.—(1) Anything to be done under any Act (including, except where otherwise expressly provided, any Act passed after this Act) by, to or before the Special Commissioners appointed for the purposes of income tax may be done by, to or before a Special Commissioners in tax cases.

PART VI single Special Commissioner, or any two or more Special Commissioners; and this section applies not only for income tax purposes but also for the purposes of any other affairs under the care and management of the Board.

(2) Subject to the following provisions of this section proceedings shall not by virtue of this section be brought before a single Special Commissioner unless—

- (a) the party, or the parties, to the proceedings, other than the Board or any officer of the Board, have given their consent, and
- (b) a Special Commissioner so directs on being satisfied that the direction will avoid undue delay in the hearing of those or any other proceedings.

(3) Proceedings brought before two or more Special Commissioners may be continued and determined by any one or more of them if the parties to the proceedings have given their consent and if the continuing Special Commissioner or Commissioners, after such consultation as is practicable with any Special Commissioner retiring from the proceedings, is or are satisfied that to do so will avoid undue delay in the hearing of those or any other proceedings.

(4) If the notice to the appellant of the setting down for hearing of an appeal to the Special Commissioners states that it is intended that the appeal should be heard by a single Special Commissioner and draws attention to the provisions of this section, the appeal may be so heard without compliance with the requirements of subsection (2) above, but if, in the course of the hearing of the appeal, or at any earlier time, the Special Commissioner to whom the appeal is assigned is satisfied that the appellant has arguments to present or evidence to adduce on the merits of the appeal the case shall thereafter be treated as one which cannot be brought before a single Special Commissioner unless the requirements of subsection (2) above are fulfilled.

1960 c. 44.

(5) Nothing in subsection (1) of this section shall authorise a single Special Commissioner to entertain proceedings under section 56 of the Finance Act 1960 or paragraph 9 of Schedule 7 to that Act (procedure for recovery of fines and penalties), and subsection (3) of this section shall not apply to proceedings under those enactments.

(6) No determination of a Special Commissioner shall be questioned, whether by a case stated or otherwise, on the ground that this section did not authorise the Special Commissioner to make the determination, except by a party by whom or on whose behalf an objection to the jurisdiction was made to the Special Commissioner before or in the course of the proceedings leading to the determination.

44. In the proviso to section 2(1) of the Miscellaneous Financial Provisions Act 1950 (which, as amended by section 95 of the Finance Act 1965, restricts the total principal amounts outstanding in respect of advances to the Exchequer of Northern Ireland under the said section 2 to seventy million pounds) for the words "seventy million pounds" there shall be substituted the words "one hundred and twenty million pounds".

PART VI
Loans to
Government
of Northern
Ireland.
1950 c. 21.
1965 c. 25.

45.—(1) This Act may be cited as the Finance Act 1967.

Citation,
interpretation,
construction,
extent and
repeals.

(2) In this Act, except where the context otherwise requires, "the Board" means the Commissioners of Inland Revenue.

(3) In this Act—

- (a)** Part I (except sections 8 to 12 and Schedules 7 and 8) shall be construed as one with the Customs and Excise Act 1952, and in that Part "the Act of 1952" is that Act, 1952 c. 44.
- (b)** sections 8 and 9 shall be construed as one with the Purchase Tax Act 1963, 1963 c. 9.
- (c)** sections 11 and 12 shall be construed as one with the Vehicles (Excise) Act 1962, 1962 c. 13.
- (d)** Part II shall be construed as one with the Income Tax Acts,
- (e)** Part III shall be construed as one with the Corporation Tax Acts so far as it relates to those Acts, with the Income Tax Acts so far as it otherwise relates to income tax, and with the enactments relating to the profits tax so far as it relates to that tax,
- (f)** without prejudice to the application to Northern Ireland of section 26(7) and of paragraph 10 of Schedule 12, Part IV shall be construed as one with the Selective Employment Payments Act 1966, 1966 c. 32.
- (g)** Part V shall be construed as one with the Stamp Act 1891, and 1891 c. 39.
- (h)** Part VI shall be construed as one with the Corporation Tax Acts so far as it relates to those Acts, with the Income Tax Acts so far as it otherwise relates to income tax, and with Part III of the Finance Act 1965 so far as it relates to chargeable gains.

(4) The following provisions of this Act, namely, section 5(1) so far as it relates to the Licensing Act 1964 and Schedule 7, may be cited together with that Act (and with any other Act passed during the same Session as this Act which provides for that other Act to be cited together with the said Act of 1964) as the Licensing Acts 1964 to 1967. 1964 c. 26.

PART VI

(5) The following provisions of this Act, namely, section 5(1) so far as it relates to the Licensing (Scotland) Acts 1959 and 1962 and Schedule 8, shall be included in the enactments which may be cited together as the Licensing (Scotland) Acts 1959 to 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 this Act.

(7) Except as otherwise expressly provided, such of the provisions of this Act as relate to matters in respect of which the Parliament of Northern Ireland has power to make laws shall not extend to Northern Ireland.

(8) The enactments mentioned in Schedule 16 to this Act are hereby repealed to the extent mentioned in the third column of that Schedule, but subject to any provision in relation thereto made at the end of any Part of that Schedule.

SCHEDULES

SCHEDULE 1

Section 1.

SPIRITS (RATES OF CUSTOMS AND EXCISE DUTIES)

TABLE 1: SPIRITS OTHER THAN IMPORTED PERFUMED SPIRITS

Description of Spirits	Excise rate	Customs rates		
		Full	Commonwealth	Convention
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. British spirits (per proof gallon)	16 1 3	—	—	—
2. Imported spirits other than perfumed spirits—				
(a) not comprised below in this paragraph (per proof gallon) ...	—	16 3 9	16 1 3	16 1 3
(b) liqueurs, cordials, mixtures and other preparations in bottle, entered in such manner as to indicate that the strength is not to be tested (per gallon) ...	—	21 17 0	21 13 6	21 13 6

each of the above rates of duty being, in the case of spirits not warehoused or warehoused for less than 3 years, increased by 1s. 6d. per proof gallon or, for spirits within paragraph 2(b) of this table, by 2s. 0d. per gallon.

SCHEDULE 2

Section 1.

BEER (RATES OF CUSTOMS AND EXCISE DUTIES AND DRAWBACKS)

	Excise rates (per 36 gallons)	Customs rates (per 36 gallons)		
		Full	Commonwealth	Convention
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. Duty	9 8 8	10 8 8	9 8 8	9 8 8
2. Drawback ...	9 8 8	10 8 8	9 8 8	9 8 8

each of the above rates of duty and drawback being, in the case of beer of an original gravity exceeding 1030 degrees, increased by 8s. 0d. for each additional degree.

SCH. 2

Supplementary provision as to drawback

As respects beer the worts whereof before fermentation were of a specific gravity of less than 1030 degrees the amount of drawback allowable shall not exceed the amount of the customs or excise duty shown to the satisfaction of the Commissioners to have been paid.

Section 1.

SCHEDULE 3
WINE (RATES OF CUSTOMS DUTIES)

Description of wine	Rates of duty (per gallon)	
	Full	Commonwealth
	£ s. d.	£ s. d.
Light wine:—		
Still—		
not in bottle	1 0 3	18 3
in bottle	1 2 9	19 9
Sparkling	1 12 9	1 10 9
Other wine:—		
Still—		
not in bottle	1 19 3	1 9 3
in bottle	2 1 9	1 10 9
Sparkling	2 11 9	2 1 9
together, in the case of wine exceeding 42 degrees proof spirit, with an addition for each additional degree or fraction of a degree of ...	3 3	2 5

For the purposes of this Schedule, "light wine" means wine not exceeding 25 degrees or, in the case of wine qualifying for Commonwealth preference, 27 degrees of proof spirit.

Section 1.

SCHEDULE 4
BRITISH WINE (RATES OF EXCISE DUTIES)

Description of British wine	Rates of duty (per gallon)	
	£ s. d.	
Light British wine:—		
Still	17 9	
Sparkling	1 3 9	
Other British wine:—		
Still	19 9	
Sparkling	1 5 9	

For the purposes of this Schedule, "light British wine" means British wine not exceeding 27 degrees of proof spirit.

SCHEDULE 5

Section 1(5).

REVISION OF DEFINITION OF LIGHT OILS AND AMENDMENTS AS TO
DRAWBACK, REMISSION OR REPAYMENT OF DUTY ON BEER*Hydrocarbon oils—revised definition of light oils*

1. As from 1st October 1967, for the definition of "light oils" in section 195(1) of the Act of 1952 there shall be substituted the following definition—

"light oils" means hydrocarbon oils—

- (a) of which not less than ninety per cent. by volume distils at a temperature not exceeding two hundred and ten degrees centigrade ; or
- (b) which give off an inflammable vapour at a temperature of less than twenty-three degrees centigrade when tested in the manner prescribed by the Acts relating to petroleum.

Drawback on exportation, etc., of beer

2. The provisions of section 137 of the Act of 1952 as to the allowance of drawback on the exportation, removal to the Isle of Man or shipment as stores by any person of such beer as is mentioned in paragraph (a) or paragraph (b) of subsection (1) of that section shall apply to any such beer which it is shown to the satisfaction of the Commissioners is being exported, or removed or shipped as aforesaid, as an ingredient of other goods.

Remission of duty on goods spoilt or destroyed, etc.

3. The provisions of section 263(3) of the Act of 1952 (which relates to the remission or repayment of duty on certain materials destroyed, spoilt or otherwise unfit for use) shall apply to any worts or beer which have been destroyed or become spoilt or otherwise unfit for use by unavoidable accident while on the entered premises of a brewer for sale notwithstanding that they were not manufactured by that brewer ; and accordingly in the said section 263(3) the words "manufactured by that trader" shall cease to have effect.

Remission or repayment of excise duty on beer used for purposes of research or experiment

4.—(1) Where it is proved to the satisfaction of the Commissioners that any beer chargeable with the duty of excise is to be used only for the purposes of research or of experiments in brewing, the Commissioners may, if they think fit and subject to such conditions as they see fit to impose, remit or repay the excise duty chargeable on that beer.

(2) If any person contravenes or fails to comply with any condition imposed under sub-paragraph (1) of this paragraph he shall be liable, in addition to any other penalty he may have incurred, to a penalty of fifty pounds.

SCH. 5

(3) In section 125(3) of the Act of 1952 (which provides that a licence to brew beer shall not be required for the brewing of beer only for certain purposes) after the word "employment" there shall be inserted the words "or for the brewing of beer (with the authority of the Commissioners and subject to compliance with such conditions as they see fit to impose) solely for the purposes of research or of experiments in brewing".

Section 5.

SCHEDULE 6

AMENDMENTS TO EXCISE ACTS CONSEQUENTIAL ON ABOLITION
OF RETAILER'S LICENCES, ETC.

A. *The Customs and Excise Act 1952*
(15 & 16 Geo. 6 & 1 Eliz. 2 c. 44)

1. In section 117(3), for the words, "retailer's on-licence" there shall be substituted the words "justices' on-licence".

2. In section 160(2), for the words "the premises in respect of which he holds his retailer's licence" there shall be substituted the words "any premises at which he sells spirits by retail".

3. In section 161(1)—

(a) for the words "this Act" there shall be substituted the words "this or some other Act";

(b) for the words "a licence to sell spirits" there shall be substituted the words "a licence as a dealer in spirits or a justices' licence authorising him to sell spirits".

4. For section 162(4) there shall be substituted the following subsection:—

"(4) Nothing in this section shall apply to any liquor which is prepared—

(a) on any premises in respect of which a justices' on-licence is in force; or

(b) in any registered club; or

(c) in any theatre, or on board any aircraft, vessel or vehicle, in the case of which, by virtue of section 199(c) or (d) of the Licensing Act 1964 or, in Scotland, by virtue of section 198(b) or (d) of the Licensing (Scotland) Act 1959, a justices' licence is not required,

for immediate consumption on those premises, in that club, at that theatre, or on board that aircraft, vessel or vehicle, as the case may be."

5. In section 248, at the end there shall be added the following subsection—

"(3) Subsection (1) of this section shall apply to any of the following in or from which intoxicating liquor is sold by retail, namely, any road or rail vehicle, vessel, aircraft, hover vehicle or structure, as it applies to premises; and in this subsection the expression "hover vehicle" means a vehicle designed to be supported on a cushion of air."

6. In section 307(1), in the paragraph beginning “excise trader”, at the end there shall be added the words “and includes a registered club”.

7. In section 307(1), after the paragraph which, as amended, begins “justices’ certificate” there shall be inserted the following paragraph:—

“justices’ licence” and “justices’ on-licence”—

(a) in the application of this Act to England and Wales have the meanings respectively assigned by sections 1(1) and 1(2)(a) of the Licensing Act 1964 and in both cases include a canteen licence granted under Part X and an occasional licence granted under section 180 of that Act; 1964 c. 26.

(b) in the application of this Act to Scotland mean respectively—

(i) a certificate granted under section 32(1) of the Licensing (Scotland) Act 1959; and 1959 c. 51.

(ii) any such certificate as aforesaid, not being an off-sale certificate as defined in section 32(2)(c) of the said Act of 1959;

and in this paragraph any reference to a certificate granted under section 32(1) of the said Act of 1959 includes a reference to any special permission granted to the holder of such a certificate under section 60 of that Act, a reference to a licence granted under Part III of that Act (which relates to seamen’s canteens), and a reference to a special permission granted under section 18 of the Licensing (Scotland) Act 1962; 1962 c. 51.

(c) in the application of this Act to Northern Ireland mean a licence or justices’ certificate corresponding to the relevant licence such as is mentioned in paragraph (a) of this definition.’

8. In section 307(1), for the paragraph beginning “registered club” there shall be substituted the following paragraph:—

“registered club” means a club which is for the time being registered within the meaning of the Licensing Act 1964 or which is for the time being a registered club within the meaning of the Licensing (Scotland) Act 1959 or which is for the time being a registered club within the meaning of the Registration of Clubs Acts (Northern Ireland) 1904 to 1966.’

9. In section 307(1), for the paragraph beginning “retailer” there shall be substituted the following paragraph:—

“retailer” means—

(a) in relation to intoxicating liquor, a person who sells such liquor by retail;

(b) in relation to methylated spirits, a person holding a licence under section 117 of this Act.’

SCH. 6

B. *The Finance Act 1959 (7 & 8 Eliz. 2. c. 58)*

10. In section 3, for so much of subsection (4) as precedes the table set out therein there shall be substituted the following—

1952 c. 44.

“(4) A dealer shall not be entitled to relief from duty under subsection (2) or subsection (3) of section 169 of the Customs and Excise Act 1952 unless his trade is discontinued within nine months after the commencement of the licence year; and notwithstanding anything in subsection (5) of that section the relief shall consist of such proportion of the full amount of duty for the year as is specified in the following table in relation to the month during which the trade is discontinued, that is to say—”

C. *The Finance Act 1960 (8 & 9 Eliz. 2. c. 44)*

11. In section 3(1)(a), for the words “under a retailer’s licence” there shall be substituted the words “by retail”.

D. *Application to Northern Ireland*

12. For the avoidance of doubt it is hereby declared that the provisions of this Schedule other than paragraphs 1 and 10 thereof extend to Northern Ireland but, so far as they relate to matters with respect to 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 have been passed before the day appointed for the purposes of that section.

1920 c. 67.

Section 5.

SCHEDULE 7

MODIFICATIONS OF LICENSING ACT 1964 CONSEQUENTIAL ON
ABOLITION OF RETAILER’S LICENCES, ETC.

1. In section 1(3), for the words from “and” onwards there shall be substituted the words “and—

(a) in the case of a justices’ on-licence may authorise the sale—

- (i) of intoxicating liquor of all descriptions; or
- (ii) of beer, cider and wine only; or
- (iii) of beer and cider only; or
- (iv) of cider only; or
- (v) of wine only;

(b) in the case of a justices’ off-licence, may authorise the sale—

- (i) of intoxicating liquor of all descriptions; or
- (ii) of beer, cider and wine only.”

2. In section 17(3), for the words from “levied” onwards there shall be substituted the words “paid to the compensation authority on the granting of that renewal, transfer or removal and shall be recoverable by that authority from the holder of the licence summarily as a civil debt.”

3. In section 21, at the end there shall be added the following subsection— SCH. 7

“(4) Where the holder of a justices’ licence gives notice of appeal against a refusal by the licensing justices to renew that licence, the licensing justices or the quarter sessions having jurisdiction to hear the appeal may, on such conditions as they think fit, order that the licence shall continue in force until the determination of the appeal notwithstanding that the appeal is not determined until after the date when the licence would otherwise cease to have effect.”

4. In section 30, at the end there shall be added the following subsection—

“(5) The clerk aforesaid shall, within eight days after the conclusion of each licensing sessions, send to the Collector of Customs and Excise for any collection which, or any part of which, is situated in his licensing district a list of any persons who have been granted licences (otherwise than by way of renewal), and of any persons holding licences due for renewal which have not been renewed, at the sessions in respect of premises situated within that district, and that list shall be in the same form and contain the same particulars as the register and shall be signed by the clerk ; and the clerk—

- (a) shall on delivery of the list be entitled to receive from the Collector a fee of eight shillings or, if the list contains more than twenty-five names, of eight shillings plus threepence for each name beyond twenty-five ; and
- (b) if he fails to comply with this subsection shall be guilty of an offence and be liable to a fine not exceeding five pounds ;

but proceedings by virtue of paragraph (b) of this subsection shall be taken only with the authority of the Commissioners.”

5. In section 109(1)(b) for the words “excise licence” there shall be substituted the words “justices’ licence”.

6. In section 148(1), for the words from “to hold” onwards there shall be substituted the words “to sell for consumption in the canteen—

- (a) intoxicating liquor of all descriptions ; or
- (b) beer, cider and wine only ; or
- (c) beer and cider only ; or
- (d) cider only ; or
- (e) wine only.”

7. In section 149(1), for the words from “a kind” onwards there shall be substituted the words “as the description or descriptions of intoxicating liquor authorised to be sold a description or descriptions other than that or those requested by the applicant.”

8. In section 151(5), for the words from “kind” onwards there shall be substituted the words “description or descriptions of intoxicating liquor authorised to be sold.”

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9. In section 152(1), for the words "the licences" and for the words "those licences" there shall in each case be substituted the words "the licence".

10. In section 154(1)(c), for the words "authorise the kind of retailer's on-licence" there shall be substituted the words "grant such a licence authorising sale of intoxicating liquor of the description or descriptions".

11. In section 154(1)(d), for the words "kind of retailer's on-licence" there shall be substituted the words "description or descriptions of intoxicating liquor the sale of which is".

12. In section 160, in subsection (1)(b) and in subsection (6), after the words "justices' licence" there shall in each case be inserted the words "an occasional licence".

13. In section 162, after the words "justices' licence" there shall be inserted the words "an occasional licence".

14. In section 164 at the end there shall be added the following subsection—

"(4) If the holder of a justices' off-licence sells any spirits or wine in an open vessel, he shall be liable on a first conviction to a fine not exceeding ten pounds and on a subsequent conviction to a fine not exceeding twenty pounds".

15.—(1) For subsection (1) of section 180 there shall be substituted the following subsection—

'(1) Justices of the peace may, on the application of the holder of a justices' on-licence, grant him a licence (in this Act referred to as an "occasional licence") authorising the sale by him of any intoxicating liquor to which his justice's on-licence extends at such place other than the premises in respect of which his justices' on-licence was granted, during such period not exceeding three weeks at one time, and between such hours, as may be specified in the occasional licence, but an occasional licence shall not authorise the sale of intoxicating liquor thereunder—

- (a) in a county or county borough in Wales and Monmouthshire in which section 66(1) of this Act for the time being applies, on any Sunday; or
- (b) on Christmas Day, Good Friday, or any day appointed for public fast or thanksgiving.'

(2) In subsection (2) of section 180—

- (a) for the word "consent" in the first place where it occurs there shall be substituted the words "an occasional licence";
- (b) for the words "the consent" in both places where they occur and for the words "the occasional licence" there shall in each case be substituted the word "it".

(3) In subsection (3) of section 180, for the words "their consent" there shall be substituted the words "an occasional licence".

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(4) In subsection (6) of section 180, for the words from "consent under" to "the consent" there shall be substituted the words "an occasional licence to an applicant who holds only a residential licence; and, if he holds only a restaurant licence or residential and restaurant licence, they shall not grant the occasional licence".

(5) In subsection (7) of section 180, for the words "consent under this section" there shall be substituted the words "an occasional licence".

(6) At the end of section 180, there shall be added the following subsection—

"(8) An occasional licence granted to the holder of a justices' on-licence in respect of any premises shall have effect as if granted to any person who is for the time being the holder of a justices' on-licence in respect of those premises and shall be of no effect at any time when no justices' licence is for the time being held in respect of those premises."

16. For section 181 there shall be substituted the following section—

"181. Notwithstanding anything in this Act, the holder of a dealer's licence under section 146 of the Customs and Excise Act 1952 in respect of spirits or of wine may, at the premises in respect of which his licence is held, sell by retail without a justices' licence any intoxicating liquor to which his dealer's licence extends if—

(a) those premises are exclusively used for the sale of intoxicating liquor and mineral waters or other non-intoxicating drinks and have no internal communication with the premises of any person who is carrying on any other trade or business; and

(b) the sale by retail is—

(i) to a person lawfully carrying on a business of selling intoxicating liquor by retail; or

(ii) to a mess or registered club; or

(iii) to a person engaged, at those premises or elsewhere, in any business carried on by the holder of the dealer's licence,

or the sale is of intoxicating liquor for delivery outside Great Britain."

17. In section 185—

(a) after the words "justices' licence" there shall be inserted the words "an occasional licence";

(b) for the words "constable or officer of Customs and Excise" there shall be substituted the words "or constable".

18. In section 196(3)—

(a) after the word "premises" in the second place where it occurs there shall be inserted the words "or, as the case may be, other than the occupier of a licensed canteen or a servant employed in such a canteen";

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SCH. 7

- (b) after the words "the premises" there shall be inserted the words "or, as the case may be, canteen";
- (c) after the words "justices' licence" there shall be inserted the words "occasional licence or canteen licence, as the case may be,".

19. In section 199, for paragraph (c) there shall be substituted the following—

"(c) make unlawful the sale or exposure for sale by retail without a justices' licence of any intoxicating liquor at a theatre which is established by royal patent or which consists of premises duly licensed as a theatre by the Lord Chamberlain or other proper authority if the proprietor of the theatre has given to the clerk to the licensing justices notice in writing of the intention to sell such liquor by retail at that theatre and that notice has not been withdrawn;".

20. In section 199, for paragraph (d) there shall be substituted the following—

"(d) make unlawful the sale or exposure for sale by retail without a justices' licence to passengers in an aircraft, vessel or railway passenger vehicle of intoxicating liquor for consumption on board the aircraft, vessel or vehicle if the aircraft or vessel is employed for the carriage of passengers and is being flown or navigated from a place in the United Kingdom to another such place or from and to the same place in the United Kingdom on the same day or, as the case may be, if the vehicle is a vehicle in which passengers can be supplied with food;".

21. In section 200(1), for the words from "is in force" to "under a licence" there shall be substituted the words "or occasional licence is in force and as including a reference to any theatre in respect of which a notice under section 199(c) of this Act is for the time being in force".

22. In section 201(1)—

- (a) after the definition of "canteen licence" there shall be inserted the following definition—

' "cider" includes perry ; '

- (b) for the definition of "intoxicating liquor" there shall be substituted the following—

' "intoxicating liquor" means spirits, wine, beer, cider, and any other fermented, distilled or spirituous liquor, but (apart from cider) does not include any liquor for the sale of which by wholesale no excise licence is required ; '

- (c) for the definition of "occasional licence" there shall be substituted the following—

' "occasional licence" means a licence granted under section 180 of this Act ; '

(d) at the end there shall be added the following definition— SCH. 7
 “wine” includes British wine within the meaning
 of the Customs and Excise Act 1952;’. 1952 c. 44.

23. In Schedule 9, for paragraph 4(a) there shall be substituted the following—

“(a) intoxicating liquor, or”.

Transitional provision

24. Any justices' licence in force immediately before the time of the coming into force of this Schedule shall authorise the sale by retail by the licensee of any intoxicating liquor for the sale by retail of which the licence authorises him to hold a retailer's licence under the Customs and Excise Act 1952, and any consent in force at the said time under section 180 shall authorise any sale by the person to whom the consent was granted which would have been authorised by an occasional licence under section 151 of the said Act of 1952 granted in accordance with that consent.

SCHEDULE 8

Section 5.

MODIFICATIONS OF LICENSING (SCOTLAND) ACTS 1959 AND 1962
 CONSEQUENTIAL ON ABOLITION OF RETAILER'S LICENCES, ETC.

A. *The Licensing (Scotland) Act 1959*
 (7 & 8 Eliz. 2. c. 51)

1. At the end of section 57, there shall be added the following proviso:—

“Provided also that the holder of an off-sale certificate may not sell spirits or wine (including British wine within the meaning of the Customs and Excise Act 1952) in open vessels; and any such holder who does so shall be liable on a first conviction to a fine not exceeding ten pounds, and on a subsequent conviction to a fine not exceeding twenty pounds.”

2. In section 66(1), for the words “a kind of retailer's on-licence other than that requested by the applicant” there shall be substituted the words “the types of liquor (including, if the court thinks fit, types of liquor other than those in respect of which the application for the licence was made) which may be sold under the licence.”.

3. In section 68(1), for the words “licences” and “those licences” there shall be substituted respectively the words “licence” and “that licence”.

4. In section 69, for paragraphs (b) and (c) there shall be substituted the following—

“(b) on an application for the grant of a licence under this Part of this Act, specify, as types of liquor which may be sold under the licence, types other than those in respect of which the application for the licence was made; or

(c) on an application for renewal of a licence under this Part of this Act, do not comply with any request duly made by the applicant for a change in the specification of the types of liquor which may be sold under the licence; or”.

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5. In section 134(2), for the words "an excise licence for the sale of exciseable liquor" there shall be substituted the words "a certificate".

6. In section 135(2), for the words "an excise licence for the sale of exciseable liquor" there shall be substituted the words "a certificate".

7. In section 141(1), for the words "an excise licence" there shall be substituted the words "a certificate".

8. At the end of section 144 there shall be added the following subsection:—

"(6) This section shall apply to any premises or place where exciseable liquor is sold under a special permission as it applies to the bar of the licensed premises of the holder of the special permission."

9. In section 161, for the words from "in respect of which no certificate is held" to "has been granted)" there shall be substituted the words "to which section 198(b) of this Act applies)".

10. In section 164(4), for the words "no excise licence for the sale of exciseable liquor is in force" there shall be substituted the words "none of the following is in force, that is to say—

(a) a certificate ;

(b) a licence under Part III of this Act ;

(c) a certificate of registration under Part XI of this Act."

11. In section 173, in paragraph (1), for the words "an excise licence" there shall be substituted the words "a certificate or a wholesaler's excise licence".

12. In section 198, for paragraph (a) there shall be substituted the following—

"(a) make unlawful trafficking in exciseable liquor in a canteen held under the authority of a Secretary of State ;".

13. In section 198, for paragraph (b) there shall be substituted the following—

"(b) make unlawful trafficking in exciseable liquor in a theatre erected before 1st January 1904 ;".

14. In section 198, for paragraph (d) there shall be substituted the following—

"(d) make unlawful trafficking, with passengers in an aircraft, vessel or railway passenger vehicle, in exciseable liquor for consumption on board the aircraft or vessel or in the railway passenger vehicle if the aircraft or vessel is employed for the carriage of passengers and is being flown or navigated from a place in the United Kingdom to another such place or from and to the same place in the United Kingdom on the same day, or, as the case may be, if the railway passenger vehicle is a vehicle in which passengers can be supplied with food ;".

15. In Schedule 3, in the paragraph beginning "Does the applicant hold", for the words "an excise licence for the sale of exciseable liquor" there shall be substituted the words "a certificate under the Licensing (Scotland) Act 1959, or a licence under Part III of that Act"; and for the words "that licence" there shall be substituted the words "that certificate or, as the case may be, that licence"; and, in the paragraph beginning "Has the applicant any interest", for the words "an excise licence for the sale of exciseable liquor" there shall be substituted the words "a certificate under the Licensing (Scotland) Act 1959 or a licence under Part III of that Act", and for the words "a certificate" there shall be substituted the words "such a certificate or licence".

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1959 c. 51.

16. In Schedule 6, in paragraph 3, for the words "the kind of retailer's on-licence which is desired" there shall be substituted the words "the types of liquor which it is desired to sell under the licence".

17. In Schedule 8, in paragraph 4(1)(a), for the words "liquors for the sale of which an excise licence is required," there shall be substituted the words "exciseable liquor".

B. The Licensing (Scotland) Act 1962
(10 & 11 Eliz. 2. c. 51)

18. At the end of section 14 there shall be added the following subsection:—

"(9) Subsections (1) to (4), (6) and (7) of this section shall apply to any premises or place where exciseable liquor is sold under a special permission as they apply to the licensed premises of the holder of the special permission."

19. In section 16, in subsection (1), for the word "an" there shall be substituted the words "a wholesaler's".

20. In section 21, for subsection (3) there shall be substituted the following subsection:—

"(3) In this section the expression "passenger vessel" means a vessel of any description employed for the carriage of passengers which goes from any place in the United Kingdom to any other such place, or goes from and returns to the same place in the United Kingdom on the same day."

SCHEDULE 9

Section 6.

AMENDMENTS TO CUSTOMS AND EXCISE ACT 1952 CONSEQUENTIAL
ON SECTION 6 OF THIS ACT

1. In section 102(2)(b), for the words from "and delivered" onwards there shall be substituted the words "a proper spirits advice note or spirits consignment note".

2. In section 146(3), for the words "subsection (6) of section one hundred and eight of this Act" there shall be substituted the words "section 6(3) of the Finance Act 1967".

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1960 c. 44

3. In section 241 as amended by Schedule 1 to the Finance Act 1960—

- (a) in subsection (1A), after the word “that” there shall be inserted the words “a spirits advice note or”;
- (b) in subsection (2)—
 - (i) for the words from “deliver” to “produce a” there shall be substituted the words “keep or produce a spirits advice note”;
 - (ii) for the words “permit or note” there shall be substituted the words “note or, as the case may be, the note and any copy thereof”.

4. In section 242(1) as amended by the said Schedule 1—

- (a) for the words from “permit” where it first occurs to the word “goods” where it first occurs there shall be substituted the words “spirits advice note”;
- (b) in paragraph (aa), after the word “proper” there shall be inserted the words “spirits advice note or”;
- (c) in paragraphs (c), (d) and (e) for the word “permit” there shall be substituted the words “spirits advice note”.

5. In section 242(2)—

- (a) for the words from “required” to “permit” where first occurring there shall be substituted the words “in connection with the removal of which a spirits advice note is required by or under the customs or excise Acts”;
- (b) for the words from “permit” in the second place where it occurs to “permit” in the third place where it occurs there shall be substituted the words “spirits advice note having been duly sent or in contravention of section 6(3) of the Finance Act 1967, or in the case of which an altered or untrue spirits advice note has been sent”.

6. In section 243, for the word “permit” in both places where it occurs, there shall be substituted the words “spirits advice note”.

7. In the proviso to section 253(3), for the words “this Act as to permits for the” there shall be substituted the words “section 6(2) and (3) of the Finance Act 1967 in connection with the sending out or other”.

Section 20.

SCHEDULE 10

GROUP RELIEF

Trading losses

1965 c. 25.

1.—(1) If in any accounting period ending after the passing of this Act the one company has incurred a loss, computed as for the purposes of section 58(2) of the Finance Act 1965 (set-off of loss against total profits), in carrying on a trade, the amount of the loss may be set off for purposes of corporation tax against the total profits of the other company for its corresponding accounting period.

(2) Sub-paragraph (1) above shall not apply to so much of a loss as is excluded from the said section 58(2) by subsection (4) of that section (trades falling under Case V of Schedule D, trades not carried on on a commercial basis, etc.), or by section 22 of this Act.

(3) In the case of a claim made by a company as a member of a consortium only a fraction of the amount of the loss may be set off under sub-paragraph (1) above, and that fraction shall be equal to that member's share in the consortium, subject to any further reduction under paragraph 6(2) of this Schedule.

Capital allowances

2.—(1) If for any accounting period ending after the passing of this Act any capital allowances fall to be made to the one company which are to be given by discharge or repayment of tax and are to be available primarily against a specified class of income, so much of the amount of those capital allowances (exclusive of any carried forward from an earlier period) as exceeds its income of the relevant class arising in that accounting period (before deduction of any losses of any other period or of any capital allowances) may be set off for purposes of corporation tax against the total profits of the other company for its corresponding accounting period.

(2) In the case of a claim made by a company as a member of a consortium only a fraction of the excess referred to in sub-paragraph (1) above may be so set off, and that fraction shall be equal to that member's share in the consortium, subject to any further reduction under paragraph 6(2) of this Schedule.

Expenses of management

3.—(1) If for any accounting period ending after the passing of this Act the one company (being an investment company) may under section 57(1) of the Finance Act 1965 deduct any amount as expenses of management disbursed for that accounting period, so much of that amount (exclusive of any amount only deductible by virtue of subsection (2) of the said section 57) as exceeds the company's profits of that accounting period may be set off for purposes of corporation tax against the total profits of the other company (whether an investment company or not) for its corresponding accounting period. 1965 c. 25.

(2) The surrendering company's profits of the period shall be determined for the purposes of this paragraph without any deduction under the said section 57 and without regard to any deduction falling to be made in respect of losses or allowances of any other period.

(3) References in this paragraph to section 57 of the Finance Act 1965 do not include references to that section as applied by section 69 of that Act to companies carrying on life assurance business.

(4) In the case of a claim made by a company as a member of a consortium only a fraction of the amount of the excess referred to in sub-paragraph (1) above may be set off under that sub-paragraph, and that fraction shall be equal to that member's share in the consortium, subject to any further reduction under paragraph 6(2) of this Schedule.

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Charges on income

4.—(1) If in any accounting period ending after the passing of this Act the one company has paid any amount by way of charges on income, so much of that amount as exceeds its profits of the period may be set off for purposes of corporation tax against the total profits of the other company for its corresponding accounting period.

1965 c. 25.

(2) The surrendering company's profits of the period shall be determined for the purposes of this paragraph without regard to any deduction falling to be made in respect of losses or allowances of any other period, or to expenses of management only deductible by virtue of subsection (2) of section 57 of the Finance Act 1965.

(3) In the case of a claim made by a company as a member of a consortium only a fraction of the excess referred to in sub-paragraph (1) above may be set off under that sub-paragraph, and that fraction shall be equal to that member's share in the consortium, subject to any further reduction under paragraph 6(2) of this Schedule.

Relation of group relief to other relief

5.—(1) Group relief for an accounting period shall be allowed as a deduction against the claimant company's total profits for the period before reduction by any relief derived from a subsequent accounting period, but as reduced by any other relief from tax.

(2) The said other relief shall be determined on the assumption that the company makes all relevant claims under section 58(2) and section 56(6) of the Finance Act 1965 (set-off of trading losses and capital allowances against total profits).

(3) The said other relief includes relief under section 52(1) of the Finance Act 1965 (charges on income), and notwithstanding the requirement in the said section 52(1) that the relief is to be against total profits as reduced by any other relief, group relief shall not affect relief under the said section 52(1).

(4) For the purposes of this paragraph "relief derived from a subsequent accounting period" means—

- (a) relief under section 58(2) of the Finance Act 1965 in respect of a loss incurred in an accounting period after the accounting period the profits of which are being computed, and
- (b) relief under section 56(6) of that Act in respect of capital allowances falling to be made for an accounting period after the accounting period the profits of which are being computed, and
- (c) relief under section 87 of that Act (transitional relief on cessation of trade etc.) where the company ceases to possess the source of income in question at a time after the end of the accounting period the profits of which are being computed, and
- (d) relief under section 59 of that Act (terminal loss in a trade) in respect of a loss incurred in an accounting period after the end of the accounting period the profits of which are being computed.

(5) The reductions to be made in total profits of an accounting period against which any relief derived from a subsequent accounting period is to be set off shall include any group relief for that first-mentioned accounting period, and this sub-paragraph shall have effect notwithstanding that under section 87(3) of the Finance Act 1965 relief under that section is to be given in priority to any other relief. SCH. 10
1965 c. 25.

Corresponding accounting periods

6.—(1) For the purposes of this Schedule any accounting period of the claimant company which falls wholly or partly within an accounting period of the surrendering company corresponds to that accounting period.

(2) If an accounting period of the surrendering company and a corresponding accounting period of the claimant company do not coincide—

- (a) the amount which may be set off against the total profits of the claimant company for the corresponding accounting period shall be reduced by applying the fraction $\frac{A}{B}$ (if that fraction is less than unity), and
- (b) the said profits against which the amount mentioned in paragraph (a) above (as reduced where so required) may be set off shall be reduced by applying the fraction $\frac{A}{C}$ (if that fraction is less than unity),

where

- “ A ” is the length of the period common to the two accounting periods,
- “ B ” is the length of the accounting period of the surrendering company, and
- “ C ” is the length of the corresponding accounting period of the claimant company.

Companies joining or leaving group or consortium

7. Subject to paragraph 8 below, group relief shall be given if, and only if, the surrendering company and the claimant company are members of the same group, or fulfil the conditions for relief for a consortium, throughout the whole of the surrendering company's accounting period to which the claim relates, and throughout the whole of the corresponding accounting period of the claimant company.

8.—(1) This paragraph has effect where on any occasion two companies become or cease to be members of the same group.

(2) For the purposes specified below it shall be assumed as respects each company that on that occasion (unless a true accounting period of the company begins or ends then) an accounting period of the company ends, and a new one begins, the new accounting period to end with the end of the true accounting period (unless before then there is a further break under this sub-paragraph), and—

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- (a) that the losses or other amounts of the true accounting period are apportioned to the component accounting periods on a time basis according to their lengths, and
 - (b) that the amount of total profits for the true accounting period of the company against which group relief may be allowed in accordance with paragraph 5(1) of this Schedule is also so apportioned to the component accounting periods.
- (3) Where the one company is the surrendering company and the other company is the claimant company—
- (a) references to accounting periods, to profits, and to losses, allowances, expenses of management or charges on income of the surrendering company, in paragraphs 1 to 4 of this Schedule shall be construed in accordance with sub-paragraph (2) above,
 - (b) references to accounting periods in paragraphs 6 and 7 of this Schedule shall be so construed (so that if the two companies are members of the same group in the surrendering company's accounting period, they must under paragraph 6 also be members of the same group in any corresponding accounting period of the claimant company),
 - (c) references to profits, and amounts to be set off against the profits, in the said paragraph 6 shall be so construed (so that an amount apportioned under sub-paragraph (2) above to a component accounting period may fall to be reduced under the said paragraph 6(2)).
- (4) This paragraph shall apply with the necessary modifications where a company begins or ceases to fulfil the conditions for relief for a consortium, either as a surrendering company or as a claimant company, as it applies where two companies become or cease to be members of the same group.

Exclusion of double allowances, etc.

9.—(1) Relief shall not be given more than once in respect of the same amount, whether by giving group relief and by giving some other relief (in any accounting period) to the surrendering company, or by giving group relief more than once.

(2) In accordance with sub-paragraph (1) above, two or more claimant companies cannot, in respect of any one loss or other amount for which group relief may be given, and whatever their accounting periods corresponding to that of the surrendering company, obtain in all more relief than could be obtained by a single claimant company whose corresponding accounting period coincided with the accounting period of the surrendering company.

(3) If claims for group relief are made by more than one claimant company which relate to the same accounting period of the same surrendering company, and—

- (a) all the claims so made are admissible only by virtue of paragraph 8 above, and
- (b) there is a part of the surrendering company's accounting period during which none of those claimant companies is a member of the same group as the surrendering company,

those claimant companies shall not obtain in all more relief than could be obtained by a single claimant company which was not a member of the same group as the surrendering company during that part of the surrendering company's accounting period (but was a member during the remainder of that accounting period).

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(4) If claims for group relief are made by a claimant company as respects more than one surrendering company for group relief to be set off against its total profits for any one accounting period, and—

- (a) all the claims so made are admissible only by virtue of paragraph 8 above, and
- (b) there is a part of the claimant company's accounting period during which none of the surrendering companies by reference to which the claims are made is a member of the same group as the claimant company,

the claimant company shall not obtain in all more relief to be set off against its profits for the accounting period than it could obtain on a claim as respects a single surrendering company (with unlimited losses and other amounts eligible for relief) which was not a member of the same group as the claimant company during that part of the claimant company's accounting period (but was a member during the remainder of that accounting period).

(5) The provisions of this sub-paragraph have effect as respects a claim for group relief made by a company as a member of a consortium, in this sub-paragraph referred to as a "consortium claim"—

- (a) a consortium claim, and a claim other than a consortium claim, shall not both have effect as respects the loss or other amount of the same accounting period of the same surrendering company, unless each of the two claims is as respects a loss or other amount apportioned under paragraph 8(2)(a) above to a component of that accounting period, and the two components do not overlap.
- (b) in sub-paragraphs (3) and (4) above consortium claims shall be disregarded,

and paragraph (a) above shall take effect according to the order in which claims are made.

(6) Without prejudice to the provisions of section 331(5) of the Income Tax Act 1952, any reference in Part X of that Act to an allowance made includes a reference to an allowance which would be made but for the granting of group relief, or but for that and but for an insufficiency of profits or other income against which to make it. 1952 c. 10.

Claims and adjustments

10.—(1) A claim for relief under this Schedule—

- (a) need not be for the full amount available,
- (b) shall require the consent of the surrendering company notified to the inspector in such form as the Board may require, and

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(c) must be made within two years from the end of the surrendering company's accounting period to which the claim relates.

(2) A claim for group relief by a company as a member of a consortium shall require the consent of each other member of the consortium, notified to the inspector in such form as the Board may require, in addition to the consent of the surrendering company.

(3) If the inspector discovers that any group relief which has been given is or has become excessive he may make an assessment to tax under Case VI of Schedule D in the amount which ought in his opinion to be charged.

1964 c. 37.

This sub-paragraph is without prejudice to the making of an assessment under section 5(3)(c) of the Income Tax Management Act 1964, and to the making of all such other adjustments by way of discharge or repayment of tax or otherwise as may be required where a claimant company has obtained too much relief, or a surrendering company has forgone relief in respect of a corresponding amount.

The three-year surplus

1965 c. 25.

1966 c. 18.

11. Paragraphs 1 to 5 and 9 of this Schedule (as they relate either to a surrendering company or to a claimant company) shall not affect the calculation of the three-year surplus under section 85(6) of the Finance Act 1965 as amended by Schedule 7 to the Finance Act 1966.

Companies with overseas trading income

12. If under paragraph 3(4)(b) of Schedule 20 to the Finance Act 1965 the appropriate fraction of a loss incurred by one company is set off (for the purposes of section 84(3) of that Act) against income of another company, group relief in respect of that part of the loss shall be left out of account in any computation under the said section 84(3) as respects that other company or any other company.

Cancellation of tax advantages from certain transactions in securities

1960 c. 44.

13.—(1) The reference in section 28(2)(a) of the Finance Act 1960 to a person being entitled by reason of any exemption from tax to recover tax in respect of dividends received by him shall include a reference to his being so entitled by reason of the giving of group relief.

(2) Where a company in the circumstances mentioned in section 28(2)(b) of that Act becomes entitled to a deduction as there mentioned, that section shall apply in relation to any tax advantage which in consequence of that deduction is obtained or obtainable by another company by way of group relief, as if obtained or obtainable by the other company in circumstances falling within the said paragraph (b).

SCHEDULE 11

Section 24.

AMENDMENTS OF CORPORATION TAX ACTS

PART I

GENERAL

Life assurance business : relief for management expenses

1. —(1) In section 69(2) of the Finance Act 1965 (which restricts 1965 c. 25. relief for management expenses for life assurance companies not charged to tax under Case I of Schedule D by reference to the corporation tax which would be payable if they were so charged) the following shall be substituted for the words from the beginning of the subsection to the end of paragraph (b):—

“(2) Relief in respect of management expenses shall not be given to any such company, whether under section 62 of this Act or under subsection (1) above, so far as it would, if given in addition to all other reliefs to which the company is entitled, reduce the income tax and corporation tax borne by the company on the income and gains of its life assurance business for any accounting period to less than would have been paid if the company had been charged to tax in respect of that business under Case I of Schedule D; and where relief has been withheld in respect of any accounting period by virtue of this subsection, the excess to be carried forward by virtue of section 57(2) of this Act shall be increased accordingly.”

(2) Sub-paragraph (1) above shall have effect for accounting periods ending on or after 6th April 1966.

Life assurance business : repayment of tax on investment income

2.—(1) Section 69(7) of the Finance Act 1965 (which prohibits, in general, the repayment of income tax on the policy holders' share of the franked investment income from investments held in connection with a company's life assurance business) shall have effect in relation to any income as if, for the reference to such part of it as belongs or is allocated to, or is reserved for or expended on behalf of, policy holders, there were substituted a reference to the part of it specified in sub-paragraph (3) below.

(2) Section 427(2) of the Income Tax Act 1952 (under which, where 1952 c. 10 the tax on its investment income exceeds seven shillings and sixpence in the pound, a company is entitled, notwithstanding the said section 69(7), to repayment of the excess on the policy holders' share) shall have effect in relation to any income as if, for the references in paragraphs (a) and (b) to such part of it as, in the opinion of the Commissioners, belongs or is allocated to, or is reserved for or expended on behalf of, policy holders, there were substituted references to the part specified in sub-paragraph (3)

SCH. 11 below of so much of that income as has not been excluded from charge to tax by virtue of any provision and against which no relief has been allowed by deduction or set-off.

(3) The said part shall be, in the case of any income, the same fraction of it as the fraction which, on a computation of the profits of the company in respect of its life assurance business in accordance with the provisions applicable to Case I of Schedule D (whether or not the company is in fact charged to tax under that Case for the relevant accounting period or periods) would be connoted by the words in section 427(1) of the said Act of 1952 "such part of those profits as belongs or is allocated to, or is reserved for, or expended on behalf of, policy holders or annuitants":

Provided that, if the income exceeds the profits as computed in accordance with those provisions other than the said section 427(1), the said part shall be that fraction of the income so far as not exceeding the profits, together with the amount of the excess.

(4) Sub-paragraph (2) above shall not affect the said section 427(2) as it applies by virtue of the said section 69 to chargeable gains.

(5) Sub-paragraphs (1) and (2) above shall have effect, as respects income tax, for the year 1966-67 as well as subsequent years of assessment and, as respects corporation tax, for accounting periods ending on or after 6th April 1965.

(6) For the avoidance of doubt, it is hereby declared that the reference in the said section 69(7) to repayment of income tax includes a reference to the setting off of income tax against tax which the company is liable to pay in respect of its own distributions.

(7) The said section 69(7), as amended by sub-paragraph (1) above, shall not be taken to apply to repayments of income tax under section 62 of the said Act of 1965.

1966 c. 18.

(8) Paragraph 9(3) of Schedule 5 to the Finance Act 1966 (which provides that franked investment income by virtue of which annuities have been treated as charges on income shall be left out of account under section 48 of the said Act of 1965) shall have effect, and be deemed always to have had effect, as if, for the words "shall be left out of account under section 48 of the Finance Act 1965", there were substituted the words "shall be income the tax on which is not available for set-off against income tax which the company is liable to pay in respect of its own distributions".

Company distributions : transfers between companies and their members or participators

1965 c. 25.

3.—(1) Schedule 11 to the Finance Act 1965 (which defines company distributions for the purposes of Part IV of that Act) shall have effect, and be deemed always to have had effect, subject to the amendments specified in sub-paragraphs (2) and (3) below.

(2) At the end of paragraph 1(2) of that Schedule (which relates to the transfer of assets and liabilities between companies and their members) there shall be inserted the following proviso:—

“ Provided that, where the company and the member receiving the benefit are both resident in the United Kingdom and either the former is a subsidiary of the latter or both are subsidiaries of a third company also so resident (the question whether one body is another’s subsidiary being determined as if for the purposes of section 48(3) of this Act, subject to the modification that a body shall be treated as not being the owner of any share capital which it owns directly if a profit on the sale of the shares would be treated as a trading receipt of that body), the said amount shall not be treated as a distribution.”

(3) After the proviso to paragraph 9(2) of that Schedule (which relates to the provision by close companies of benefits for participators) there shall be inserted the following additional proviso:—

“ And provided also that where—

(a) the company and the participator are both resident in the United Kingdom and one is a subsidiary of the other or both are subsidiaries of a third company also so resident (the question whether one body is another’s subsidiary being determined as if for the purposes of section 48(3) of this Act, subject to the modification that a body shall be treated as not being the owner of any share capital which it owns directly if a profit on the sale of the shares would be treated as a trading receipt of that body), and

(b) the benefit to the participator arises on or in connection with a transfer of assets or liabilities by the company to him or to the company by him,

the said amount shall not be treated as a distribution.”

(4) If any amount would, but for sub-paragraph (2) or (3) above, be treated as, or as part of, a distribution made in or after the year 1966-67 and would as so treated constitute also the net amount of a relevant distribution within the meaning of section 65 of the Finance Act 1965 (dividend stripping) then, for the purposes of corporation tax in respect of any chargeable gains, that amount shall be treated as if it were a capital distribution (within the meaning of Part III of the Finance Act 1965) received in respect of the holding. 1965 c. 25.

(5) Sub-paragraphs (2) and (3) above shall not affect the meaning of ‘distribution’ for the purposes of paragraphs 5, 6(1) and 7 of Schedule 17 to the Finance Act 1965 (dividend stripping: relation of distributions to profits), except so far as the said sub-paragraphs (2) and (3) relieve the company from liability to account for income tax otherwise falling under paragraph 5(1) of the said Schedule 17 to be included in a distribution.

(6) There shall be made all such adjustments by way of discharge or repayment of tax as are necessary to give effect to the preceding provisions of this paragraph.

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1965 c. 25.

Dividend stripping

4.—(1) Section 65(6) of the Finance Act 1965 (election for treatment of dividends as group income: exclusion of relevant distributions) shall cease to have effect.

(2) Section 65(3) of the Finance Act 1965 (relevant distribution received by a company which is not a dealer: net amount of relevant distribution to be treated as a capital distribution in respect of the holding) shall apply to group income as if in the phrase “the net amount of the relevant distribution” the word “net” were omitted.

(3) The said section 65 shall be deemed always to have had effect subject to this paragraph, and there shall be made all such adjustments by way of discharge or repayment of tax as are necessary to give effect to its provisions.

Tax on company in liquidation

5.—(1) In this paragraph references to a company’s final year are references to the financial year in which the affairs of the company are completely wound up, and references to a company’s penultimate year are references to the last financial year preceding its final year.

(2) Corporation tax shall be charged on the profits of the company arising in the winding-up in its final year at a rate which, subject to sub-paragraph (3) below, shall be the rate of corporation tax fixed for the penultimate year.

(3) If the affairs of the company are completely wound up before an Act is passed fixing the rate of corporation tax for its penultimate year, corporation tax shall be charged on the company’s profits arising in the winding-up in its final year, and if the winding-up commenced before the final year, on the company’s profits arising at any time in its penultimate year, at the rate of corporation tax fixed by the budget resolution for the penultimate year (and without regard to the rate fixed by any subsequent Act); and any assessment made by virtue of section 49(5) of the Finance Act 1965 (provisional rate of tax) shall be subject to any such adjustment, by discharge or repayment of tax or by a further assessment, as may be required to give effect to this sub-paragraph.

(4) An assessment on the company’s profits for an accounting period which falls after the commencement of the winding-up shall not be invalid because made before the end of the accounting period.

(5) In making an assessment after the commencement of the winding up of the company but before the date when its affairs are completely wound up, the inspector may, with the concurrence of the liquidator, act on an assumption as to when that date will fall, so far as it governs section 51(6) of the Finance Act 1965 (company’s accounting period or accounting periods beginning with commencement of winding up).

(6) The assumption of the wrong date shall not alter the company’s final and penultimate year, and if the right date is later an

accounting period shall end on the date assumed, and a new accounting period shall begin and the said section 51(6) shall thereafter apply as if that new accounting period began with the commencement of the winding up.

(7) In this paragraph "budget resolution" means a resolution of the Committee of Ways and Means of the House of Commons, or of the House of Commons, for fixing the rate of corporation tax for the financial year in question, and if there is more than one such resolution, means the first of them.

(8) This paragraph shall have effect as respects any winding up completed after the passing of this Act.

Close company : 35 per cent. test for quoted shares

6.—(1) In paragraph 1(3) of Schedule 18 to the Finance Act 1965 1965 c. 25. (under which certain companies with quoted shares are not close companies) "beneficially held by the public" shall be construed in accordance with this paragraph, and a corresponding construction shall be given to the reference to shares which have been allotted unconditionally to, or acquired unconditionally by, the public.

(2) Shares shall be deemed to be beneficially held by the public if, and only if, sub-paragraph (3) below so provides, and if they are not within the exceptions in paragraph (a), (b) or (c) of the said paragraph 1(3) (shares held by a director of the company or his associate or by certain other companies) or within the exception in sub-paragraph (4) below.

(3) Shares shall be deemed to be beneficially held by the public—

- (a) if beneficially held by a company resident in the United Kingdom which is not a close company, or by a company not so resident which would not be a close company if it were so resident, or
- (b) if held on trust for a fund or scheme approved under section 379 or section 388 of the Income Tax Act 1952 1952 c. 10. (superannuation funds and retirement schemes), or
- (c) if they are not comprised in a principal member's holding.

(4) Shares shall not be deemed to be held by the public if held as part of any fund the capital or income of which is applicable or applied wholly or mainly for the benefit of, or of the dependants of, the employees or directors, or past employees or directors, of the company, or of any company within paragraph (b) or (c) of the said paragraph 1(3).

(5) In paragraphs (a), (b) and (c) of the said paragraph 1(3) references to shares held by any person include references to any shares the rights or powers attached to which could be attributed to that person under paragraph 3(3) of Schedule 18 to the Finance Act 1965.

(6) The said paragraph 1(3) shall not apply at any time when the total percentage of the voting power in the company possessed by all the principal members of the company exceeds 85 per cent.

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(7) For the purposes of this paragraph a person is a principal member of a company if he possesses a percentage of the voting power in the company of more than 5 per cent. and, where there are more than five such persons, if he is one of the five persons who possess the greatest percentages or if, because two or more persons possess equal percentages of the voting power in the company, there are no such five persons, he is one of the six or more persons (so as to include those two or more who possess equal percentages) who possess the greatest percentages.

1965 c. 25.

(8) In arriving at the voting power which a person possesses there shall be attributed to him any voting power which would be attributed to him for the purposes of paragraph 3 of Schedule 18 to the Finance Act 1965 (definition of control) by sub-paragraphs (3) and (4) of that paragraph (nominees, controlled companies and associates).

(9) A principal member's holding consists of the shares which carry the voting power possessed by him.

(10) This paragraph shall be deemed to have come into force on 11th April 1967.

Computation of close company's distributable profits

7.—(1) In paragraph 7(1) of Schedule 18 to the Finance Act 1965 for the words

“(b) any franked investment income, less the amount of any relief given against it for management expenses or charges on income”

there shall be substituted the words

“(b) any franked investment income, less the amount of any relief given against it under subsection (1) or subsection (7) of section 62 of this Act”

so that paragraph (b) refers to all relief under the said section 62, and not only to relief given under that section against management expenses or charges on income.

(2) For the purposes of the said paragraph 7 as it applies to any company in any accounting period the amount on which corporation tax falls finally to be borne (but not the amount of that tax) shall be computed as if the said section 62 did not include subsection (5) of that section (which, as extended by subsection (6) of that section, makes an adjustment where in any year of assessment distributions exceed franked investment income so as to allow losses, allowances, management expenses or charges on income against which franked investment income arising in an earlier year of assessment has been set off to be carried forward).

(3) This paragraph shall have effect as respects franked investment income arising in the year 1966-67 or in subsequent years of assessment.

Close companies in liquidation

8.—(1) Sections 77 and 78 of the Finance Act 1965 (shortfall in distributions of close company, and apportionment for surtax of close company's income) shall, notwithstanding the winding-up of a com-

pany, or the passing of any resolution or the making of any order or anything else done for the winding up of a company, continue to apply as if the company were not being wound up. SCH. 11

(2) Paragraph 12 of Schedule 18 to the Finance Act 1965 (modification of the required standard for ascertaining shortfall in distributions of close company) shall apply for any accounting period ending after the date of a winding-up resolution or other event mentioned in paragraph 13(1) of that Schedule. 1965 c. 25.

(3) Where any such event occurs in the case of a close company, then any assessment on the company in respect of a shortfall in distributions for an accounting period after that event shall be an assessment as for a distribution made immediately before the end of that accounting period, and the amount due under the assessment shall be recoverable accordingly.

(4) Paragraph 13(3) of the said Schedule 18 (which is superseded by this paragraph) shall cease to have effect.

(5) This paragraph has effect as respects accounting periods beginning after 11th April 1967.

Close companies: "director" and "associate"

9. It is hereby declared that in paragraph 6(2)(c) and paragraph 6(3) of Schedule 18 to the Finance Act 1965 (definitions of director) the expression "either on his own or with one or more associates" requires a person to be treated as owning or as the case may be controlling what any associate owns or controls even if he does not own or control share capital on his own, and that—

(a) in the proviso to the said paragraph 6(3) the expression "apportioned to him together with his associates (if any)", and

(b) in paragraph 18(1)(b) of Schedule 5 to the Finance Act 1966 (definition of associate) the expression "either on his own or with his relatives"

have a corresponding meaning.

PART II

COLLECTION OF TAX ON COMPANY DISTRIBUTIONS AND OTHER PAYMENTS

Assessments

10.—(1) Income tax which has become due in accordance with paragraph 2(3) of Schedule 12 to the Finance Act 1965 (tax in respect of distributions and other payments to which paragraph 1 of that Schedule applies) may be assessed on the company (whether or not it has been paid when the assessment is made) if that tax, or any part of it, is not paid on or before the due date.

(2) Paragraph 2(4) of the said Schedule 12 (distributions not included in returns, and estimated assessments) shall apply to payments to which paragraph 1 of that Schedule applies which are not distributions as it applies to payments which are distributions.

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1965 c. 25.
1966 c. 18.

(3) Any tax assessable under sub-paragraph (1) above and any tax assessable under the said paragraph 2(4) may be included in one assessment if the tax so included is all due on the same date, and Schedule 12 to the Finance Act 1965, paragraph 17 of Schedule 6 to the Finance Act 1966 and this Part of this Schedule shall apply to tax assessable or assessed under sub-paragraph (1) above as they apply to tax assessable or assessed under the said paragraph 2(4).

1952 c. 10.
1960 c. 44.

(4) All the provisions of the Income Tax Acts as to the time within which an assessment may be made, so far as they refer or relate to the year of assessment for which an assessment is made, or the year of assessment to which an assessment relates, shall apply to an assessment under the said Schedule 12 (including an assessment under sub-paragraph (1) above) notwithstanding that, under the provisions of the said Schedule 12, the assessment may be said to relate to a month rather than to a year of assessment, and the provisions of section 47(1) of the Income Tax Act 1952 and of section 51 of the Finance Act 1960 as to the circumstances in which an assessment may be made out of time shall apply accordingly on the footing that any such assessment relates to the year of assessment the standard rate for which is the rate at which tax is charged by the assessment.

Relief for income tax on franked investment income and other company income

11.—(1) Where a claim has been made under paragraph 3 of the said Schedule 12 no proceedings for collecting tax which would fall to be discharged if the claim were allowed shall be instituted pending the final determination of the claim, but this sub-paragraph shall not affect the date when the tax is due.

(2) When the claim is finally determined any tax underpaid in consequence of sub-paragraph (1) above shall be paid.

(3) Where proceedings are instituted for collecting tax assessed, or interest on tax assessed, under paragraph 10(1) of this Schedule or paragraph 2(4) or (5) of the said Schedule 12, effect shall not be given to any claim made after the institution of the proceedings so as to affect or delay the collection or recovery of the tax charged by the assessment or of interest thereon, until the claim has been finally determined.

(4) When the claim is finally determined any tax overpaid in consequence of sub-paragraph (3) above shall be repaid.

Due date of tax

12.—(1) An appeal against an assessment under the said Schedule 12 (including an assessment under paragraph 10(1) above) shall not affect the date when the tax is due under paragraph 2(3) of that Schedule, and in paragraph 5(1) of that Schedule the words "subject to any appeal against the assessment" shall have effect subject to this sub-paragraph :

Provided that this sub-paragraph shall not apply to an appeal of which notice has been given to the inspector before 25th April 1967.

(2) On the determination of any such appeal any tax overpaid shall be repaid. SCH. 11

(3) Section 58 of the Finance Act 1960 (interest on tax recovered to make good loss due to a taxpayer's fault) shall not apply in relation to tax under the said Schedule 12. 1960 c. 44.

Adjustments at end of year

13. Where the amount of any tax payable in accordance with sub-paragraph (2) of paragraph 1 of the said Schedule 12 (adjustment at end of year) is agreed between the company and the inspector—

- (a) the making of an assessment charging that tax, or an appeal against the assessment, shall not affect the date when the tax is due (that is to say, as provided by paragraph 5(1) of the said Schedule 12, fourteen days after the tax is so agreed), and
- (b) the power of making an assessment under sub-paragraph (3) of the said paragraph 1 shall include power to make an assessment of the tax on that company if that tax, or any part of it, is not paid within the said fourteen days after the tax is so agreed (whether or not it has been paid when the assessment is made).

Interest on tax

14.—(1) It is hereby declared that paragraph 5(3) of the said Schedule 12 (which applies section 495 of the Income Tax Act 1952 relating to interest on overdue income tax) applies to income tax which, in accordance with that Schedule, is paid without the making of any assessment (but is paid after it is due), and that where the tax is charged by an assessment (whether or not any part of it has been paid when the assessment is made) it applies as respects interest running before as well as after the making of the assessment. 1952 c. 10.

(2) Section 495(3)(b) of the Income Tax Act 1952 (exemption where interest on tax charged by an assessment does not exceed one pound, or where the amendment made by this Act has effect, five pounds) shall have effect as so applied—

- (a) as if all tax due from a company in accordance with paragraph 2(3) of the said Schedule 12 for any month, whether or not it is actually assessed, were included in a single assessment, and
- (b) as if all tax due from a company in accordance with paragraph 1(2) of the said Schedule 12 for any year, whether or not it is actually assessed, were included in a single assessment.

(3) The discharge or repayment of tax in respect of distributions, or payments other than distributions, made in any month in a year of assessment by setting off, under paragraph 3 of the said Schedule

SCH. 11
1952 c. 10. 12, income tax in respect of any franked investment income or other payment received in a later month in that year shall not affect interest under section 495 of the Income Tax Act 1952 on the tax so discharged or repaid—

- (a) for any period before the expiration of fourteen days from the end of the later month, unless the claim is made on an earlier date (but after the end of that later month); and
- (b) if the claim is made on an earlier date (but after the end of the later month), any period ending before that earlier date.

(4) Subject to sub-paragraph (3) above, the said section 495 shall apply as if any such tax which is discharged or repaid had never become payable.

1965 c. 25. (5) Paragraph 5(3) of Schedule 12 to the Finance Act 1965 shall not be read as applying section 496 of the Income Tax Act 1952 by applying section 495 of that Act.

(6) In this paragraph “month” has the same meaning as in paragraph 2(2) of the said Schedule 12.

Exclusion of interest on tax up to 19th November 1966

15. No tax under the said Schedule 12 shall carry interest from a date earlier than 19th November 1966.

Commencement and construction

16.—(1) This Part of this Schedule shall be construed as one with Schedule 12 to the Finance Act 1965 and shall have effect as if it had been enacted when that Act was enacted.

(2) References in this Part of this Schedule to proceedings for the collection of tax include references to proceedings by way of distraint or pouncing for tax.

Section 25.

SCHEDULE 12

**SUPPLEMENTARY AND ADDITIONAL PROVISIONS WITH RESPECT
TO SELECTIVE EMPLOYMENT TAX**

Interpretation

1966 c. 32. 1. In this Schedule, the expression “the principal Act” means the Selective Employment Payments Act 1966.

Restrictions on payments under section 25

2. Subsection (1) or (2) of section 25 of this Act shall not apply—
- (a) if the employment in question of the employed person was in, or carried out from, an establishment for the time being registered under section 7(1) of the principal Act, unless the employer shows that he is not entitled to a payment in respect of that person and the contribution week in question under section 1 or 2 of that Act; or
 - (b) if the employer is entitled in respect of the employed person and the week in question to a payment under section 5 or 6 of the principal Act; or

- SCH. 12
- (c) if the employed person's employment is an excepted employment as defined in section 10(1) of the principal Act other than employment in the Post Office Savings Bank ; or
 - (d) if the employer is an employer to whom section 3 of the principal Act applies, unless the employed person was employed in the week in question in a part of the employer's business which is specified in Part II of Schedule 1 to that Act ; or
 - (e) if the employer is, or the employed person is treated for the purposes of section 4 of the principal Act as employed by, an employer to whom the said section 4 applies ; or
 - (f) if the employer is a national health service employer, that is to say, is a body specified in Schedule 3 to the Redundancy Payments Act 1965 ;

and subsection (1) of the said section 25 shall not apply in relation to an employed person in respect of whom the employer is entitled in respect of the week in question to a payment under subsection (2) of that section.

3. The Minister shall not be required to make any payment in respect of any employed person and any contribution week under subsection (1) of the said section 25 unless the employer produces such records as the Minister may reasonably require—

- (a) of the payment of selective employment tax ;
- (b) of the number of hours worked by that employed person in that week ; and
- (c) of the number of hours of work in a week normally involved for that person in consequence of the terms of any contract or by reason of any office held by him.

4. The Minister shall not be required to make any payment in respect of any employed person and any contribution week under subsection (2) of the said section 25 unless the employer produces such records of the payment of selective employment tax and of that employed person's employment outside the United Kingdom as the Minister may reasonably require.

Claims for payments under section 25

5. Any claim for a payment under subsection (1) or (2) of the said section 25 shall be made in such form and manner, contain such particulars, and be made within such period, as the Minister may direct ; and any such payments shall be made at such times, in such manner, and subject to such conditions, if any, as the Minister may with the consent of the Treasury determine.

Determination of questions

6. The employer by whom a claim for a payment under subsection (1) or (2) of the said section 25 is made may require any question arising in connection with that claim, other than a question such as is mentioned in paragraph 7 or 8 of this Schedule, to be referred to and determined by a tribunal established under section 12 of the Industrial Training Act 1964.

1964 c. 16.

- SCH. 12 7. If any question arises under subsection (2) of the said section 25—
- 1964 c. 29. (a) as to whether a person was employed for any week outside both the United Kingdom and any area for the time being designated under section 1(7) of the Continental Shelf Act 1964 and, if so, by whom ; or
- (b) as to whether tax was not payable in respect of an employed person for any contribution week by reason of his being incapable of work as mentioned in that subsection or on unpaid leave,
- 1965 c. 51. the claimant may apply to the Minister for the determination of that question in accordance with Part IV of the National Insurance Act 1965, and for that purpose that question shall be treated as being a question such as is mentioned in section 64(1)(a) of that Act.
- 1966 c. 18. 8. For the avoidance of doubt it is hereby declared that any question arising under Part IV of this Act, under the principal Act, or under Part VI of the Finance Act 1966, as to whether, or as to the person by whom, the tax in respect of any person and any contribution week is payable or has been paid shall be treated for the purpose of its determination as being a question such as is mentioned in section 64(1)(a) of the National Insurance Act 1965.
9. Section 97 of the National Insurance Act 1965 shall apply to any proceedings involving any question which arises as mentioned in paragraph 7 or 8 of this Schedule as it applies to the proceedings referred to in that section.
- 1966 c. 6 (N.I.) 10. Paragraph 8 of this Schedule, so far as it relates to a question arising under Part VI of the Finance Act 1966, shall extend to Northern Ireland, but with the substitution for the reference to section 64(1)(a) of the National Insurance Act 1965 of a reference to section 63(1)(a) of the National Insurance Act (Northern Ireland) 1966 ; and section 93 of the last-mentioned Act shall apply to any proceedings involving any such question as it applies to the proceedings referred to in that section.

Enforcement

- 1946 c. 67. 11. Any inspector for the purposes of the National Insurance Act 1965 may, subject to the production if requested of his certificate of appointment (whether furnished under section 90(6) of that Act or under section 49(6) of the National Insurance Act 1946), enter on any premises at or from which a person in relation to whom a claim for a payment under subsection (1) or (2) of section 25 of this Act has been made is or was employed, other than premises occupied as a private dwelling and not used by, or by permission of, the occupier for the purposes of a trade or business, and—
- (a) examine and make copies of or extracts from any such records as are mentioned in paragraph 3 or, as the case may be, paragraph 4 of this Schedule ; and

(b) require any person on those premises to furnish to the inspector such information as may be reasonably required by the Minister in connection with that claim ; SCH. 12

and section 8 of the principal Act (which relates to enforcement) shall have effect as if any reference in subsection (3) thereof to subsection (1) thereof included a reference to this paragraph.

Set-off of payments

12. Where any employer is entitled to the return of any amount paid by him by way of contributions under the National Insurance Act 1965 (including selective employment tax) otherwise than by way of contributions paid on behalf of an employed person, the Minister may, if he thinks fit, deduct from that amount the amount of any payment previously made to that employer under the principal Act or Part IV of this Act which would not have been made if those contributions had not been paid. 1965 c. 51.

13. Any Minister by whom any payment falls to be made under any provision of the principal Act or of Part IV of this Act to an employer in respect of an employed person and a contribution week may deduct from the amount which would otherwise be payable any amount previously paid to that employer in respect of that person and that week by that or any other Minister under any other of those provisions.

14. Where a deduction from any payment to an employer is made under paragraph 12 or 13 of this Schedule in respect of a previous payment to that employer, the amount of that previous payment, or a part thereof equal to the amount of the deduction, shall not be otherwise recoverable from that employer.

SCHEDULE 13

Section 32.

CAPITAL GAINS

PART I

CAPITAL GAINS TAX AND CORPORATION TAX

Losses of husband and wife

1.—(1) In section 20(5) of the Finance Act 1965 in the passage "any allowable loss accruing in that year of assessment" (which restricts the losses of either husband or wife which may be set off against gains accruing to the other to losses accruing in the current year) the words "accruing in that year of assessment" shall cease to have effect, so as to remove that restriction. 1965 c. 25.

(2) This paragraph shall have effect for the years 1965-66 and 1966-67 as well as later years of assessment, and, in relation to losses accruing in the year 1965-66, and in the year 1966-67, 31st December 1967 shall be substituted for 6th July (that is 6th July 1966 and 6th July 1967) in the proviso to the said section 20(5) (time for applying for exclusion of set off of losses under the said subsection (5)).

Replacement of business assets

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1965 c. 25.

2.—(1) Where section 33(1)(a) of the Finance Act 1965 applies to exclude a gain which, in consequence of Part II of Schedule 6 to that Act, is not all chargeable gain, the amount of the reduction to be made under paragraph (b) of the said section 33(1) (corresponding reduction in allowable expenditure in respect of new asset) shall be the amount of the chargeable gain, and not the whole amount of the gain; and in subsection (2)(b) of the said section 33 (corresponding reduction in allowable expenditure in respect of the new asset where part only of the consideration in respect of the old asset has been applied as such expenditure) for the reference to the amount by which the gain is reduced under paragraph (a) of that subsection there shall be substituted a reference to the amount by which the chargeable gain is proportionately reduced under the said paragraph (a).

(2) This paragraph shall be construed as one with the said section 33.

(3) This paragraph shall have effect for all years of assessment and accounting periods beginning before or after the passing of this Act.

Compensation and insurance money

3.—(1) Where paragraph 13(3)(a) of Schedule 6 to the Finance Act 1965 applies to exclude a gain which, in consequence of Part II of that Schedule, is not all chargeable gain, the amount of the reduction to be made under paragraph (b) of the said paragraph 13(3) (corresponding reduction in allowable expenditure in respect of new asset) shall be the amount of the chargeable gain and not the whole amount of the gain; and in sub-paragraph (4)(b) of the said paragraph 13 (corresponding reduction in allowable expenditure in respect of the new asset where part only of the consideration in respect of the old asset has been applied as such expenditure) for the reference to the amount by which the gain is reduced under paragraph (a) of that sub-paragraph there shall be substituted a reference to the amount by which the chargeable gain is proportionately reduced under the said paragraph (a).

(2) This paragraph shall have effect for all years of assessment and accounting periods beginning before or after the passing of this Act.

Premiums on conversion of securities

4.—(1) This paragraph applies where, on a conversion of securities, a person receives, or becomes entitled to receive, any sum of money which is by way of consideration (in addition to his new holding) for the disposal of the converted securities.

(2) If the inspector is satisfied that the sum is small, as compared with the value of the converted securities, and so directs—

(a) receipt of the sum shall not be treated for the purposes of Part III of the Finance Act 1965 as a disposal of part of the converted securities, and

- (b) the sum shall be deducted from any expenditure allowable under the said Part III as a deduction in computing a gain or loss on the disposal of the new holding by the person receiving or becoming entitled to receive the said sum, SCH. 13

and paragraph (a) above shall have effect notwithstanding paragraph 4(4) of Schedule 7 to the Finance Act 1965 as applied to conversions of securities by paragraph 5 of that Schedule. 1965 c. 25.

(3) A person who is dissatisfied with the refusal of the inspector to give a direction under this paragraph may appeal to the Commissioners having jurisdiction on an appeal against an assessment to tax in respect of a gain accruing to him on a disposal of the securities.

(4) Paragraph 9 of Schedule 10 to the Finance Act 1966 (which deals with cases where no expenditure is attributable to the asset or that expenditure is small) shall apply as if this paragraph were mentioned in the said paragraph 9(1). 1966 c. 18.

(5) In this paragraph "conversion of securities" and "security" shall be construed in accordance with paragraph 5(3) of Schedule 7 to the Finance Act 1965.

(6) This paragraph has effect as respects sums becoming payable on or after 6th April 1967.

Shares in close company transferring assets at an undervalue

5.—(1) Paragraph 18 of Schedule 7 to the Finance Act 1965 shall not apply where the transfer of the asset is a disposal to which paragraph 2(1) of Schedule 13 to that Act (transfers within a group of companies) applies.

(2) This paragraph shall have effect for all years of assessment and accounting periods beginning before or after the passing of this Act.

Part disposals

6. It is hereby declared that paragraph 7 of Schedule 6 to the Finance Act 1965, and all other provisions for apportioning on a part disposal expenditure which is deductible in computing a gain, are to be operated before the operation of, and without regard to—

- (a) paragraph 20(1) of Schedule 7 to the Finance Act 1965 (husband and wife),
- (b) paragraph 2(1) of Schedule 13 to that Act (transfers within group of companies),
- (c) section 33 of that Act (replacement of business assets), but without prejudice to the provisions of subsection (11) of that section,
- (d) any other enactment making an adjustment to secure that neither a gain nor a loss occurs on a disposal.

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*Revival of transitory provisions in s.82 of
Finance Act 1965*

1965 c. 25.

1966 c. 18.

7. The repeal of section 82 of the Finance Act 1965 effected as respects gains and losses accruing on or after 6th April 1966 by section 53(7) of, and Part VI of Schedule 13 to, the Finance Act 1966 shall be deemed never to have extended to subsection (2) or subsection (3) of the said section 82 (exclusion of companies and local authorities from Case VII of Schedule D, and transitional application for corporation tax purposes of Case VII provisions for computing gains and losses).

*Exclusion of premiums taxed under Case VIII of
Schedule D*

8. It is hereby declared that in paragraph 5(1) of Schedule 8 to the Finance Act 1965 (under which the taxed amount of any premium for a lease is to be excluded in the computation under paragraph 7 of Schedule 6 to that Act) the reference to that computation is a reference to the entire computation of the gain or loss, and accordingly the taxed amount is to be excluded from the consideration for the disposal, in addition to being excluded from the numerator of the fraction to be employed in apportioning deductible expenditure.

Expenditure by tenant under terms of lease

9.—(1) Paragraph 7 of Schedule 8 to the Finance Act 1965 (landlord's expenditure deductible in computing his gain on disposal of lease to include tenant's expenditure) shall apply on the disposal by way of grant of the lease and on any subsequent disposal of the asset out of which the lease is granted, and accordingly in that paragraph the words "on a disposal of the lease" shall cease to have effect.

(2) This paragraph shall have effect as respects all years of assessment and accounting periods ending before or after the passing of this Act.

Chargeable gains accruing to non-resident companies

10.—(1) If any tax payable by any person by virtue of section 41(2) of the Finance Act 1965 (under which shareholders in a non-resident company may be taxed in respect of a chargeable gain accruing to the company) is paid by the company to which the chargeable gain accrues, or in a case under subsection (9) of the said section 41 (chargeable gain traced through a non-resident company holding shares in which a chargeable gain accrues) is paid by any such other company, the amount so paid shall not for the purposes of income tax, capital gains tax or corporation tax be regarded as a payment to the person by whom the tax was originally payable.

(2) This paragraph shall have effect as from 6th April 1965.

PART II

SCH. 13

SHORT-TERM AND LONG-TERM GAINS

Foreign bank accounts : short- and long-term gains

11.—(1) Paragraph 11(1) of Schedule 7 to the Finance Act 1965 1965 c. 25. and paragraph 15(1) of Schedule 9 to the Finance Act 1962 (exemp- 1962 c. 44. tion for debt in hands of original creditor) shall not apply to a debt owed by a bank which is not in sterling and which is represented by a sum standing to the credit of a person in an account in the bank.

(2) This paragraph shall apply to any disposal on or after 6th April 1967.

Exchange of shares and securities under nationalisation Acts : short-term gains

12. For the purposes of paragraph 11 of Schedule 9 to the Finance Act 1962 (conversion of securities not to involve any disposal of the old holding or any acquisition of the new holding) 'conversion of securities' shall include any exchange of securities effected in pursuance of the Iron and Steel Act 1967 or any other enactment 1967 c. 17. (including an enactment passed after this Act) which provides for the compulsory acquisition of any shares or securities and the issue of securities or other securities instead.

SCHEDULE 14

Section 33.

CHARGEABLE GAINS: LAND IN GREAT BRITAIN

Definition of current use value

1.—(1) For the purposes of the principal section and this Schedule, the current use value of land shall be ascertained in accordance with this paragraph, and in this paragraph the time as at which current use value is to be ascertained is referred to as "the relevant time".

(2) It shall be assumed that planning permission—

- (a) would be granted for any development of the land which does not constitute material development, but
- (b) would not be granted for any development of the land which constitutes material development.

(3) No account shall be taken of any planning permission in force at the relevant time, in so far as it would authorise the carrying out of any project of material development of the land to be begun after that time (but account shall be taken of any planning permission in force at the relevant time in so far as it would authorise the carrying out of any project of material development of the land begun but not completed at the relevant time).

(4) The following provisions in or made under Schedule 6 to the Land Commission Act 1967 shall apply, subject to any necessary 1967 c. 1. modifications, for the purposes of this paragraph—

- (a) sub-paragraphs (1) and (2) of paragraph 4 (general principle of valuation, and disregard of charges on land),

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(b) sub-paragraphs (3), (4) and (5) of paragraph 7 (minor provisions relating to planning permission, and exclusion of depreciation of other land),

(c) any regulations in force at the relevant time under paragraph 11 (extension of categories of material development),

1967 c. 1.

but in ascertaining the current use value of land disposed of to an authority possessing compulsory purchase powers sub-paragraphs (1), (2) and (4) of paragraph 4 of Schedule 9 to the Land Commission Act 1967 shall apply with any necessary modifications.

S.I. 1967/318.

S.I. 1967/322.

(5) The provisions of the Land Commission Act 1967 applied by this paragraph shall have effect for the purposes of this paragraph notwithstanding that at the relevant time they had not come into force for the purposes of that Act, and the Betterment Levy (Planning Assumptions) Regulations 1967 and the Betterment Levy (Planning Assumptions) (Scotland) Regulations 1967 made under paragraph 11 of Schedule 6 to the Land Commission Act 1967 shall have effect for those purposes as if they had come into force on 6th April 1965.

Adjustment for current use value reflecting new development

2.—(1) Where on or after 6th April 1967 a project of material development is begun and in accordance with paragraph 1(3) above account is to be taken of the relevant planning permission so as to increase the current use value of any land, then in computing a gain accruing on any subsequent disposal by the owner of the land—

(a) the owner of the land shall be deemed at the time when the project of material development was begun to have incurred expenditure in respect of that land of an amount equal to that increase in current use value, being expenditure allowable as a deduction under paragraph 4(1)(b) of Schedule 6 to the Finance Act 1965, and

1965 c. 25.

(b) the proviso to subsection (1) of the principal section shall not have effect.

(2) If the planning permission so taken into account affects part only of the land, the expenditure shall be deemed to have been incurred exclusively in respect of that part.

Restrictions on deductions allowable in computing gains

3.—(1) In applying paragraph 4(1)(b) of Schedule 6 to the Finance Act 1965 to any expenditure in computing a gain accruing on a disposal to which subsection (1) of the principal section applies the current use value of the land at the time of the disposal shall be compared with what that current use value would have been if the expenditure had not been incurred and—

(a) if the current use value of the land would not have been less if the expenditure had not been incurred, the whole of that expenditure shall be excluded, and

(b) if it would have been less, but the amount of the expenditure exceeds the difference, the excess shall not be allowable as a deduction in making the computation.

(2) If on or after 6th April 1967 there has been an increase in the current use value of any land as described in paragraph 2(1) of this Schedule sub-paragraph (1) above shall apply as respects expenditure incurred before that increase by reference to the current use value of the land at a time immediately before the increase, and by reference to what the current use value of the land would have been at that time if the expenditure had not been incurred. SCH. 14

Expenses of valuation

4. In paragraph 4(2)(b) of Schedule 6 to the Finance Act 1965 (expenses of ascertaining market value) the reference to market value shall include a reference to current use value, but any costs falling to be allowed under paragraph 19 of Schedule 6 to the Land Commission Act 1967 shall not also be allowed under the said paragraph 4. 1965 c. 25.
1967 c. 1.

References in this paragraph to the said paragraph 4 are references to that paragraph as extended by paragraph 5 of Schedule 10 to the Finance Act 1966 (expenses incurred by personal representatives). 1966 c. 18.

Part disposals

5.—(1) In applying paragraph 7(2)(b) of Schedule 6 to the Finance Act 1965 (apportionment of expenditure by reference to market value of what is undisposed of) to the computation of a gain accruing on a disposal to which subsection (1) of the principal section applies current use value shall be substituted for market value in that paragraph.

(2) Where subsection (1) of the principal section applies to a part disposal—

- (a) if what is acquired from the person making the disposal is land as defined in this Schedule, the reference in subsection (1)(b) of the principal section to the current use value of the land is a reference to the current use value of the land which is so acquired,
- (b) if nothing is so acquired or if what is so acquired is not land as defined in this Schedule, subsection (1)(b) of the principal section shall not apply, and subject to the following provisions of this Schedule, no adjustment shall be made to the amount of the consideration for the part disposal.

(3) Where subsection (1) of the principal section applies to a part disposal of any land, then in computing a gain accruing on any subsequent disposal by the owner of the land of the remainder of that land, the proviso to subsection (1) of the principal section shall not have effect.

(4) The amount of the consideration for a part disposal which is or derives from a chargeable act or event within section 33, section 34 or subsection (3) or (5) of section 35 of the Land Commission Act 1967 (Cases D, E and part of Case F) shall be the amount, if any, by which the current use value (called V(1)) of the land

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1965 c. 25.

out of which the part disposal is made at a time immediately before the part disposal exceeds the current use value (called $V(2)$) of that land after the part disposal, and accordingly the apportionment under paragraph 7 of Schedule 6 to the Finance Act 1965 shall be made by attributing the fraction $\frac{V(1)-V(2)}{V(1)}$ of the apportionable expenditure to what is disposed of.

(5) In ascertaining in accordance with paragraph 13(1)(c) of Schedule 6 to the Finance Act 1965 (compensation and insurance money) whether the amount of a capital sum derived from land, on a disposal to which subsection (1) of the principal section would apply, is small as compared with the value of the land, its value shall be its current use value.

1966 c. 18.

(6) Where under paragraph 4 of Schedule 10 to the Finance Act 1966 (part disposal on compulsory acquisition) a transfer is not to be treated as a disposal and, but for that, subsection (1) of the principal section would have applied to the disposal, for references in that paragraph to the amount of the consideration for the transfer, or to the market value of the land transferred, there shall be substituted references to the current use value of the land transferred, and for the reference in that paragraph to the market value of the holding before the transfer there shall be substituted a reference to its current use value at that time.

(7) Notwithstanding section 45(5) of the Finance Act 1965 (compensation and insurance money: disposal to be treated as made when the money is received), the time when a disposal to which this paragraph applies is made shall for the purposes of—

- (a) comparing under sub-paragraph (4) above current use value before and after a part disposal,
- (b) ascertaining whether, for the purposes of subsection (1) of the principal section or this Schedule a part disposal falls before 6th April 1967, or later, and
- (c) ascertaining whether the proviso to subsection (1) of the principal section applies,

be the time when the value of the land is first affected by the event giving rise to, or constituting, the disposal.

Leases

6.—(1) Without prejudice to paragraph 2(2) of Schedule 8 to the Finance Act 1965, or any other provision in Part III of that Act, the current use value of a lease (or of any land subject to a lease) is to be ascertained without regard to any premium due under the lease or any sublease, but with regard to all other rights under the lease (and, for the current use value of a lease subject to a sublease, under that sublease); and where under the preceding provisions a lease would have a negative value, the current use value of the lease shall be zero.

(2) If a lease is granted out of any land after 5th April 1967 then in computing any gain accruing to the person granting the lease on any disposal of the land at a time after the grant of the lease, but

while it subsists, the current use value of the land shall not exceed what its current use value would have been immediately after the grant of the lease if it had not been subject to the lease :

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Provided that if any of the enactments mentioned in paragraph 8 of this Schedule (enactments making an adjustment to secure that neither a gain or loss accrues) is applicable by way of adjustment of the gain computed in accordance with this sub-paragraph, this sub-paragraph shall also apply to any disposal of the land by the transferee effected while the lease subsists, and so on if any of those enactments is so applicable on the disposal by that transferee.

(3) Where there is a part disposal of a lease which is a wasting asset by way of the grant of a sublease then for the purpose of apportioning the expenditure attributable to the lease under paragraph 4(1)(a) and 4(1)(b) of Schedule 6 to the Finance Act 1965 the current use value of the sublease (called V (A)) shall be compared with what its current use value (called V (B)) would be if the rent payable under the sublease were the same as the rent payable under the lease, and out of each item of the expenditure there shall be apportioned to what is disposed of—

- (a) if V (A) is not less than V (B), the fraction which, under paragraph 1(3) of Schedule 8 to the Finance Act 1965 is to be written off over the period which is the duration of the sublease, and
- (b) if V (A) is less than V (B), the said fraction multiplied by $\frac{V (A)}{V (B)}$

and if the sublease is a sublease of part only of the land comprised in the lease this sub-paragraph shall apply only in relation to a proportion of the said expenditure which is the same as the proportion which the current use value of the land comprised in the sublease bears to the current use value of that and the other land comprised in the lease ; and the remainder of that expenditure shall be apportioned to what remains undisposed of.

This sub-paragraph has effect instead of paragraph 7 of Schedule 6 to the Finance Act 1965, and instead of paragraph 4 of Schedule 8 to that Act.

Substitution of current use value for market value

7.—(1) Subsection (1) of the principal section shall apply notwithstanding the provisions of section 22(4) or section 24(1) of the Finance Act 1965 or of any other enactment under which a person is to be treated as acquiring or disposing of land for a consideration equal to its market value (but not so as to prevent the other party to any transaction being treated as disposing of or acquiring land for a consideration equal to its market value unless subsection (1) of the principal section also applies to the disposal by that other party).

SCH. 14 (2) Subsection (1) of the principal section shall not affect the value to be placed on land as constituting the consideration for the disposal of some other asset, and this sub-paragraph applies in particular—

- (a) where an asset is disposed of, and the consideration consists of or includes land, but without prejudice to the application of the principal section to the gain accruing on that disposal of the land, or its disposal by the person acquiring it,
- (b) where a shareholder acquires land by way of a capital distribution constituting a disposal or part disposal of his shares, but without prejudice to the application of the principal section to the disposal of the land by the company, and to the shareholder's disposal of the land,

1965 c. 25.

- (c) where, under paragraph 13(2) of Schedule 7 to the Finance Act 1965, a purchaser of an interest in settled property is treated as disposing of his interest and the consideration consists wholly or partly of land forming part of the settled property, but without prejudice to the application of the principal section to the disposal of the land by the trustee, and to any subsequent disposal of the land by the purchaser of the interest.

(3) Without prejudice to sub-paragraph (2) above, subsection (1) of the principal section shall not affect the value to be placed on land acquired in satisfaction of a debt as constituting the consideration for disposal of the debt, nor the limitation on that value by reference to market value in paragraph 11(3) of Schedule 7 to the Finance Act 1965, but without prejudice to the application of the principal section to the gain accruing on the disposal of the land by the debtor, and to any subsequent disposal of the land by the creditor; and where the principal section applies to a subsequent disposal by the creditor (and he is the original creditor) the gain accruing on the disposal shall not be reduced under the said paragraph 11(3).

(4) In paragraphs (d) and (e) of paragraph 2(1) of Schedule 10 to the Finance Act 1965 (jurisdiction in questions of market value and disclosure of information about market value) references to market value shall, in relation to land, include references to current use value; and any regulations made under the said paragraph (d) or (e) before the passing of this Act shall, except where the context otherwise requires, be construed accordingly.

Carry forward of gain or loss

8. The provisions of the principal section shall have effect subject to, and be operated before the operation of—

- (a) paragraph 20(1) of Schedule 7 to the Finance Act 1965 (husband and wife),
- (b) paragraph 2(1) of Schedule 13 to that Act (transfers within group of companies), and

- (c) without prejudice to the provisions of this Schedule relating to section 33 of the Finance Act 1965, any other enactment making an adjustment to secure that neither a gain nor a loss accrues on a disposal. SCH. 14
1965 c. 25.

Replacement of business assets

9.—(1) Sub-paragraphs (2), (3) and (4) below shall apply in determining under subsection (1) or subsection (2) of section 33 of the Finance Act 1965 whether all or part of the consideration for a disposal is applied in acquiring other assets.

(2) The principal section shall not apply and, accordingly, the amount of the consideration for the disposal of land shall not be restricted by virtue of that section to the current use value of the land.

(3) Any part of the consideration which is applied in meeting betterment levy payable on the disposal shall be left out of account.

(4) If part of the consideration is applied as described in subsection (1) of the said section 33 in acquiring land any further part of the consideration which is applied in meeting betterment levy payable in respect of material development of that land shall be treated as having been applied in acquiring that land.

(5) Without prejudice to subsection (11) of the said section 33, the provisions of the principal section and this Schedule shall be applied in fixing the amount of the consideration for the disposal of, or of the interest in, the old assets, or for acquiring, or acquiring the interest in, the new assets, and in fixing the amount of the gain accruing on the disposal, before section 33 is applied, and accordingly the adjustments to be made under paragraphs (a) and (b) of subsection (1), and paragraphs (a) and (b) of subsection (2), of the said section 33 are adjustments of the amount of consideration or gain as computed, where relevant, in accordance with the principal section and this Schedule.

Transfer of business on retirement

10.—(1) Section 34(3)(b) of the Finance Act 1965 (relief by reference to value of chargeable business assets of a family company transferred on retirement), and paragraph 2(2) of Schedule 10 to the Finance Act 1966 (restriction of relief on dissolution of family company where chargeable business assets are distributed to shareholders) shall have effect subject to the provisions of this paragraph. 1966 c. 18.

(2) For the purposes of the said enactments, as they apply on the disposal of land or of any other assets, the value of any chargeable business assets consisting of land shall be the current use value of that land.

Transfer of business to a company

11. Where by virtue of paragraph 8(2) of Schedule 7 to the Finance Act 1965 a gain accruing on a disposal of land is not a chargeable gain and, but for that, subsection (1) of the principal

SCH. 14 section would apply to the disposal, the transferor shall be treated, notwithstanding anything in the said paragraph 8(2), as if the shares acquired by the transferor and representing consideration for the land transferred were acquired by him for a consideration equal to the market value of the land at the time of the transfer reduced by the amount of the chargeable gain which, but for the said paragraph 8(2), would have accrued to him on the disposal (or as the case may be increased by the amount of the allowable loss which would have so accrued), and except as provided by the preceding provisions of this paragraph, the principal section and this Schedule shall not apply to any disposal of the shares.

Appropriations to and from stock-in-trade

1965 c. 25. 12.—(1) The principal section shall not be taken as affecting the reference to market value in paragraph 1(1) of Schedule 7 to the Finance Act 1965 (under which a person who appropriates an asset as trading stock is to be treated as selling it for its market value).

(2) A person to be treated under sub-paragraph (2) of the said paragraph 1 as having acquired any land (at the time when it is appropriated out of trading stock or is retained on his ceasing to carry on the trade) shall be treated as having acquired it for a consideration equal to its current use value at that time.

Capital allowances and renewals allowances

13.—(1) Where any capital allowance or renewals allowance, as defined in paragraph 6 of Schedule 6 to the Finance Act 1965, is claimed or claimable in respect of expenditure on land to which this Schedule applies, and part of that expenditure is, under paragraph 3 of this Schedule, excluded from the sums allowable as a deduction in the computation under the said Schedule 6, it shall be assumed for the purposes of that Schedule that the capital allowance or renewals allowance is to be made, or made primarily, in respect of the part of that expenditure which is not so excluded.

(2) Paragraph 28 of the said Schedule 6 shall apply where, under this Schedule, it is to be assumed that any land was on 6th April 1965 sold by the owner as it applies where that assumption is to be made under Part II of that Schedule.

Tax on chargeable gains and estate duty

1966 c. 18. 14. Section 42(3) of the Finance Act 1966 (relief by reference to estate duty in respect of a gift inter vivos) shall not apply to a gift inter vivos consisting of land unless the current use value of the land at the time of the death exceeds the sums within paragraphs (a) and (b) of paragraph 4(1) of Schedule 6 to the Finance Act 1965 which, if the donee had disposed of the asset at the time of the death, would have been allowable in computing the gain accruing on that disposal and, if the said section 42(3) does so apply, that

excess shall be the excess referred to in the expression "the said excess" in the provisions of the said section 42(3) which determine the proportion of estate duty by reference to which relief is to be given.

SCH. 14

Transitory provision for short-term gains subject to capital gains tax or corporation tax

15. The principal section, without subsections (5) and (6), and with paragraphs 1 and 2 of this Schedule shall, notwithstanding that it is to be construed as one with Part III of the Finance Act 1965, apply with any necessary modifications where by virtue of section 17(15) or section 82(3) of the Finance Act 1965 any gain (or loss) accruing on the disposal is to be determined in accordance with the provisions applicable to income tax chargeable under Case VII of Schedule D (and not in accordance with the provisions of the said Part III). 1965 c. 25.

Uniform application of current use values

16.—(1) In the computation of a gain accruing on a disposal to which subsection (1) of the principal section applies, it shall be assumed, where relevant, that that subsection and this Schedule also had effect in relation to any prior disposal or other transaction, notwithstanding that the prior disposal or other transaction fell before 6th April 1967 (but on or after 6th April 1965), or that subsection (1) of the principal section was then displaced by an election.

(2) This paragraph applies in particular as respects a prior part disposal or a prior disposal to which any of the enactments mentioned in paragraph 8 of this Schedule applied.

(3) This paragraph also applies notwithstanding that by virtue of paragraph 3(1) of Schedule 6 to the Finance Act 1965 (exclusion of short-term gains) the gain accruing on any prior disposal was not a chargeable gain, and sub-paragraph (7) of the said paragraph 3 (under which an apportionment of consideration or expenditure made for the purposes of a short-term gain is to be followed on a later disposal) shall not apply in relation to a gain accruing on a disposal to which subsection (1) of the principal section applies.

Interpretation

17. In the principal section and this Schedule, unless the context otherwise requires—

"land" means a freehold interest in land or any lease of land,

"material development", "planning permission" and "project of material development" have the same meanings as in the Land Commission Act 1967,

1967 c. 1.

and in Scotland "freehold interest" shall be construed in accordance with section 100(2)(d) of the Land Commission Act 1967.

Section 34.

SCHEDULE 15

PROVISIONS CONSEQUENTIAL ON BETTERMENT LEVY

Allowance for levy under Cases VIII and VI of Schedule D

1963 c. 25.

1.—(1) For the purposes of section 22(1) of the Finance Act 1963 (taxation of premium on grant of lease) the amount of any premium payable to the landlord shall be reduced by the amount of any betterment levy charged on the premium, and that reduction shall be made before the reduction under the said section 22(1) depending on the length of the lease.

(2) In applying subsection (6) of the said section 22 (premiums payable by instalments: claim for treatment as rent) to a premium which falls to be reduced under sub-paragraph (1) above (looking at the fraction by which it is reduced before any reduction depending on the length of the lease) a reduction by that fraction shall be made in the amount of each instalment.

(3) Where a reduction is made under sub-paragraph (2) above, the provisions of section 29(6)(b) of the Finance Act 1963 (which prevent instalments taxed under the said section 22(6) from being treated as trading receipts) shall apply only to the part of each of the instalments which is so taxed.

(4) For the purposes of sub-paragraph (1) above the amount of betterment levy charged on a premium is the principal amount of the betterment levy under Case B charged in respect of the grant of the lease reduced by applying the fraction $\frac{A}{B}$ (if less than unity) where—

1967 c. 1. “A” is the capital value of the premium payable to the landlord as brought into account under paragraph 7 of Schedule 4 to the Land Commission Act 1967, and

“B” is the aggregate amount of consideration as computed for the purposes of charging betterment levy.

(5) Sub-paragraphs (1) and (4) above shall also apply as respects any amounts brought into subsection (1) of section 22 of the Finance Act 1963 as a premium by subsection (2) of that section (landlord's benefit from tenant's obligation to carry out work on premises) so far as that benefit is brought into account under the said paragraph 7 of Schedule 4 to the Land Commission Act 1967; and references to premiums in this paragraph shall be construed accordingly.

(6) For the purposes of sub-paragraph (1) above the amount of betterment levy charged on any sum brought into subsection (1) of the said section 22 as a premium by subsection (4) of that section (consideration for the variation or waiver of the terms of a lease) is the principal amount of the betterment levy under Case E or Case F charged in respect of the disposition for which that sum is consideration, but subject to a proportionate reduction as under sub-paragraph (4) above where the sum forms part only of the consideration brought into account in assessing the betterment levy in respect

of the disposition and, where the levy is under Case F, subject to such adjustments of the consideration so brought into account as may be appropriate ; and references to a premium in this paragraph shall be construed accordingly. SCH. 15

(7) Any taxable amount under section 23 or section 24 of the Finance Act 1963 (assignment of lease at undervalue and sale with right to reconveyance) shall be reduced by so much of the principal amount of any betterment levy under Case A charged on the assignment or sale on which the charge to tax arises as is attributable to the said taxable amount, and that reduction shall be made before any reduction under the said section 23 depending on the length of the lease, or any reduction under the said section 24 depending on the time between the sale and a subsequent reconveyance. 1963 c. 25.

(8) Any reduction to be effected under any of the preceding provisions of this paragraph shall be disregarded in arriving at—

(a) “the amount chargeable on the superior interest” in paragraphs 8, 9 and 10 of Schedule 4 to the Finance Act 1963 (allowance to person paying premium in respect of amount chargeable on the premium), and

(b) “the amount chargeable” in Schedule 9 to that Act (allowance of trading deduction where premium paid).

(9) Where for the purposes of Part III of the Land Commission Act 1967 a notice of assessment of betterment levy results in an operative assessment of levy it shall become final and conclusive for the purposes of this paragraph, but subject to any adjustment under section 54 or section 55 of that Act (mistake of fact and further notice of assessment of levy), or under any other provision of that Act. 1967 c. 1.

(10) Where betterment levy is chargeable in respect of land part only of which is the relevant land for the purposes of the charge to tax under Case VIII or Case VI of Schedule D, or where part of the consideration for a disposition is payable to a person other than the grantor in the circumstances mentioned in section 36(3) of the Land Commission Act 1967, the levy shall be apportioned in such manner as may be appropriate in the circumstances.

(11) Any question arising in any appeal against an assessment to tax as to the application of the preceding provisions of this paragraph shall be determined on a reference to the Lands Tribunal.

(12) The Land Commission shall afford to the inspector and to the Lands Tribunal such information as they may require for the purpose of this paragraph.

(13) In relation to land in Scotland for any reference in this paragraph to the Lands Tribunal there shall be substituted a reference to the Lands Tribunal for Scotland:

Provided that until sections 1 to 3 of the Lands Tribunal Act 1949 c. 42. 1949 come into force as regards Scotland, this subsection shall have effect as if for the reference to the Lands Tribunal for Scotland there

SCH. 15
1910 c. 8.

were substituted a reference to a person selected from the panel of referees appointed under Part I of the Finance (1909-1910) Act 1910.

(14) This paragraph shall apply in relation to any chargeable act or event before, as well as after, the passing of this Act.

*Relief in respect of levy from estate duty on gifts
inter vivos, etc.*

2.—(1) If property comprised in a gift inter vivos, and not settled by the gift, is deemed for the purposes of estate duty to pass on a death, and by reason of a chargeable act or event at a time before the death betterment levy is chargeable—

- (a) on the donee or his personal representative in respect of a chargeable interest which is at that time comprised in the gift, and which has not been settled by the donee, or
- (b) if the principal value of the property for the purposes of estate duty on the death is to be ascertained at a time before the death, on a successor to the donee in respect of a chargeable interest which at that time was comprised in the gift, and which was not settled by the donee,

1960 c. 44.

the principal value of the property for the purposes of estate duty on the death shall be reduced by the principal amount of the betterment levy, and that reduction shall be made before any reduction of that value under section 64 of the Finance Act 1960 (graduation of charge by reference to period between gift and death).

1957 c. 49.

1940 c. 29.

(2) If any property ceasing to be settled property by virtue of subsection (8) proviso or subsection (12) proviso of section 38 of the Finance Act 1957 is to be treated as comprised in a gift inter vivos deemed for purposes of estate duty to pass on a death, or as the case may be as comprised in property in which an interest within section 43 of the Finance Act 1940 subsisted and, by reason of a chargeable act or event after it ceases to be settled property but before the death, betterment levy is chargeable on the person taking the settled property or his successor in respect of a chargeable interest which was comprised in that property when it ceased to be settled property, the principal value of the property for the purposes of estate duty on the death shall be reduced by the principal amount of the betterment levy, and that reduction shall be made before any reduction of that value under section 64 of the Finance Act 1960.

1967 c. 1.

(3) Where for the purposes of Part III of the Land Commission Act 1967 a notice of assessment of betterment levy results in an operative assessment of levy it shall become final and conclusive for the purposes of this paragraph, but subject to any adjustment under section 54 or section 55 of that Act (mistake of fact and further notice of assessment of levy), or under any other provision of that Act.

(4) The Board may require the Land Commission to issue a certificate giving particulars of the relevant act or event and of the amount of the levy ; and in any proceedings relating to relief under this paragraph the certificate shall be sufficient evidence of the facts which it states. SCH. 15

Where the Land Commission have been required to give a certificate under this sub-paragraph it shall be their duty to inform the Board of any adjustment of the levy falling to be made under the Land Commission Act 1967. 1967 c. 1.

(5) Where betterment levy is chargeable in respect of land part only of which is the land comprised in the gift, or where two or more persons are jointly or severally liable to pay the levy, the levy shall be apportioned by the Board in such manner as may be appropriate in the circumstances and section 60(3) of the Finance (1909-10) Act 1910 (right of appeal) shall apply to any question of apportionment under this sub-paragraph as it applies to a question of the value of any land. 1910 c. 8.

The Land Commission shall afford to the Board all such information as they may require for the purpose of arriving at an apportionment under this sub-paragraph.

(6) In this paragraph

“chargeable interest” has the meaning given by paragraph 2(1) of Schedule 5 to the Land Commission Act 1967 ;

“successor”, in relation to any person, means his successor in title, not being a person who derives title under a disposition for valuable consideration.

(7) This paragraph shall apply in relation to any chargeable act or event before, as well as after, the passing of this Act.

(8) This paragraph shall be construed as one with the Finance Act 1894. 1894 c. 30.

Section 45.

SCHEDULE 16

REPEALS

PART I

REPEALS IN CONNECTION WITH ABOLITION OF RETAILER'S
LICENCES AND CLUB LICENCES

Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 6. & 1 Eliz. 2. c. 44.	The Customs and Excise Act 1952.	Section 148(1) to (3). Sections 149 to 155. In section 157(1), the words "whether" and "or by retail". Section 157(2). In section 161(2) the word "retailed". In section 167(1) the words "whether" and "or retail". Section 169(1). In section 169(2), the words "or retailer". In section 169(3), the words "or retailer". In section 170(1), the words "or retailer". In section 307(1), in the para- graph which, as amended, begins "justices' certificate", the words "a certificate of a licensing court granted under the Licensing (Scotland) Act, 1903, or".
7 & 8 Eliz. 2. c. 51.	The Licensing (Scotland) Act 1959.	In section 32(2) the words "under the appropriate ex- cise licence" wherever those words occur. Section 47(5). In section 57, the words "under the appropriate excise licence". In section 58(2), the words "and (5)". In section 59(1), the words "to obtain an excise licence for the sale by retail of exciseable liquor, or". In section 60(1), the words "and holding also a retailer's on-licence in respect of those premises". In section 60(3)(b), the words "and a retailer's on-licence". In section 60(5), the words "and retailer's on-licence". Section 60(9) and (10). In section 65, the words "to hold a retailer's on-licence", and the words from "and a

Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 51— <i>cont.</i>	The Licensing (Scotland) Act 1959— <i>cont.</i>	<p>retailer's on-licence may be granted" to the end of the section.</p> <p>Section 67(5).</p> <p>In section 68(1), the words from the beginning to "has been transferred to him; but" and the words "has in pursuance of this Part of this Act been granted a retailer's on-licence and".</p> <p>Section 72.</p> <p>In section 82(4), the words "under a licence".</p> <p>In section 131(2), the words "and an excise licence".</p> <p>In section 164(1) and (2), the words "or by any person not holding an excise licence for the sale of exciseable liquor in such premises".</p> <p>Section 193.</p> <p>In section 198(c), the words "by virtue of an order made by the Commissioners under subsection (3) of the said section one hundred and fifty".</p> <p>In section 199(1), in the definition of "exciseable liquor", the words "whether" and "or by retail"; the definitions of "occasional licence" and "retailer's on-licence"; and in the definition of "she-been", the words "and excise licence".</p> <p>In Schedule 2, the words "under the appropriate excise licence" wherever those words occur.</p> <p>In Schedule 4, in Form 4, the words from "and the said" where last occurring to "said period".</p>
7 & 8 Eliz. 2. c. 58.	The Finance Act 1959.	<p>Schedule 11.</p> <p>Section 2(1) from "and no" onwards.</p> <p>Section 2(2) to (4).</p> <p>Section 3(1).</p> <p>In section 3(3) the words "or retailer" wherever those words occur.</p> <p>Section 4 (except subsection (6)).</p> <p>As from 1st May 1968, section 4(6).</p>

SCH. 16

Chapter	Short Title	Extent of Repeal
10 & 11 Eliz. 2. c. 51.	The Licensing (Scotland) Act 1962.	In section 1(2)(b) and in section 1(3)(b), the words "in accordance with the appropriate excise licence". In section 17(2), the words "or licence". In section 21(1), the words from the beginning of the subsection to "shall cease to have effect, but". In Schedule 1, the words "under the appropriate excise licence" in both places where those words occur.
1964 c. 26.	The Licensing Act 1964.	In section 1(1), the words "and the Customs and Excise Act 1952" and "the holder to hold an excise licence for". In section 1(2)(a) and in section 1(2)(b) the words from "authorising the" to "a licence". In section 4(1), the words "or British wine alone". Section 10(2) from "and the" onwards. Section 11(6). In section 12(1), the words "or British wine alone". Section 36(4). Section 55(1). Section 55(2) from the beginning to "by the club, and". In section 93(5), the words "or British wine alone". In section 152(1), the words from the beginning to "but" and the words from "has in" to "subsequently". Section 159(2). In section 160(1)(a) and in section 160(1)(b), the words "him to hold an excise licence for". Schedule 13.
1966 c. 18.	The Finance Act 1966.	In Schedule 2, paragraph 3.

The above repeals shall not have effect, in the case of the repeal of section 4(6) of the Finance Act 1959, until 1st May 1968 or, in any other case, until 1st October 1967.

PART II

SCH. 16

REPEALS IN CONNECTION WITH ABOLITION OF CERTAIN PERMITS

Chapter	Short Title	Extent of repeal
15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.	The Customs and Excise Act 1952.	Section 108. Section 147(1) from "and where" onwards. Section 147(2). Section 174. Section 241(1), (3) and (4). Section 242(1)(a) and (b). Section 3(3).
8 & 9 Eliz. 2. c. 44.	The Finance Act 1960.	Section 3(3).

The above repeals shall not take effect until the expiration of the period of seven days beginning with the date of the passing of this Act.

PART III

OTHER CUSTOMS AND EXCISE REPEALS

Chapter	Short Title	Extent of repeal
15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.	The Customs and Excise Act 1952.	Section 225. In section 226(1), the words "or vinegar-maker". In section 227(1)(a) and (c), the words "or vinegar-makers". Section 237(2)(d). In section 263(3), the words "manufactured by that trader". In section 307(1), the definition of "vinegar-maker". Schedules 1, 2, 3 and 5.
1965 c. 25.	The Finance Act 1965.	Section 1(1). In section 1(3), the words "(1) and" and the words from "and drawback" onwards.
1966 c. 18. 1966 c. 46.	The Finance Act 1966. The Bus Fuel Grants Act 1966.	Section 16. Section 1(1)(a)(i). In section 1(1)(a)(ii), the word "later" and the words from "including" onwards.

PART IV

PURCHASE TAX REPEAL

Chapter	Short Title	Extent of repeal
1963 c. 9.	The Purchase Tax Act 1963.	Section 23(2).

The above repeal shall not take effect until the day appointed under section 9 of this Act.

SCH. 16

PART V
REPEALS AS TO PROBATE

Chapter	Short Title	Extent of Repeal
44 & 45 Vict. c. 12.	The Customs and Inland Revenue Act 1881.	In section 33(1), the words from "or to any" to "appointed for the purpose". In section 33(3), the words "in communication with the Commissioners of Customs and Excise" and the words from "and make" to "officers of Customs and Excise". Section 33(4). Section 9.
63 & 64 Vict. c. 55.	The Executors (Scotland) Act 1900.	In Part II of Schedule 10, paragraphs 14 and 18.
15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.	The Customs and Excise Act 1952.	In section 1(1)(a), the words "which, as subsequently amended, enables" and the words "to be made to an officer of Customs and Excise". In section 1(1)(b), the words "either to an officer of Customs and Excise or". In Schedule 1, paragraph 5.
9 & 10 Eliz. 2. c. 37.	The Small Estates (Representation) Act 1961.	

The above repeals shall not take effect until the day appointed under section 10 of this Act.

PART VI
SUBVENTION PAYMENT REPEALS

Chapter	Short Title	Extent of Repeal
1 & 2 Eliz. 2. c. 34.	The Finance Act 1953.	Section 20.
2 & 3 Eliz. 2. c. 44.	The Finance Act 1954.	In Schedule 4, paragraph 3.
10 & 11 Eliz. 2. c. 44.	The Finance Act 1962.	In section 25(3), paragraph (a) and the words following paragraph (b).
1964 c. 37.	The Income Tax Management Act 1964.	In Schedule 4, the entry relating to section 20(4) of the Finance Act 1953.
1965 c. 25.	The Finance Act 1965.	In Schedule 15, paragraph 10. In Schedule 21, in paragraph 2(3) the words from "and (when a subvention payment" to the end of the subparagraph.

The above repeals do not have effect in relation to a deficit of any accounting period ending before the passing of this Act.

PART VII
STAMP DUTY REPEALS

SCH. 16

Chapter	Short Title	Extent of Repeal
54 & 55 Vict. c. 39.	The Stamp Act 1891.	In section 115, the words "county council" and "county council or", wherever occurring.
60 & 61 Vict. c. 24.	The Finance Act 1897.	Section 8.
62 & 63 Vict. c. 9.	The Finance Act 1899.	In section 8(1), the words "local authority". Section 8(3). In section 8(4), the words "local authority" (twice). In section 8(5), the words "county stock" and "municipal stock", the words "local authority" where first occurring, the words from "any county council" to "date or", and the words from "and the expression" to the end.
7 Edw. 7. c. 13.	The Finance Act 1907.	In section 10(1), the words "local authority" and "authority", and the words from "but this section" to the end. In section 10(2), the words "local authority".
1 & 2 Geo. 6. c. 46.	The Finance Act 1938.	Section 50.
9 & 10 Geo. 6. c. 64.	The Finance Act 1946.	In section 54(5), the words "county council or".
5 & 6 Eliz. 2. c. 56.	The Housing Act 1957.	In Schedule 8, paragraphs 2 and 3.
10 & 11 Eliz. 2. c. 46.	The Transport Act 1962.	Sections 26 and 29(17).
1963 c. 25.	The Finance Act 1963.	In section 57, the words "Finance Act 1899, section 8". Section 66.
1963 c. 46.	The Local Government (Financial Provisions) Act 1963.	In Schedule 1, paragraph 3.
1964 c. 67.	The Local Government (Development and Finance) (Scotland) Act 1964.	In the Schedule, paragraph 3.
1965 c. 16.	The Airports Authority Act 1965.	In Schedule 1, paragraph 11.
1965 c. 63.	The Public Works Loans Act 1965.	Section 3.

SCH. 16

Chapter	Short Title	Extent of Repeal
1966 c. 12.	The Post Office Savings Bank Act 1966.	In the Schedule, paragraph 2.
1966 c. 49.	The Housing (Scotland) Act 1966.	In Schedule 7, paragraphs 2 and 3.
1967 c. 17.	The Iron and Steel Act 1967.	Section 40(1).

The above repeals shall have effect—

1963 c. 25.

- (a) so far as they relate to section 115 of the Stamp Act 1891, to any enactment applying that section, and to section 66 of the Finance Act 1963, as from 1st August 1967, but subject to the savings contained in section 29(5) of this Act,
- (b) so far as they relate to section 8 of the Finance Act 1899 and subsequent enactments relating to duty under that section, as respects loan capital issued on or after 1st August 1967, and
- (c) subject to the preceding paragraphs, as respects instruments executed or issued on or after 1st August 1967.

PART VIII

MINERAL RIGHTS DUTY REPEALS

Chapter	Short Title	Extent of Repeal
10 Edw. 7. & 1 Geo. 5. c. 8.	The Finance (1909–10) Act 1910.	Part I, except, in section 33(2), the words from the beginning to “in manner provided by rules under this section”.
1 & 2 Geo. 5. c. 2.	The Revenue Act 1911.	In Scotland, section 7.
2 & 3 Geo. 5. c. 8.	The Finance Act 1912.	Section 11.

1. The above repeals shall not affect liability to, or the assessment, collection or recovery of, mineral rights duty for the financial year ending on 31st March 1967, or for any previous financial year, or any other right, liability or proceedings in respect of or concerning that duty for any such year.

2. In Scotland, the above repeals, so far as they relate to subsections (2) to (5) of section 33, and section 34, of the Finance (1909–10) Act 1910, to so much of section 42 of that Act as has effect for the purposes of those provisions, and to section 7 of the Revenue Act 1911, shall not have effect until the coming into force in that country of sections 1 to 4 of the Lands Tribunal Act 1949.

1949 c. 42.

PART IX
PROVISIONAL COLLECTION OF TAXES

SCH. 16

Chapter	Short Title	Extent of Repeal
3 & 4 Geo. 5. c. 3.	The Provisional Collec- tion of Taxes Act 1913.	In section 1(1) (before the pro- visos) the words "the Com- mittee of Ways and Means of" and the words "(so long as it is a Committee of the whole House)". In section 1(1), proviso (a), in proviso (b) the words "or the resolution is rejected by the House", and in proviso (d) the words "either by the House or". In section 1(2), the words "by the Committee". In section 2(1), the words from "or by" to "whole House".
15 & 16 Geo. 6. & 1 Eliz. 2. c. 44.	The Customs and Excise Act 1952.	In section 265(1), the words "in respect of any goods", the words "the Committee of Ways and Means of" and the words "(being a Com- mittee of the whole House)".
1965 c. 25.	The Finance Act 1965.	In section 49(6), the words "the Committee of Ways and Means of", the words "(being a Committee of the whole House)" and the words (at the end of the subsection) "by the Committee of Ways and Means".

The above repeals shall come into force on the same date as the sections of this Act about provisional collection of taxes and shall not affect the Provisional Collection of Taxes Act 1913 as that Act applies to the Parliament of Northern Ireland.

SCH. 16

PART X
OTHER REPEALS

Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 6. & 1 Eliz. 2. c. 10.	The Income Tax Act 1952.	<p>In section 12(1) the words " the Special Commissioners "</p> <p>Section 218 except so far as any provision of that section is applied for the purposes of section 17 of the Finance Act 1960.</p> <p>In section 436(2) the words " any interest on money borrowed for the purpose of acquiring securities " and the word " other " as respects the year 1967-68 and subsequent years of assessment, and as respects accounting periods ending on or after 6th April, 1967.</p> <p>In section 495(4) the words from " shall be recoverable " to " is payable ".</p>
1965 c. 25.	The Finance Act 1965.	<p>In section 10, sub-sections (3) and (6).</p> <p>In section 20(5), the words " accruing in that year of assessment " in the first place.</p> <p>Section 65(6).</p> <p>Section 95.</p> <p>In Schedule 8, in paragraph 7 the words "on a disposal of the lease ".</p> <p>In Schedule 12, in paragraph 1(3) the words " or is not paid in pursuance of such an agreement ".</p> <p>In Schedule 18, paragraph 13(3) as respects any accounting period beginning after 11th April 1967.</p>



Road Transport Lighting Act 1967

1967 CHAPTER 55

An Act to resolve doubts as to the application of the Road Transport Lighting Act 1957 to reflecting material; to confer power on the Minister of Transport to require or authorise lights of prescribed colours to be shown to the rear of vehicles; and to restrict the carrying by vehicles of certain illuminated signalling devices.

[21st 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. It is hereby declared for the avoidance of doubt that material designed primarily to reflect white light as light of that or another colour is, when reflecting light, to be treated for the purposes of the principal Act as showing a light, and material capable of reflecting an image is not, when reflecting the image of a light, to be so treated.

Application of principal Act to reflecting material.

2. The provision which may be made by regulations of the Minister of Transport under the principal Act shall, notwithstanding anything in section 2 of the principal Act (restriction on nature of lights to be carried), include—

Power to require or authorise rear lights, etc., of varying colours.

- (a) provision requiring or authorising a light of a prescribed colour to be shown by the prescribed means to the rear of a vehicle of any prescribed description; and
- (b) where any such light is required or authorised by the regulations to be so shown by means of reflecting or fluorescent material, provision imposing conditions with respect to the material, its position and dimensions.

Control of
certain
illuminated
signalling
devices.

1960 c. 16.

3. Section 2(2)(b) of the principal Act (exceptions to restriction on nature of lights to be shown to rear of vehicles) shall not authorise a vehicle of any description to carry a lamp showing a light to the rear for the purpose of illuminating any device for giving signals to overtaking traffic other than a device of a type required or authorised to be carried on a vehicle of that description by virtue of section 64 of the Road Traffic Act 1960 (regulation of the construction and use of vehicles).

Short title,
citation,
interpretation
and extent.

1957 c. 51.

4.—(1) This Act may be cited as the Road Transport Lighting Act 1967.

(2) The Road Transport Lighting Acts 1957 and 1958 and this Act may be cited together as the Road Transport Lighting Acts 1957 to 1967.

(3) In this Act “ the principal Act ” means the Road Transport Lighting Act 1957, and expressions used in this Act and that Act have the same meanings respectively in this Act as in that Act.

(4) 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.

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



Matrimonial Causes Act 1967

1967 CHAPTER 56

An Act to confer jurisdiction on county courts in certain matrimonial proceedings; and for purposes connected therewith. [21st 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) The Lord Chancellor may by order designate any county court as a divorce county court, and any court so designated shall have jurisdiction to hear and determine any undefended matrimonial cause, except that it shall have jurisdiction to try such a cause only if it is also designated in the order as a court of trial. Jurisdiction of county courts in undefended matrimonial causes.

(2) The jurisdiction conferred by this Act on a divorce county court shall be exercisable throughout England and Wales, but rules of court may provide for a matrimonial cause pending in one such court to be heard and determined in another or partly in that and partly in another.

(3) Every matrimonial cause shall be commenced in a divorce county court, but rules of court—

- (a) shall provide for the transfer to the High Court of any matrimonial cause which ceases to be undefended; and
- (b) may provide for the transfer to that court of matrimonial causes which remain undefended.

(4) Rules of court may provide for the transfer or retransfer from the High Court to a divorce county court of any matrimonial cause which is or again becomes undefended.

(5) Rules of court shall define the circumstances in which any matrimonial cause is to be treated for the purposes of this Act as undefended, and may make different provision with respect to matrimonial causes of different descriptions.

(6) The power to make an order under this section shall be exercisable by statutory instrument and includes power to vary or revoke such an order by a subsequent order.

Ancillary relief and protection of children.
1965 c. 72.

2.—(1) Subject to the following provisions of this section, a divorce county court shall have jurisdiction to exercise any power exercisable under Part II or Part III of the Matrimonial Causes Act 1965 in connection with any petition, decree or order pending in or made by such a court and to exercise any power under section 22 or section 24 of that Act.

(2) Any proceedings for the exercise of a power which a divorce county court has jurisdiction to exercise by virtue of this section shall be commenced in such divorce county court as may be prescribed by rules of court; but rules of court shall provide for the transfer to the High Court of any proceedings pending in a county court by virtue of this section in any case where the transfer appears to the county court to be desirable, and may so provide in such other cases as may be specified in the rules.

1966 c. 35.

(3) A divorce county court shall not by virtue of this section have jurisdiction to exercise any power under sections 25 to 27 of the Matrimonial Causes Act 1965, but without prejudice to the exercise by virtue of section 7 of the Family Provision Act 1966 of any power exercisable by a county court under section 26 or 27 of the said Act of 1965.

(4) Nothing in this section shall affect the jurisdiction of a magistrates' court under section 24 of the Matrimonial Causes Act 1965.

Consideration of agreements or arrangements.

3. Any provision to be made by rules of court for the purposes of section 5(2) of the Matrimonial Causes Act 1965 with respect to any power exercisable by the court on an application made before the presentation of a petition shall confer jurisdiction to exercise the power on divorce county courts.

County court proceedings in principal probate registry.

4.—(1) Sections 1 to 3 of this Act shall not prevent the commencement of any proceedings in the principal probate registry, except where rules of court under section 2(2) of this Act otherwise provide; and the following provisions of this section shall have effect for the purpose of enabling proceedings to be dealt with in that registry as in a divorce county court.

(2) The jurisdiction conferred by this Act on divorce county courts shall be exercised in the principal probate registry—

(a) so far as it is exercisable by judges of such courts, at such sittings and in such places as the Lord Chancellor may direct; and

- (b) so far as it is exercisable by registrars of such courts, by such registrars or by registrars and other officers of the principal probate registry, according as rules of court may provide;

and rules of court may make provision for treating, for any purposes specified in the rules, proceedings pending in that registry with respect to which that jurisdiction is exercisable as pending in a divorce county court and for the application of section 73(4) of the Solicitors Act 1957 (amount of costs allowed on taxation in connection with proceedings in a county court) with respect to any proceedings so treated. 1957 c. 27.

(3) The principal probate registry shall be treated as a divorce county court—

- (a) for the purpose of any provision to be made by rules of court under section 1(2) of this Act; and
- (b) for the purpose of any provision to be made under section 2(2) of this Act prescribing the county court in which any proceedings are to be commenced.

(4) Rules of court shall make provision for securing, with respect to proceedings dealt with under this section, that, as nearly as may be, the same consequences shall follow—

- (a) as regards service of process, as if proceedings commenced in the principal probate registry had been commenced in a divorce county court; and
- (b) as regards enforcement of orders, as if orders made in that registry in the exercise of the jurisdiction conferred by this Act on divorce county courts were orders made by such a court.

(5) The provision to be made by rules of court for the purposes of this Act for the transfer of proceedings between a divorce county court and the High Court shall, in the case of proceedings pending in the principal probate registry and dealt with or to be dealt with under this section, be provision for the proceedings to be treated, or as the case may be no longer to be treated, for any purposes specified in the rules, as pending in a divorce county court; and any provision so made for the transfer of proceedings between divorce county courts shall include provision for the transfer to or from the principal probate registry of proceedings falling to be treated as pending in a divorce county court.

5. The jurisdiction conferred by this Act on divorce county courts, so far as it is exercisable by judges of such courts, shall be exercised by such county court judges as the Lord Chancellor may direct. Assignment of county court judges to matrimonial proceedings.

Appeals on questions of fact.

1959 c. 22.

6. Section 109 of the County Courts Act 1959 (appeals on questions of fact) shall have effect as if the proceedings mentioned in subsection (2) of that section included any proceedings with respect to which jurisdiction is conferred by this Act on divorce county courts.

Matrimonial causes rules.

1965 c. 72.

7.—(1) The authority having power to make rules of court for the purposes of—

(a) the Matrimonial Causes Act 1965, except proceedings in the county court under section 26 or section 27 (where the county court has jurisdiction by virtue of section 7 of the Family Provision Act 1966) and proceedings under section 39 (declarations of legitimacy, &c.);

(b) this Act; or

(c) any enactment passed after this Act which relates to any matter dealt with in the Matrimonial Causes Act 1965 or this Act, other than such proceedings as are specified in paragraph (a) of this subsection;

1966 c. 35.

shall be the Lord Chancellor together with any four or more of the following persons, namely, the President of the Probate, Divorce and Admiralty Division, one puisne judge attached to that division, one registrar of the principal probate registry, two county court judges, one registrar appointed under the County Courts Act 1959, two practising barristers being members of the General Council of the Bar and two practising solicitors of whom one shall be a member of the Council of the Law Society and the other a member of the Law Society and also of a local law society.

The said puisne judge, county court judges, registrars, barristers and solicitors shall be appointed by the Lord Chancellor for such time as he may think fit.

(2) The power to make such rules of court shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

1925 c. 49.

(3) Rules of court made under this section may apply, with or without modification, any rules of court made under the Supreme Court of Judicature (Consolidation) Act 1925, the County Courts Act 1959 or any other enactment and—

(a) may modify or exclude the application of any such rules or of any provision of the said Act of 1959;

(b) may provide for the enforcement in the High Court of orders made in a divorce county court;

and, without prejudice to the generality of the foregoing provisions, may make with respect to proceedings in a divorce county court any provision regarding the Official Solicitor or any solicitor of the Supreme Court which could be made by rules of court with respect to proceedings in the High Court.

8. The fees to be taken in any proceedings to which rules under section 7 of this Act apply shall be such as the Lord Chancellor with the concurrence of the Treasury may from time to time by order made by statutory instrument prescribe.

9. Rules of court may provide that the sums payable under section 6(5) of the Legal Aid and Advice Act 1949 to a solicitor or counsel acting in an undefended matrimonial cause shall, at his election, be either—

- (a) such fixed amount specified in the rules as may be applicable under the rules; or
- (b) an amount ascertained on taxation or assessment of costs as provided by Schedule 3 to that Act;

and may provide for modifying the said Schedule in relation to any proceedings which by virtue of this Act are at any stage treated as pending in a divorce county court.

10.—(1) In this Act—

Interpretation.

“divorce county court” means a county court designated under section 1 of this Act;

“matrimonial cause” has the same meaning as in the Supreme Court of Judicature (Consolidation) Act 1925, except that it includes an application under section 2 of the Matrimonial Causes Act 1965 and a petition for damages only under section 41 of that Act;

“undefended matrimonial cause” has the meaning assigned to it by section 1(5) of this Act.

(2) References in this Act to a transfer to the High Court include references to a transfer to a district registry.

11.—(1) This Act may be cited as the Matrimonial Causes Act 1967.

Short title, commencement and extent.

(2) This Act shall come into force on such day as the Lord Chancellor may by order made by statutory instrument appoint.

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



Control of Liquid Fuel Act 1967

1967 CHAPTER 57

An Act to make temporary provision for controlling the supply, acquisition and consumption of liquid fuel and of lubricating oil and grease, and for purposes connected therewith. [21st 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) The Minister of Power may by order provide for regula- Control of
ting or prohibiting any one or more of the following, that is to liquid fuel.
say—

- (a) the supply of liquid fuel;
- (b) the acquisition of liquid fuel; and
- (c) the consumption of liquid fuel.

(2) Any provision made by an order under the preceding subsection may be made in relation to liquid fuel generally or in relation to any particular description of liquid fuel, and (in either case) may be made with respect to the supply, acquisition or consumption of liquid fuel, or of the description of liquid fuel in question, for all purposes or for any particular purposes specified in the order.

(3) Without prejudice to the preceding provisions of this section, the Minister of Power may give to any person carrying on business as a refiner or supplier of liquid fuel directions as to the persons to whom he is to supply any such liquid fuel as may be specified in the directions; and any such directions may in particular require any liquid fuel to be supplied to such persons as may be specified in the directions in accordance with such

requirements as may be so specified or may, to such extent as may be specified in the directions, prohibit the supply of liquid fuel to persons so specified.

(4) Any directions given to a person under subsection (3) of this section may include provision as to the persons to whom he is to supply any such lubricating oil as may be specified in the directions; and any such directions may in particular require any lubricating oil to be supplied to such persons as may be specified in the directions in accordance with such requirements as may be so specified or may, to such extent as may be specified in the directions, prohibit the supply of lubricating oil to persons so specified.

(5) Where any liquid fuel or lubricating oil is supplied to any person in pursuance of directions under subsection (3) of this section, that person shall pay such price in respect of the fuel or lubricating oil as may be reasonable.

Documents and information relating to liquid fuel.

2. The Minister of Power may, by directions given with respect to any undertaking, or by order made with respect to any class of undertakings, require the person carrying on the undertaking, or persons carrying on undertakings of that class, as the case may be,—

(a) to keep such books, accounts and records relating to liquid fuel as may be prescribed by the directions or (as the case may be) by the order or by a notice served under the order;

(b) to furnish, at such times, in such manner and in such form as may be so prescribed, such estimates, returns or information relating to liquid fuel as may be so prescribed.

Relaxation of restrictions on use of goods vehicles.
1960 c. 16.

3.—(1) A goods vehicle with respect to which no licence under Part IV of the Road Traffic Act 1960 is in force may, notwithstanding anything in that Act, be used on a road for the carriage of goods for hire or reward, or for or in connection with any trade or business carried on by any person, so long as the use of the vehicle is under, and in accordance with, any general or special authority granted for the purposes of this subsection by or on behalf of the Minister of Transport.

(2) Where a licence granted under Part IV of the Road Traffic Act 1960 is in force with respect to any vehicle, the uses of that vehicle which are authorised by the licence shall, notwithstanding anything in section 166 of that Act or in the terms of the licence, be deemed to extend to any use made of that vehicle under, and in accordance with, any general or special authority granted for the purposes of this subsection by or on behalf of the Minister of Transport; and nothing in any condition of a licence so granted

shall apply to any use of any vehicle to which the licence relates so long as that use is under, and in accordance with, any such general or special authority.

(3) The power to grant any general or special authority under this section shall not be exercisable except where it appears to the person granting the authority to be necessary or expedient to do so for the purpose of promoting economy in the consumption of liquid fuel; and no such authority shall be granted so as to have effect except at a time when an order under section 1(1) of this Act is in force.

(4) In the application of this section to Northern Ireland the following subsection shall be substituted for subsections (1) and (2) of this section:—

“(1) So long as the use of a motor vehicle is under, and in accordance with, any general or special authority granted for the purposes of this subsection by or on behalf of the Ministry of Development for Northern Ireland, any person may use that vehicle on a road in Northern Ireland for the carriage of goods for hire or reward notwithstanding that there is not in force under the Transport Act (Northern Ireland) 1966 a road freight operator's licence in respect of that person or a road freight vehicle licence in respect of that vehicle.”

4.—(1) The following provisions of the Emergency Laws (Re-enactments and Repeals) Act 1964, that is to say sections 7 (orders and directions), 8 (notices, authorisations and proof of documents), 9 (territorial extent of Part I), 10 (false documents and false statements), 11 (restrictions on disclosing information) and 12 (offences by corporations), shall have effect for the purposes of this Act as if in those provisions any reference to Part I of that Act were a reference to this Act; and in the following provisions of this Act any reference to an offence under this Act shall be construed accordingly.

(2) Schedule 1 to that Act (production of documents) shall have effect for the purposes of this Act as if paragraph 3 of that Schedule were omitted and in that Schedule—

(a) any reference to the relevant section of that Act were a reference to this Act, and

(b) any reference to a competent authority were a reference to a government department (including a department of the Government of Northern Ireland),

and in paragraph 2(3) of that Schedule the reference to that Act included a reference to this Act.

Offences and penalties.

5.—(1) Any person who—

(a) contravenes, or fails to comply with, any order made, directions given or requirement imposed under this Act (other than any such requirement as is mentioned in paragraph 1(3) of Schedule 1 to the Emergency Laws (Re-enactments and Repeals) Act 1964, as applied by section 4 of this Act), or

(b) (except as mentioned in paragraph 2(4) of that Schedule as so applied) wilfully obstructs any person exercising a power, or performing a duty, conferred or imposed on him under this Act,

shall be guilty of an offence under this Act.

(2) Without prejudice to the operation—

1861 c. 94. (a) of section 8 of the Accessories and Abettors Act 1861 or
1952 c. 55. of section 35 of the Magistrates' Courts Act 1952, or

1887 c. 35. (b) in Scotland, of section 61 of the Criminal Procedure
1954 c. 48. (Scotland) Act 1887 or of section 2 of the Summary
Jurisdiction (Scotland) Act 1954, or

(c) in Northern Ireland, of section 8 of the Accessories and
1964 c. 21 Abettors Act 1861 or of section 68 of the Magistrates'
(N.I.) Courts Act (Northern Ireland) 1964,

any person who attempts to commit, conspires with any other person to commit, or does any act or makes any statement preparatory to the commission of, an offence under this Act or under Schedule 1 to the Emergency Laws (Re-enactments and Repeals) Act 1964 as applied by this Act shall be guilty of an offence under this Act.

(3) Proceedings against any person in respect of an offence under this Act, or under that Schedule as so applied, may be taken before the appropriate court in the United Kingdom having jurisdiction in the place where that person is for the time being.

(4) Any person guilty of an offence under this Act shall be liable on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding £100, or to both.

Financial provisions.

6.—(1) The Minister of Power shall pay to the Postmaster General sums, of such amounts as may be agreed between them, for work done by the Postmaster General in connection with the execution of this Act.

1962 c. 13.

(2) For the purposes of section 22 of the Vehicles (Excise) Act 1962, any expenses which, in accordance with arrangements made in that behalf by the Minister of Transport, are incurred

by any such council as is mentioned in paragraph (a) of subsection (1) of that section in connection with the execution of this Act in Great Britain shall be treated as expenses incurred as mentioned in that paragraph.

(3) All expenses incurred by any government department (except the Postmaster General) in consequence of this Act shall be defrayed out of moneys provided by Parliament.

7.—(1) In this Act “liquid fuel” means any liquid used as fuel, whether for the propulsion of vehicles or for industrial, domestic or any other purposes, “lubricating oil” includes lubricating grease, and “undertaking” means any public utility undertaking or any undertaking by way of any trade or business. Interpretation.

(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.

(3) In this section “enactment” includes an enactment of the Parliament of Northern Ireland.

8.—(1) Her Majesty may by Order in Council direct that this Act shall extend to the Isle of Man or any of the Channel Islands, with such exceptions, adaptations and modifications as may be specified in the Order. Isle of Man and Channel Islands.

(2) Any Order in Council under this section may be varied or revoked by a subsequent Order of Her Majesty in Council.

9.—(1) This Act shall continue in force until 30th June 1968 and shall then expire unless Parliament otherwise determines. Duration of Act.

(2) Upon the expiry of this Act section 38(2) of the Interpretation Act 1889 (which relates to the effect of repeals) shall apply as if this Act had been repealed by another Act. 1889 c. 63.

10.—(1) This Act may be cited as the Control of Liquid Fuel Act 1967. Short title and extent.

(2) This Act extends to Northern Ireland.



Criminal Law Act 1967

1967 CHAPTER 58

An Act to amend the law of England and Wales by abolishing the division of crimes into felonies and misdemeanours and to amend and simplify the law in respect of matters arising from or related to that division or the abolition of it; to do away (within or without England and Wales) with certain obsolete crimes together with the torts of maintenance and champerty; and for purposes connected therewith.

[21st 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:—

PART I

FELONY AND MISDEMEANOUR

1.—(1) All distinctions between felony and misdemeanour are hereby abolished. Abolition of distinction between felony and misdemeanour.

(2) Subject to the provisions of this Act, on all matters on which a distinction has previously been made between felony and misdemeanour, including mode of trial, the law and practice in relation to all offences cognisable under the law of England and Wales (including piracy) shall be the law and practice applicable at the commencement of this Act in relation to misdemeanour. mis-demeanour.

2.—(1) The powers of summary arrest conferred by the following subsections shall apply to offences for which the sentence is fixed by law or for which a person (not previously convicted) may under or by virtue of any enactment be sentenced to imprisonment for a term of five years, and to attempts to Arrest without warrant.

PART I

commit any such offence ; and in this Act, including any amendment made by this Act in any other enactment, "arrestable offence" means any such offence or attempt.

(2) Any person may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, in the act of committing an arrestable offence.

(3) Where an arrestable offence has been committed, any person may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, guilty of the offence.

(4) Where a constable, with reasonable cause, suspects that an arrestable offence has been committed, he may arrest without warrant anyone whom he, with reasonable cause, suspects to be guilty of the offence.

(5) A constable may arrest without warrant any person who is, or whom he, with reasonable cause, suspects to be, about to commit an arrestable offence.

(6) For the purpose of arresting a person under any power conferred by this section a constable may enter (if need be, by force) and search any place where that person is or where the constable, with reasonable cause, suspects him to be.

(7) This section shall not affect the operation of any enactment restricting the institution of proceedings for an offence, nor prejudice any power of arrest conferred by law apart from this section.

Use of force
in making
arrest, etc.

3.—(1) A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large.

(2) Subsection (1) above shall replace the rules of the common law on the question when force used for a purpose mentioned in the subsection is justified by that purpose.

Penalties for
assisting
offenders.

4.—(1) Where a person has committed an arrestable offence, any other person who, knowing or believing him to be guilty of the offence or of some other arrestable offence, does without lawful authority or reasonable excuse any act with intent to impede his apprehension or prosecution shall be guilty of an offence.

(2) If on the trial of an indictment for an arrestable offence the jury are satisfied that the offence charged (or some other offence of which the accused might on that charge be found guilty) was committed, but find the accused not guilty of it, they may find him guilty of any offence under subsection (1) above of which they are satisfied that he is guilty in relation to the offence charged (or that other offence).

(3) A person committing an offence under subsection (1) above with intent to impede another person's apprehension or prosecution shall on conviction on indictment be liable to imprisonment according to the gravity of the other person's offence, as follows:—

- (a) if that offence is one for which the sentence is fixed by law, he shall be liable to imprisonment for not more than ten years ;
- (b) if it is one for which a person (not previously convicted) may be sentenced to imprisonment for a term of fourteen years, he shall be liable to imprisonment for not more than seven years ;
- (c) if it is not one included above but is one for which a person (not previously convicted) may be sentenced to imprisonment for a term of ten years, he shall be liable to imprisonment for not more than five years ;
- (d) in any other case, he shall be liable to imprisonment for not more than three years.

(4) No proceedings shall be instituted for an offence under subsection (1) above except by or with the consent of the Director of Public Prosecutions :

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

(5) Offences under subsection (1) above, and incitement to commit them, shall be included in Schedule 1 to the Magistrates' Courts Act 1952 (indictable offences triable summarily with the consent of the accused) where that Schedule includes, or is under any enactment to be treated as including, the arrestable offence to which they relate. 1952 c. 55.

(6) For purposes of the Extradition Acts 1870 to 1935 offences in relation to an extradition crime which in England would be offences under subsection (1) above shall be extradition crimes and be deemed to be included in Schedule 1 to the Extradition Act 1870. 1870 c. 52.

(7) For purposes of section 33 of the Larceny Act 1916 and of any other enactment relating to receivers or receiving a person shall be treated as receiving property if he dishonestly undertakes or assists in its retention, removal, disposal or realisation by or for the benefit of another person or if he arranges so to do. 1916 c. 50.

5.—(1) Where a person has committed an arrestable offence, any other person who, knowing or believing that the offence or some other arrestable offence has been committed, and that he has information which might be of material assistance in securing the prosecution or conviction of an offender for it, Penalties for concealing offences or giving false information.

PART I

accepts or agrees to accept for not disclosing that information any consideration other than the making good of loss or injury caused by the offence, or the making of reasonable compensation for that loss or injury, shall be liable on conviction on indictment to imprisonment for not more than two years.

(2) Where a person causes any wasteful employment of the police by knowingly making to any person a false report tending to show that an offence has been committed, or to give rise to apprehension for the safety of any persons or property, or tending to show that he has information material to any police inquiry, he shall be liable on summary conviction to imprisonment for not more than six months or to a fine of not more than two hundred pounds or to both.

(3) No proceedings shall be instituted for an offence under this section except by or with the consent of the Director of Public Prosecutions.

1952 c. 55.

(4) Offences under subsection (1) above, and incitement to commit them, shall be included in Schedule 1 to the Magistrates' Courts Act 1952 (indictable offences triable summarily with the consent of the accused) where that Schedule includes, or is under any enactment to be treated as including, the arrestable offence to which they relate.

(5) The compounding of an offence other than treason shall not be an offence otherwise than under this section.

Trial of offences.

6.—(1) Where a person is arraigned on an indictment—

- (a) he shall in all cases be entitled to make a plea of not guilty in addition to any demurrer or special plea ;
- (b) he may plead not guilty of the offence specifically charged in the indictment but guilty of another offence of which he might be found guilty on that indictment ;
- (c) if he stands mute of malice or will not answer directly to the indictment, the court may order a plea of not guilty to be entered on his behalf, and he shall then be treated as having pleaded not guilty.

(2) On an indictment for murder a person found not guilty of murder may be found guilty—

- (a) of manslaughter, or of causing grievous bodily harm with intent to do so ; or
- (b) of any offence of which he may be found guilty under an enactment specifically so providing, or under section 4(2) of this Act ; or
- (c) of an attempt to commit murder, or of an attempt to commit any other offence of which he might be found guilty ;

but may not be found guilty of any offence not included above.

(3) Where, on a person's trial on indictment for any offence except treason or murder, the jury find him not guilty of the offence specifically charged in the indictment, but the allegations in the indictment amount to or include (expressly or by implication) an allegation of another offence falling within the jurisdiction of the court of trial, the jury may find him guilty of that other offence or of an offence of which he could be found guilty on an indictment specifically charging that other offence.

(4) For purposes of subsection (3) above any allegation of an offence shall be taken as including an allegation of attempting to commit that offence; and where a person is charged on indictment with attempting to commit an offence or with any assault or other act preliminary to an offence, but not with the completed offence, then (subject to the discretion of the court to discharge the jury with a view to the preferment of an indictment for the completed offence) he may be convicted of the offence charged notwithstanding that he is shown to be guilty of the completed offence.

(5) Where a person arraigned on an indictment pleads not guilty of an offence charged in the indictment but guilty of some other offence of which he might be found guilty on that charge, and he is convicted on that plea of guilty without trial for the offence of which he has pleaded not guilty, then (whether or not the two offences are separately charged in distinct counts) his conviction of the one offence shall be an acquittal of the other.

(6) Any power to bring proceedings for an offence by criminal information in the High Court is hereby abolished.

(7) Subsections (1) to (3) above shall apply to an indictment containing more than one count as if each count were a separate indictment.

7.—(1) Where a person is convicted on indictment of an offence against any enactment and is for that offence liable to be sentenced to imprisonment, but the sentence is not by any enactment either limited to a specified term or expressed to extend to imprisonment for life, the person so convicted shall be liable to imprisonment for not more than two years. Powers of dealing with offenders.

(2) A person convicted on indictment of an attempt to commit an offence for which a maximum term of imprisonment or a maximum fine is provided by any enactment shall not be sentenced to imprisonment for a term longer, nor to a fine larger, than that to which he could be sentenced for the completed offence.

(3) Where a person is convicted on indictment of any offence other than an offence for which the sentence is fixed by law, the court, if not precluded from sentencing the offender by its

PART I

exercise of some other power (such as the power to make a probation order), may impose a fine in lieu of or in addition to dealing with him in any other way in which the court has power to deal with him, subject however to any enactment limiting the amount of the fine that may be imposed or requiring the offender to be dealt with in a particular way.

(4) Notwithstanding anything in any enactment whereby power is conferred on a court, on a person's conviction of an offence, to bind him over to keep the peace or be of good behaviour, that power may be exercised without sentencing the person convicted to a fine or to imprisonment.

(5) There is hereby abolished so much of the punishment for any offence as consists in any general forfeiture of lands or of goods and chattels or in being placed outside Her Majesty's protection or otherwise incapacitated to sue or be sued.

Jurisdiction
of quarter
sessions.

8.—(1) A court of quarter sessions shall not have jurisdiction to try an indictment for any offence for which a person may be sentenced to death or may under or by virtue of any enactment be sentenced to imprisonment for life:

Provided that this subsection shall not deprive a court of quarter sessions of any jurisdiction which the court has under the law in force at the commencement of this Act.

(2) Accordingly the offences which, when prosecuted on indictment, are triable by a court of quarter sessions shall be the offences mentioned in List A in Schedule 1 to this Act together with all other offences not falling under any head of List B in that Schedule:

1962 c. 15.

Provided that, subject to section 16(4) of the Criminal Justice Administration Act 1962 (which relates to part-heard cases), a court with restricted jurisdiction shall not have jurisdiction to try an indictment for an offence by reason of its inclusion in Division II of the said List A.

1938 c. 63.

(3) For purposes of subsection (2) above "court with restricted jurisdiction" does not include the court of quarter sessions for any London Commission Area or the court of the recorder of any borough, but with those exceptions means any court of quarter sessions not being presided over by a legally qualified chairman within the meaning of section 2 of the Administration of Justice (Miscellaneous Provisions) Act 1938 or by a person entitled under subsection (5) of that section to take the place of the legally qualified chairman of the court; and references in any enactment to offences being triable by a court of quarter sessions under that section shall have effect as references to their being triable by a court of quarter sessions not being a court with restricted jurisdiction.

(4) Notwithstanding any limitation in relation to an offence on the jurisdiction of a court of quarter sessions, a person may be indicted before, or committed for sentence to, the court

for that offence; and in the case of offences which the court has no jurisdiction to try on indictment— PART I

- (a) where a person is indicted before the court, the powers of the court under section 14(2) of the Criminal Justice Act 1925 shall include power to direct that his trial shall take place before a court of assize or before a court of quarter sessions for some other place; and 1925 c. 86.
- (b) where a person is committed for sentence to the court, the powers of the court shall include power to deal with him in any way in which, on his conviction on indictment before a court having jurisdiction to try the offence, he could be dealt with by that court.

9. Nothing in this Act shall affect Her Majesty's royal prerogative of mercy, but a pardon in respect of any offence if granted by warrant under Her royal sign manual, countersigned by the Secretary of State, shall be of like effect as a pardon under the great seal. Pardon.

10.—(1) The enactments mentioned in Schedule 2 to this Act shall be amended in accordance with the provisions of that Schedule. Amendments of particular enactments, and repeals.

(2) The enactments mentioned in Schedule 3 to this Act (which includes in Part I certain enactments connected with matters in this Part of this Act but already spent, obsolete or redundant apart from this Act) are hereby repealed to the extent specified in the third column of that Schedule.

11.—(1) Subject to subsections (2) to (4) below, this Part of this Act shall not extend to Scotland or to Northern Ireland. Extent of Part I, and provision for Northern Ireland.

(2) Subsection (1) above shall not restrict the operation of this Part of this Act—

(a) in so far as it affects—

- (i) the Extradition Acts 1870 to 1935; or
- (ii) the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957; or 1955 c. 18.
1955 c. 19.
- (iii) section 2 of the Forfeiture Act 1870 or any other enactment or rule of law relating to any parliamentary disqualification or other disability or penal consequence arising from an offence being felony; or 1957 c. 53.
1870 c. 23.

(b) in so far as (by paragraph 10 of Schedule 2) it amends the Regimental Debts Act 1893. 1893 c. 5.

(3) The amendments made by paragraph 2 of Schedule 2 to this Act in section 4 of the Vagrancy Act 1824 and section 15 of the Prevention of Crimes Act 1871 shall extend to Scotland. 1824 c. 83.
1871 c. 112.

(4) The restrictions imposed by the Government of Ireland Act 1920 on the powers of the Parliament of Northern Ireland shall not be treated as precluding that Parliament from enacting, 1920 c. 67.

PART I

in relation to Northern Ireland, by any Act passed for purposes similar to this Part of this Act, a provision corresponding to any provision of that Part, or from making provision as to proceedings in Northern Ireland for offences, wherever committed, which are cognisable under the law of Northern Ireland.

Commence-
ment, savings,
and other
general
provisions.

12.—(1) This Part of this Act, except in so far as it enlarges the powers of the Parliament of Northern Ireland, shall not come into force until the 1st January 1968; and, in so far as it affects any matter of procedure or evidence or the jurisdiction or powers of any court in relation to offences, it shall have effect in relation to proceedings on indictment for an offence (except as provided by the following subsections) if, but only if, the person charged with the offence is arraigned on or after that day.

(2) Where a person is arraigned after the commencement of this Part of this Act on an indictment for a felony committed before that commencement, then for purposes of his trial on that indictment the offence shall be deemed always to have been a misdemeanour and, notwithstanding that the indictment is framed as an indictment for felony, shall be deemed to be charged as a misdemeanour in the indictment.

(3) On an indictment signed before the commencement of this Part of this Act, a person may be found guilty of any offence of which he could have been found guilty on that indictment if this Part of this Act had not been passed, but not of any other offence; and a person tried by a court-martial ordered or convened before that commencement may be found guilty of any offence of which he could have been found guilty if this Part of this Act had not been passed, but not of any other offence.

(4) Where a person has been tried for or convicted of felony before the commencement of this Part of this Act, the trial or conviction may be proved in any manner in which it could have been proved if this Part of this Act had not been passed.

(5) Subject to any express amendment or repeal made by this Act, the following provisions shall have effect in relation to any Act passed before this Act:—

- (a) any enactment creating an offence by directing it to be felony shall be read as directing it to be an offence, and nothing in this Part of this Act shall affect the operation of any reference to an offence in the enactments specially relating to that offence by reason only of the reference being in terms no longer applicable after the commencement of this Part of this Act;
- (b) any enactment referring to felonious stealing shall be read as referring merely to stealing;
- (c) nothing in this Part of this Act shall affect the punishment provided for an offence by the enactments specially relating to that offence.

(6) In this Part of this Act references to felony shall not be taken as including treason; but the procedure on trials for treason or misprision of treason shall be the same as the procedure as altered by this Act on trials for murder.

PART I

(7) Any provision of this Part of this Act relating to proceedings on indictment shall, so far as applicable, apply also to proceedings on an inquisition.

PART II

OBSOLETE CRIMES

13.—(1) The following offences are hereby abolished, that is to say—

Abolition of certain offences, and consequential repeals.

(a) any distinct offence under the common law in England and Wales of maintenance (including champerty, but not embracery), challenging to fight, eavesdropping or being a common barrator, a common scold or a common night walker; and

(b) any offence under an enactment mentioned in Part I of Schedule 4 to this Act, to the extent to which the offence depends on any section or part of a section included in the third column of that Schedule.

(2) Accordingly the enactments mentioned in Parts I and II of Schedule 4 to this Act are hereby repealed to the extent specified in the third column of the Schedule, but subject to the provisions of Part III of the Schedule.

(3) This section shall extend to Northern Ireland only in so far as it relates—

(a) to offences under any Act of the Parliament of Ireland; or

(b) to offences under any other enactment of which the repeal is in Schedule 4 to this Act expressed to extend to Northern Ireland;

and in so far as it repeals any such Act or enactment.

PART III

SUPPLEMENTARY

14.—(1) No person shall, under the law of England and Wales, be liable in tort for any conduct on account of its being maintenance or champerty as known to the common law, except in the case of a cause of action accruing before this section has effect.

Civil rights in respect of maintenance and champerty.

(2) The abolition of criminal and civil liability under the law of England and Wales for maintenance and champerty shall not affect any rule of that law as to the cases in which a contract is to be treated as contrary to public policy or otherwise illegal.

15. This Act may be cited as the Criminal Law Act 1967. Short title.

SCHEDULES

Section 8.

SCHEDULE 1

LISTS OF OFFENCES FALLING, OR NOT FALLING, WITHIN
JURISDICTION OF QUARTER SESSIONSLIST A Division I: *Offences triable by all courts of quarter sessions*

1861 c. 97.

1. Offences against section 17 of the Malicious Damage Act 1861 (arson of stacks of corn etc.).

2.—(a) Burglary ;

1916 c. 50.

(b) Offences against the following provisions of the Larceny Act 1916:—

(i) section 12 (stealing of postal packets etc.) ;

(ii) section 18 (embezzlement by officers of the Post Office) ;

(iii) section 24 (sacrilege) ;

(iv) section 33(2) (receiving stolen postal packets etc.) ;

1953 c. 36.

(c) Offences against sections 52 to 58 of the Post Office Act 1953 (stealing, embezzlement and receiving of postal packets and other offences in connection with mails).

1911 c. 6.

3. Offences against section 5 of the Perjury Act 1911 in relation to statements in statutory declarations.

1913 c. 27.

4. The following offences against the Forgery Act 1913:—

(a) offences against section 2(2)(a) in relation to any document, being an authority or request for the payment of money or for the delivery or transfer of goods or chattels, where the amount of the money or the value of the goods or chattels does not exceed £100 ; and

(b) offences against section 7(a) where the amount of the money or the value of the property in respect of which the offence is committed does not exceed £100 ; and

(c) uttering any forged document the forgery of which is an offence triable by the court in question.

1889 c. 69.

5. Offences against the Public Bodies Corrupt Practices Act 1889.

6. Unlawful combinations and conspiracies to cheat and defraud.

LIST A Division II: *Offences triable by courts of quarter sessions other than courts with restricted jurisdiction*

1826 c. 16.

1. Offences under section 38 of the Chelsea and Kilmainham Hospitals Act 1826 (personation to obtain pension, etc.).

2. Offences under section 14 of the Malicious Damage Act 1861 (destruction of textiles during manufacture or of textile machinery).

1936 c. 16.

3. Offences against the Coinage Offences Act 1936, other than offences against sections 1(1)(a), 2, 9(1) and (2) and 10 (certain offences in relation to coinage of higher denominations, to coining

implements and to removal of coining implements, coin or bullion from the Mint). SCH. 1

4. Offences against the following provisions of the Perjury Act 1911 c. 6. 1911:—

- (a) section 2 (false statements on oath made otherwise than in judicial proceedings);
- (b) section 3 (false statements etc., with reference to marriage);
- (c) section 4 (false statements etc., as to births or deaths);
- (d) section 5 (false statutory declarations and other false statements without oath);
- (e) section 6 (false declarations etc., to obtain registration etc., for carrying on a vocation).

5.—(a) Offences consisting of the forgery of any document or thing, being offences triable on indictment or alternatively by a magistrates' court, except offences against section 1 of the Official Secrets Act 1920 c. 75.

(b) Offences against section 13 of the Stamp Duties Management Act 1891 c. 38. Act 1891 (frauds in connection with stamps and dies);

(c) The following offences against the Forgery Act 1913:— 1913 c. 27.

- (i) offences which would before the passing of that Act have constituted offences against section 13 of the Stamp Duties Management Act 1891;
- (ii) offences against section 2(2)(a) in relation to any document, being an accountable receipt, where the amount of the money or the value of the property in respect of which the offence is committed does not exceed £20;
- (iii) offences against section 4 (forgery of documents in general);

(d) Offences against section 36 of the Criminal Justice Act 1925 c. 86. (forgery of passport and false statement to obtain passport).

6.—(a) Bigamy and offences against the marriage laws.

(b) Offences, and attempts to commit offences, against section 6 of the Sexual Offences Act 1956 (intercourse with girl under 16), 1956 c. 69. and offences against section 13 of that Act (indecenty between men) and attempts to procure the commission by a man of an act of gross indecenty with another man.

7. Offences against section 60 of the Offences against the Person Act 1861 c. 100. Act 1861 (endeavouring to conceal birth of child).

8. Offences against section 9 of the Night Poaching Act 1828 c. 69. (poaching at night by armed gangs).

9. Conspiracies to commit offences punishable on summary conviction.

SCH. 1 LIST B: Offences excluded (subject to List A) from jurisdiction of all courts of quarter sessions

1. Any offence for which a person may be sentenced to death.
2. Any offence for which a person may under or by virtue of any enactment be sentenced to imprisonment for life.
3. Misprision of treason.
4. Offences against the Queen's title, prerogative, person or government, or against either House of Parliament.
5. Blasphemy and offences against religion.
6. Composing, printing or publishing blasphemous, seditious or defamatory libels.
7. Administering or taking unlawful oaths.
- 1911 c. 6. 8. Perjury and subornation of perjury, offences against the Perjury Act 1911, and offences which under any enactment are declared to be perjury or to be punishable as perjury or as subornation of perjury.
- 1913 c. 27. 9. Forgery, offences against the Forgery Act 1913 and offences which under any enactment are declared to be forgery or to be punishable as forgery.
- 1956 c. 69. 10.—(a) Bigamy and offences against the marriage laws;
(b) Abduction of women and girls, and offences against sections 1 to 13, 17 to 27 and 29 of the Sexual Offences Act 1956;
(c) Attempts to commit offences against the following provisions of the Sexual Offences Act 1956, namely, sections 2, 5, 6, 7, 9, 10, 11, 22 and 23, and attempts to procure the commission by a man of an act of gross indecency with another man.
- 1906 c. 34. 11.—(a) Bribery;
(b) Offences under the Prevention of Corruption Act 1906;
(c) Corrupt practices within the meaning of the Representation of the People Act 1949 (including any provision of that Act as applied by section 67(5) of the Licensing Act 1964).
- 1949 c. 68. 12. Unlawful combinations and conspiracies, other than conspiracies or combinations to commit offences which the court in question has jurisdiction to try when committed by one person.
- 1964 c. 26. 13.—(a) Stealing or fraudulently taking or injuring or destroying records or documents belonging to any court of law or equity or relating to any proceedings in a court of law or equity;
(b) Stealing or fraudulently destroying or concealing any document or written instrument being or containing evidence of the title to any real estate or any interest in land;
(c) Offences against sections 82, 83 and 84 of the Larceny Act 1861 (frauds by directors etc. of bodies corporate and public companies);
- 1861 c. 96. (d) Offences against sections 20, 21 and 22 of the Larceny Act 1916 (fraudulent conversion and offences by factors) other than offences of fraudulent conversion against section 20(1)(iv).
- 1916 c. 50.

14. Offences against section 9 of the Night Poaching Act 1828 (poaching at night by armed gangs). SCH. 1
1828 c. 69.

15. Offences under the Official Secrets Acts 1911 to 1939.

16.—(a) Attempted murder, and attempts to commit offences against section 1 of the Infant Life (Preservation) Act 1929 (child destruction). 1929 c. 34.

(b) Offences against section 60 of the Offences Against the Person Act 1861 (endeavouring to conceal birth of child). 1861 c. 10.

17. Offences against section 1 of the Geneva Conventions Act 1957. 1957 c. 52.

18. Offences against section 1 of the Road Traffic Act 1960 (causing death by reckless or dangerous driving). 1960 c. 16.

19. Offences against section 2 of the Suicide Act 1961 (aiding and abetting suicide). 1961 c. 60.

SCHEDULE 2

Section 10.

SUPPLEMENTARY AMENDMENTS

Adaptations of enactments referring to felony

1. In section 1 of the Judgment of Death Act 1823 (which provides for recording, instead of pronouncing, sentence of death) for the words from “felony” to “thereof” there shall be substituted the words “offence punishable with death except treason” and there shall be omitted the words from “it shall and may” to “bar such judgment”; and in section 3 of the Central Criminal Court Act 1837 (which makes similar provision) there shall be omitted the words from “it shall and may” to “bar such judgment”. 1823 c. 48.
1837 c. 77.

2.—(1) In the Vagrancy Act 1824, in section 4 (rogues and vagabonds),— 1824 c. 83.

(a) in the words relating to persons having implements with intent feloniously to break into dwelling houses etc., for the expression “feloniously” there shall be substituted the words “for the purpose of committing an arrestable offence”; and

(b) in the words relating to persons having offensive weapons or other instruments with intent to commit any felonious act, and in the words relating to suspected persons or reputed thieves frequenting rivers, highways, etc. with intent to commit felony, for the expression “any felonious act” and for the expression “felony” there shall be substituted the expression “an arrestable offence”.

(2) Accordingly in section 15 of the Prevention of Crimes Act 1871 (which recites and amends the said section 4) for the expressions “felony” and “a felony”, wherever occurring, there shall be substituted the expression “an arrestable offence”. 1871 c. 112.

3.—(1) In section 28 of the Criminal Law Act 1826 (which enables assize courts and, as extended by section 8 of the Criminal Justice Administration Act 1851, courts of quarter sessions to award compensation to those active in apprehending persons charged with murder and certain other offences)— 1826 c. 64.
1851 c. 55.

(a) for the words “superior criminal court of a county palatine or court of great sessions” there shall be substituted the

SCH. 2

words "or quarter sessions", and accordingly there shall be omitted the words from "and where any person shall appear to any court of sessions of the peace" to "other courts hereinbefore mentioned"; and

- (b) for the words from "murder" to "been stolen" there shall be substituted the words "an arrestable offence" and for the words "any of the said offences" there shall be substituted the words "that offence".

1826 c. 64.

(2) In section 30 of the Criminal Law Act 1826 (which enables compensation to be awarded to the family of anyone killed in trying to apprehend a person charged with an offence mentioned in section 28) for the words "any of the offences hereinbefore last mentioned" there shall be substituted the words "an arrestable offence".

1830 c. 68.

4. In section 8 of the Carriers Act 1830 (under which the protection given by that Act to common carriers does not extend to the felonious acts of their servants) for the words "the felonious acts" there shall be substituted the words "any theft, embezzlement or forgery".

5. In the following enactments (which confer on the police powers of entry into vessels on suspicion of felony), that is to say,—

1839 c. 47.

- (a) section 34 of the Metropolitan Police Act 1839;

1840 c. 50.

- (b) section 9 of the Canals (Offences) Act 1840;

for the expressions "felony" and "felonies" there shall be substituted the expressions "arrestable offence" and "arrestable offences"; and any enactment for the same or like purposes which is contained in any local or private Act shall be modified as near as may be in the same way.

6. In the following enactments (which provide for the trial of murder or manslaughter where any person dies in a country after being feloniously stricken out of it or *vice versa*), that is to say,—

1849 c. 96.

- (a) section 3 of the Admiralty Offences (Colonial) Act 1849;

1860 c. 122.

- (b) section 1 of the Admiralty Offences (Colonial) Act 1860;

1861 c. 100.

- (c) section 10 of the Offences against the Person Act 1861;

for the word "feloniously", wherever occurring, there shall be substituted the word "criminally".

1861 c. 97.

7. In section 7 of the Malicious Damage Act 1861 (which makes it an offence to set fire to anything in, against or under a building in such circumstances that if the building were thereby set fire to it would amount to felony) for the words "the offence would amount to felony" there shall be substituted the words "he would be guilty of an offence under any of the preceding sections".

8. The following enactments (which make it an offence to make or have gunpowder etc. for the purpose of a felony mentioned in the Act in question, and confer powers of search for such gunpowder etc.), that is to say,—

1861 c. 97.

- (a) sections 54 and 55 of the Malicious Damage Act 1861; and

1861 c. 100.

- (b) sections 64 and 65 of the Offences against the Person Act 1861;

shall have effect as if the references to felonies mentioned in the Act included any offence so mentioned for which a person (not

previously convicted) may be tried on indictment otherwise than at his own instance. SCH. 2

9. Section 4 of the Forfeiture Act 1870 (which allows a court on a person's conviction for felony to award compensation not exceeding £100 for loss of property occasioned by the felony) shall have effect as if the references to felony included any offence tried on indictment, as if the reference to loss of property included damage to property, but did not include loss or damage due to an accident arising out of the presence of a motor vehicle on a road, and as if the reference to £100 were a reference to £400; and section 34 of the Magistrates' Courts Act 1952 (which confers the same powers on a magistrates court) shall have effect accordingly, but with the substitution for the word "felony" of the words "an indictable offence". 1870 c. 23. 1952 c. 55.

10. In section 23 of the Regimental Debts Act 1893 (which applies the provisions of that Act as to the collection and disposal of the effects of a deceased serviceman to the case of a serviceman convicted by a civil court of felony) for the words "or is convicted by a civil court of any offence which by the law of England is felony" there shall be substituted the words "or, in consequence of a conviction by or before a court of ordinary criminal jurisdiction, is sentenced to death or is imprisoned or detained to serve a sentence of three months or more". 1893 c. 5.

11. In section 66 of the Merchant Shipping Act 1894 (which makes forgery etc. of certain documents under Part I of that Act felony, but without specifying any punishment) there shall be added at the end the words "and liable on conviction on indictment to imprisonment for not more than seven years". 1894 c. 60.

12.—(1) In the Larceny Act 1916, in sections 24 to 28 (sacrilege, burglary, housebreaking and possession by night of implements of housebreaking etc.), for the expression "felony", wherever it occurs otherwise than in the phrase "shall be guilty of felony", there shall be substituted the expression "arrestable offence"; and the same substitution shall be made in section 29(2)(b) (procuring execution etc. of valuable security by accusation of certain crimes). 1916 c. 50.

(2) A person guilty of any offence under section 33(1) of the Larceny Act 1916 (receiving) shall be liable to imprisonment for a term not exceeding fourteen years; but—

- (a) in the Bankruptcy Act 1914, in section 154(3) (which was added by the Bankruptcy Amendment Act 1926, and in certain cases makes a person receiving property fraudulently disposed of by a bankrupt liable to the same punishment as a receiver of property obtained by a misdemeanour), for the words following the word "liable" there shall be substituted the words "on conviction on indictment to imprisonment for not more than seven years or on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding a hundred pounds or to both"; and 1914 c. 59. 1926 c. 7.

SCH. 2
1916 c. 50.

(b) in the Companies Act 1948, in section 328(2), there shall be omitted paragraph (a) and in paragraph (b) the words "in Scotland".

(3) In section 37(1) of the Larceny Act 1916 (which provides for an increased punishment for simple larceny after a previous conviction of felony) for the expression "felony" there shall be substituted the expression "an arrestable offence", and accordingly in section 37(2)(a) after the words "indictable misdemeanour punishable under this Act" there shall be inserted the words "not being an arrestable offence".

(4) In section 39(2) and (3) of the Larceny Act 1916 (trial in one part of the United Kingdom of persons having or receiving property stolen or feloniously taken in another part) for the word "feloniously" there shall be substituted the word "criminally"; and the like substitution shall be made in section 40(3) (joinder of accused in indictment for feloniously receiving).

1953 c. 36.

(5) In section 54 of the Post Office Act 1953 (which makes receivers of mail bags and other articles feloniously stolen etc. liable to the same punishment as the principal felon) for the words "a felony" there shall be substituted the words "an offence", and the word "feloniously" shall be omitted.

(6) Nothing in this Act shall affect the punishment provided by section 33 of the Larceny Act 1916 for offences committed before the commencement of Part I of this Act.

Amendments related to alternative verdicts

13.—(1) The following provisions (under which on a trial on indictment a person may be found guilty of certain offences if found not guilty on a charge of another offence) shall cease to have effect:—

1861 c. 100.

(a) in the Offences against the Person Act 1861, section 60 proviso as extended by any subsequent enactment (conviction of concealment of birth on charge of murder, child destruction or infanticide);

(b) in the Larceny Act 1916, section 44(1) (conviction of assault with intent to rob on charge of robbery);

1933 c. 12.

(c) in the Children and Young Persons Act 1933, section 1(4) (conviction of cruelty to person under 16 on charge of infanticide or, in certain cases, of manslaughter);

1956 c. 69.

(d) in the Sexual Offences Act 1956, in Schedule 2,—

(i) in item 1(a), paragraphs (iv), (v), (vi) and (viii) in column 4 (conviction of intercourse with girl under 13, or under 16, or with defective, or of incest, on charge of rape);

(ii) in item 2(a) the whole entry in column 4 (conviction of procuring intercourse by threats, by false pretences or by administering drugs, or of intercourse with girl under 16, or with defective, on charge of intercourse with girl under 13);

- (iii) in items 6 and 26 the whole entry in column 4 (conviction of permitting person under 16 to reside in or frequent a brothel on charge of allowing girl under 13, or under 16, to use premises for intercourse); SCH. 2
- (iv) in item 14(a) paragraph (iii) in column 4 (conviction of intercourse with defective on charge of incest);
- (e) in the Road Traffic Act 1960, section 2(3) so far as it relates to England or Wales (conviction of reckless or dangerous driving on charge of manslaughter). 1960 c. 16.

(2) For section 241(5) of the Road Traffic Act 1960 (which provides in effect that the requirements of section 241(2) as to notice of intended prosecution shall not prevent a person's conviction of reckless or dangerous driving under the provision made by section 2 of the Act for alternative convictions of that offence on other charges) there shall be substituted:—

“(5) Where a person is prosecuted on indictment for an offence to which this section does not apply, subsection (2) of this section shall not be taken to prejudice any power of the jury on the charge for that offence, if they find him not guilty of it, to find him guilty of an offence against subsection (1) of section 2 of this Act.”

14. In the Sexual Offences Act 1956, in the following provisions relating to girls not under the age of 13 but under the age of 16, the words “not under the age of 13 but” shall be omitted, that is to say,—

- (a) in section 6(1) (intercourse with girl under 16); and
- (b) in section 26 (permitting girl under 16 to use premises for intercourse);

and accordingly in Schedule 2, in items 10(a) and 26, for the words “between 13 and 16” there shall be substituted the words “under 16”.

Miscellaneous

15.—(1) The following enactments (which provide for the punishment in England of offences committed abroad by persons in public employment), that is to say, the Act 11 Will. 3. c. 12 and the Criminal Jurisdiction Act 1802, shall extend to offences ceasing to be felony by virtue of this Act. 1802 c. 85.

(2) Section 9(2) of the Magistrates' Courts Act 1952 (which makes special provision about offences dealt with by virtue of section 11 of the Criminal Justice Act 1925 outside the venue of the offence) shall not apply to offences committed outside England and Wales, whether within or without territorial waters; and in relation to offences so committed section 7(4) of the Costs in Criminal Cases Act 1952 shall have effect subject to the special provision made by section 7(2) and (3) for offences committed within Admiralty jurisdiction. 1952 c. 55. 1925 c. 86. 1952 c. 48.

Section 10.

SCHEDULE 3

REPEALS (GENERAL)

PART I

REPEALS OF OBSOLETE OR UNNECESSARY ENACTMENTS

Session and Chapter	Title or Short Title	Extent of Repeal
3 Edw. 1.	The Statute of Westminster the First.	Chapters 6 and 28.
25 Edw. 1.	The Great Charter.	Article 14.
2 Edw. 3. c. 3.	The Statute of Northampton.	The whole Chapter.
18 Edw. 3. Stat. 3. c. 1.	(Exemption for the prelates in criminal cases).	The whole Chapter.
25 Edw. 3. Stat. 5. c. 2.	The Treason Act 1351.	From "Et si per cas" onwards.
15 Ric. 2. c. 3.	The Admiralty Jurisdiction Act 1391.	The whole Chapter, so far as unrepealed.
17 Ric. 2. c. 8.	(Riots).	The whole Chapter.
13 Hen. 4. c. 7.	The Riot Act 1411.	The whole Chapter, so far as unrepealed.
2 Hen. 5. Stat. 1. c. 8.	The Riot Act 1414.	The whole Chapter, so far as unrepealed.
27 Hen. 8. c. 24.	The Jurisdiction in Liberties Act 1535.	The preamble and section 1.
28 Hen. 8. c. 15.	The Offences at Sea Act 1536.	The whole Act.
33 Hen. 8. c. 12.	The Offences within the Court Act 1541.	The whole Act.
35 Hen. 8. c. 2.	The Treason Act 1543.	The whole Act.
1 Edw. 6. c. 1.	The Sacrament Act 1547.	Sections 2, 4, 5 and 7.
1 Edw. 6. c. 7.	The Justices of the Peace Act 1547.	Section 5 to the words "continued in full force and strength".
2 & 3 Edw. 6. c. 1.	The Act of Uniformity 1548.	Section 11.
1 Mary Sess. 1. c. 1.	The Treason Act 1553.	The whole Act.
1 & 2 Phil. & Mar. c. 10.	The Treason Act 1554.	The whole Act.
2 & 3 Phil. & Mar. c. 7.	The Sale of Horses Act 1555.	The whole Act.
1 Eliz. 1. c. 1.	The Act of Supremacy.	Section 15.
1 Eliz. 1. c. 2.	The Act of Uniformity 1558.	Section 10.
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.	Section 8.
31 Eliz. 1. c. 12.	The Sale of Horses Act 1588.	The whole Act.
13 Chas. 2. Stat. 1. c. 5.	The Tumultuous Petitioning Act 1661.	In section 1, the words from "at the Court" to "quarter sessions".
7 Anne c. 21.	The Treason Act 1708.	Section 7.

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Session and Chapter	Title or Short Title	Extent of Repeal
4 Geo. 1. c. 11. 8 Geo. 1. c. 24.	The Piracy Act 1717. The Piracy Act 1721.	Section 7. In section 1, the words from "and he" to "suppressing of piracy".
16 Geo. 2. c. 31.	The Prison (Escape) Act 1742.	Section 3. The whole Act so far as unrepealed.
18 Geo. 2. c. 30.	The Piracy Act 1744.	The whole Act.
20 Geo. 2. c. 30.	The Treason Act 1746.	The whole Act.
25 Geo. 2. c. 37.	The Murder Act 1751.	Section 9.
33 Geo. 3. c. 67.	The Shipping Offences Act 1793.	In section 1, the words from "to be found" to "committed" where next occurring. In section 3, the words from "to be found" to "committed".
39 Geo. 3. c. 37.	The Offences at Sea Act 1799.	Section 7. The preamble. In section 1, the words "of the same nature respectively, and to be" and the words from "and shall be inquired of" onwards.
46 Geo. 3. c. 54.	The Offences at Sea Act 1806.	Section 2. The whole Act.
49 Geo. 3. c. 126.	The Sale of Offices Act 1809.	In section 14, the words "in His Majesty's Court of King's Bench at Westminster".
56 Geo. 3. c. 138.	The Pillory Abolition Act 1816.	Section 2.
57 Geo. 3. c. 53.	The Murders Abroad Act 1817.	The whole Act, so far as unrepealed.
58 Geo. 3. c. 29.	The Fees for Pardons Act 1818.	The whole Act.
60 Geo. 3. & 1 Geo. 4. c. 8.	The Criminal Libel Act 1819.	Sections 4 and 7.
1 Geo. 4. c. 90.	The Offences at Sea Act 1820.	The whole Act, so far as unrepealed.
1 & 2 Geo. 4. c. 76.	The Cinque Ports Act 1821.	Section 16.
1 & 2 Geo. 4. c. 88.	The Rescue Act 1821.	The whole Act, so far as unrepealed.
6 Geo. 4. c. 50.	The Juries Act 1825.	Section 61.
7 Geo. 4. c. 38.	The Admiralty Offences Act 1826.	The whole Act.
3 & 4 Will. 4. c. 74.	The Fines and Recoveries Act 1833.	In section 33 the words from "or if any person, protector of a settlement," to "continuance of such estate", and the word "other".
9 & 10 Vict. c. 24.	The Central Criminal Court Act 1846.	Section 2.
14 & 15 Vict. c. 55.	The Criminal Justice Administration Act 1851.	Sections 5 to 7, 19 and 23 to 25.
24 & 25 Vict. c. 97.	The Malicious Damage Act 1861.	Section 43.

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Session and Chapter	Title or Short Title	Extent of Repeal
24 & 25 Vict. c. 98.	The Forgery Act 1861.	Sections 47 and 48.
24 & 25 Vict. c. 100.	The Offences against the Person Act 1861.	Sections 7 and 8.
28 & 29 Vict. c. 37.	The County of Sussex Act 1865.	The whole Act so far as unrepealed.
31 & 32 Vict. c. 45.	The Sea Fisheries Act 1868.	In section 57 the words "except any felony and".
34 & 35 Vict. c. 112.	The Prevention of Crimes Act 1871.	Sections 6, 7, 9, 20 and 22.
50 & 51 Vict. c. 71.	The Coroners Act 1887.	Section 44.
54 & 55 Vict. c. 70.	The Markets and Fairs (Weighing of Cattle) Act 1891.	Section 3(4). Section 4(2) from "and shall" onwards.
1 & 2 Geo. 5. c. 28.	The Official Secrets Act 1911.	Section 10(2) from the words "and the Criminal Jurisdiction Act 1802" onwards.
15 & 16 Geo. 5. c. 19.	The Trustee Act 1925.	Section 65.
1 Edw. 8. & 1 Geo. 6. c. 12.	The Firearms Act 1937.	In Schedule 3, the entry for offences under the 3rd and 4th paragraphs of section 7 of the Prevention of Crimes Act 1871.
1 & 2 Geo. 6. c. 63.	The Administration of Justice (Miscellaneous Provisions) Act 1938.	Section 12.
3 & 4 Geo. 6. c. 21.	The Treachery Act 1940.	The whole Act.
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act 1948.	Section 30.

PART II

REPEALS RELATING TO JURISDICTION OF QUARTER SESSIONS

Session and Chapter	Title or Short Title	Extent of Repeal
34 Edw. 3. c. 1.	The Justices of the Peace Act 1361.	From "et auxint doier et terminer" onwards.
5 & 6 Vict. c. 38.	The Quarter Sessions Act 1842.	Section 1.
14 & 15 Vict. c. 55.	The Criminal Justice Administration Act 1851.	Section 13.
24 & 25 Vict. c. 96.	The Larceny Act 1861.	Section 87.
32 & 33 Vict. c. 62.	The Debtors Act 1869.	Section 20.
37 & 38 Vict. c. 36.	The False Personation Act 1874.	Section 3.
52 & 53 Vict. c. 69.	The Public Bodies Corrupt Practices Act 1889.	Section 6.

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Session and Chapter	Title or Short Title	Extent and Repeal
6 Edw. 7. c. 34.	The Prevention of Corruption Act 1906.	Section 2(5).
1 & 2 Geo. 5. c. 6.	The Perjury Act 1911.	Section 10.
1 & 2 Geo. 5. c. 28.	The Official Secrets Act 1911.	In section 10(3) the words "by any court of general or quarter sessions nor".
3 & 4 Geo. 5. c. 27.	The Forgery Act 1913.	Section 13.
6 & 7 Geo. 5. c. 50.	The Larceny Act 1916.	Section 38(1).
15 & 16 Geo. 5. c. 86.	The Criminal Justice Act 1925.	Section 18. Schedule 1.
19 & 20 Geo. 5. c. 34.	The Infant Life (Preservation) Act 1929.	Section 2(1).
1 & 2 Geo. 6. c. 63.	The Administration of Justice (Miscellaneous Provisions) Act 1938.	In section 2, subsection (1), subsection (2)(f), in subsection (5) the words "in the First Schedule to this Act" and the proviso, and subsection (6). Schedule 1.
12, 13 & 14 Geo. 6. c. 68.	The Representation of the People Act 1949.	Section 146(1) proviso (a).
4 & 5 Eliz. 2. c. 34.	The Criminal Justice Administration Act 1956.	Section 12.
4 & 5 Eliz. 2. c. 69.	The Sexual Offences Act 1956.	In Schedule 3 the entry amending the Administration of Justice (Miscellaneous Provisions) Act 1938.
8 & 9 Eliz. 2. c. 16.	The Road Traffic Act 1960.	Section 1(2) from the beginning to the word "and".
9 & 10 Eliz. 2. c. 60.	The Suicide Act 1961.	Section 2(4) from the beginning to the word "and".
10 & 11 Eliz. 2. c. 15.	The Criminal Justice Administration Act 1962.	Section 12(1) and (2). Schedule 2.
1964 c. 42.	The Administration of Justice Act 1964.	In Schedule 4 in Part II the entries amending the Administration of Justice (Miscellaneous Provisions) Act 1938. In section 7(3) the words from "section 2" to "and of". In Schedule 3, in paragraph 17(2), the words "and 2(5)".

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PART III
OTHER GENERAL REPEALS

Session and Chapter	Title or Short Title	Extent of Repeal
2 & 3 Edw. 6. c. 1.	The Act of Uniformity 1548.	In section 3, the words from "forfeit to our" to "and shall".
31 Chas. 2. c. 2.	The Habeas Corpus Act 1679.	In section 1 the words "or felony". In section 2 the words "or felony". In section 6 the words "or felony". In section 11 the words "forfeitures losses or". Section 20.
11 Will. 3. c. 7. 1 Geo. 1 Stat. 2. c. 5.	The Piracy Act 1698. The Riot Act.	Sections 9 and 10. The whole Act.
12 Geo. 3. c. 24.	The Dockyards, etc. Protection Act 1772.	In section 1 the words "as in cases of felony without benefit of clergy". In section 2, the words from "any shire or county" to "said shire or county", except the words "this realm".
37 Geo. 3. c. 70.	The Incitement to Mutiny Act 1797.	Section 2.
37 Geo. 3. c. 123.	The Unlawful Oaths Act 1797.	Section 3. In section 6, the words from "or within" to "therein committed", except the words "may be prosecuted in England".
38 Geo. 3. c. 52.	The Counties of Cities Act 1798.	In section 1 the words from "and in every information" to "Solicitor General", the words "or information", and the word "information" wherever else occurring.
39 & 40 Geo. 3. c. 93.	The Treason Act 1800.	The whole Act, so far as unrepealed.
42 Geo. 3. c. 85.	The Criminal Jurisdiction Act 1802.	In section 1 the words from "either upon an information" to "upon an indictment".
52 Geo. 3. c. 104.	The Unlawful Oaths Act 1812.	In sections 1 and 6, the words "or any felony punishable by law with death". Section 4. In section 7, the words from "or within" to "therein committed", except the words "may be prosecuted in England".
52 Geo. 3. c. 156.	The Prisoners of War (Escape) Act 1812.	Section 3, from "and such offences" onwards.

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Session and Chapter	Title or Short Title	Extent of Repeal
4 Geo. 4. c. 48.	The Judgment of Death Act 1823.	In section 1, the words from "it shall and may" to "bar such judgment".
7 Geo. 4. c. 64.	The Criminal Law Act 1826.	In section 21, the words "or information", in both places, and the words "felony or". In section 28, the words from "and where any person" to "herein-before mentioned".
7 & 8 Geo. 4. c. 28.	The Criminal Law Act 1827.	The whole Act.
9 Geo. 4. c. 32.	The Civil Rights of Convicts Act 1828.	Section 3.
11 Geo. 4. & 1 Will. 4. c. 41.	The Army Pensions Act 1830.	Section 4, except as regards offences before the commencement of this Act.
6 & 7 Will. 4. c. 111.	The Previous Conviction Act 1836.	The whole Act.
6 & 7 Will. 4. c. 114.	The Trials for Felony Act 1836.	Section 1.
7 Will. 4 & 1 Vict. c. 77.	The Central Criminal Court Act 1837.	In section 3 the words from "it shall and may" to "bar such judgment".
7 Will. 4 & 1 Vict. c. 88.	The Piracy Act 1837.	In section 2 the words "as a felon". Section 4.
7 Will. 4 & 1 Vict. c. 91.	The Punishment of Offences Act 1837.	The preamble and section 1, so far as they relate to offences under the Riot Act, the Murder Act 1751 or section 4 of the Unlawful Oaths Act 1812.
2 & 3 Vict. c. 71.	The Metropolitan Police Courts Act 1839.	Section 33.
7 & 8 Vict. c. 2.	The Admiralty Offences Act 1844.	The whole Act.
9 & 10 Vict. c. 93.	The Fatal Accidents Act 1846.	Section 1 from "and although" onwards.
11 & 12 Vict. c. 12.	The Treason Felony Act 1848.	Section 8.
14 & 15 Vict. c. 19.	The Prevention of Offences Act 1851.	Section 5.
14 & 15 Vict. c. 55.	The Criminal Justice Administration Act 1851.	Section 8.
14 & 15 Vict. c. 100.	The Criminal Procedure Act 1851.	Sections 9 and 12. In section 30 the word "information", the words "and presentment," and the words from "and the terms" to "a presentment"
24 & 25 Vict. c. 94.	The Accessories and Abettors Act 1861.	Sections 1 to 7. Section 9. Section 10 from the word "except" onwards.

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Session and Chapter	Title or Short Title	Extent of Repeal
24 & 25 Vict. c. 96.	The Larceny Act 1861.	<p>Section 98. Section 104. In section 115 the words "deemed to be offences of the same nature, and", and the words from "and may be dealt with" onwards. In section 117 the words "fine the offender, and", and the words from "and in case of any felony" to "authorized", where next occurring.</p>
24 & 25 Vict. c. 97.	The Malicious Damage Act 1861.	<p>Section 8. Section 12 proviso. Section 27. Section 44. Sections 56 and 57. In section 72 the words "deemed to be offences of the same nature and", and the words from "and may be dealt with" onwards. In section 73 the words "fine the offender, and," and the words from "and in case of any felony" to "authorized", where next occurring.</p>
24 & 25 Vict. c. 98.	The Forgery Act 1861.	<p>Section 49. In section 50 the words "deemed to be offences of the same nature, and", and the words from "and may be dealt with" onwards. In section 51 the words "fine the offender, and to", and the words from "and in all cases of felonies" to "authorized", where next occurring.</p>
24 & 25 Vict. c. 100.	The Offences against the Person Act 1861.	<p>In section 9 the words "or of being accessory to murder or manslaughter", the words "in any county or place" and the words from "in which" to "that county or place". In section 10 the words "or of being accessory to murder or manslaughter", the words "in the county or place" and the words from "in which" onwards. Sections 11 to 15. In section 18 the words from "or shoot" to "some other", except the words "with intent to do some". Section 19. In section 38 the words "shall assault any person with intent to commit felony or".</p>

SCH. 3

Session and Chapter	Title or Short Title	Extent of Repeal
24 & 25 Vict. c. 100.— <i>cont.</i>	The Offences against the Persons Act 1861 — <i>cont.</i>	In section 46 the words from “shall find” to “felony, or” and the word “other”. In section 57, the words from “and any such offence” to “that county or place”. Section 60 proviso. Sections 66 and 67. In section 68 the words “deemed to be offences of the same nature, and”, and the words from “and may be dealt with” onwards. In section 71, the words “fine the offender, and,” and the words from “and in case of any felony” to “authorized”, where next occurring.
26 & 27 Vict. c. 103.	The Misappropriation by Servants Act 1863.	In section 1 the words from “shall not by” to “felony but”, and the words from “and if such penalty” onwards. Section 2.
28 & 29 Vict. c. 18.	The Criminal Procedure Act 1865.	In sections 1 and 2 the words “for felony or misdemeanour”.
33 & 34 Vict. c. 23.	The Forfeiture Act 1870.	In section 1 the word “inquest” and the words “or felony”. In section 2 the words from “or felony” to “twelve months”. Section 32.
33 & 34 Vict. c. 77.	The Juries Act 1870.	In section 10 the words “or felony”.
35 & 36 Vict. c. 93.	The Pawnbrokers Act 1872.	Section 48.
36 & 37 Vict. c. 88.	The Slave Trade Act 1873.	In section 26 the words “or in the county of Middlesex”.
39 & 40 Vict. c. 23.	The Prevention of Crimes Amendment Act 1876.	The whole Act.
45 & 46 Vict. c. 50.	The Municipal Corporations Act 1882.	In section 193 the words from “or whom” to “felony”.
46 & 47 Vict. c. 3.	The Explosive Substances Act 1883.	Section 7(3).
50 & 51 Vict. c. 55.	The Sheriffs Act 1887.	Section 8(1). Section 29(1)(a) and (b).
50 & 51 Vict. c. 71.	The Coroners Act 1887.	In section 4(3) the words “or of being accessories before the fact to such murder”. In section 5(1) the words from “or of being accessory” to “the expression ‘murder’”. Section 29(5) and (9). In section 42 the definition of “murder”.
54 & 55 Vict. c. 36.	The Consular Salaries and Fees Act 1891.	Section 2(3) from “recoverable” onwards.

SCH. 3

Session and Chapter	Title or Short Title	Extent of Repeal
56 & 57 Vict. c. 71. 57 & 58 Vict. c. 60.	The Sale of Goods Act 1893. The Merchant Shipping Act 1894.	Section 22(2). In section 687 the words "be deemed to be offences of the same nature and". In section 700 the words from "may", where first occurring, to "felony" except the words "in England".
2 Edw. 7. c. 8.	The Cremation Act 1902.	Section 8(3).
7 Edw. 7. c. 23.	The Criminal Appeal Act 1907.	In section 20, in subsection (2) the words "criminal informations and".
1 & 2 Geo. 5. c. 6.	The Perjury Act 1911.	In section 8 the words from "in any county" onwards, except the words "in England". In section 14(a) the words "felony or". In section 15(2) the definition of "indictment".
1 & 2 Geo. 5. c. 28.	The Official Secrets Act 1911.	Section 5. In section 6, the words "whether that offence is felony or not", and the words from "in" onwards.
3 & 4 Geo. 5. c. 27.	The Forgery Act 1913.	In section 4(1) and (2) the words from "which" to "in force". In section 6(1) the words "of the like degree (whether felony or misdemeanour)". Section 11. Section 12(2)(a) and (b). In section 17(1) the words "or information". Section 39(1).
4 & 5 Geo. 5. c. 58.	The Criminal Justice Administration Act 1914.	Section 39(1).
4 & 5 Geo. 5. c. 59.	The Bankruptcy Act 1914.	In section 26(2), as amended by the Bankruptcy Amendment Act 1926, the words "or any felony connected with his bankruptcy", except as respects past offences. In section 164(1) the words "declared to be a felony or misdemeanour".
5 & 6 Geo. 5. c. 90.	The Indictments Act 1915.	In section 4 the words "for more than one felony or" and the words "and charges for both felonies and misdemeanours" and the words from "but" onwards. In section 8(3) the words "criminal informations in the High Court and". In Schedule 1 in rule 3 the words "offences, whether felonies or"

SCH. 3

Session and Chapter	Title or Short Title	Extent of Repeal
6 & 7 Geo. 5. c. 50.	The Larceny Act 1916.	Section 4. In section 33, in subsection (1) the words "of the like degree (whether felony or misdemeanour)", the words "in the case of felony" and paragraph (b), and in subsection (4) the words "of the like degree (whether felony or misdemeanour)". Section 35. In section 37(5), paragraphs (a) and (b). Section 41(3). Section 44(1).
15 & 16 Geo. 5. c. 19.	The Trustee Act 1925.	In section 41(1) the words "is convicted of felony or".
16 & 17 Geo. 6. c. 7.	The Bankruptcy Amendment Act 1926.	In section 1(1)(a) the words "or any felony connected with his bankruptcy", except as respects past offences.
19 & 20 Geo. 5. c. 34.	The Infant Life (Preservation) Act 1929.	Section 2(4).
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act 1933.	Section 1(4). Section 51.
23 & 24 Geo. 5. c. 36.	The Administration of Justice (Miscellaneous Provisions) Act 1933.	Schedule 1.
26 Geo. 5 & 1 Edw. 8. c. 16.	The Coinage Offences Act 1936.	In section 12, subsection (1) and subsection (2)(a).
1 & 2 Geo. 6. c. 36.	The Infanticide Act 1938.	In section 1, subsection (3) from the second "or" onwards and subsection (4).
6 & 7 Geo. 6. c. 18.	The Evidence and Powers of Attorney Act 1943.	Section 3(4).
8 & 9 Geo. 6. c. 44.	The Treason Act 1945.	Sections 1 and 2, and the Schedule.
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act 1948.	Section 13. In section 29(3)(a) the words "of quarter sessions", where last occurring.
		In section 31, in subsection (1) the words "of the same nature", and subsections (2) and (3). In section 35, in subsection (1) the words "for any felony or misdemeanour", and in subsection (3) the words "for felony or misdemeanour". In Schedule 9 the entry relating to the Forfeiture Act 1870.

SCH. 3

Session and Chapter	Title or Short Title	Extent of Repeal
12, 13 & 14 Geo. 6. c. 68.	The Representation of the People Act 1949.	In section 129 the definition of "indictment". In section 151 the definition of "indictment". Section 157.
14 & 15 Geo. 6. c. 39.	The Common Informers Act 1951.	In the Schedule, the entries relating to the Sale of Horses Act 1555 and the Sale of Horses Act 1588.
15 & 16 Geo. 6 & 1 Eliz. 2. c. 31.	The Cremation Act 1952.	Section 2(3).
15 & 16 Geo. 6 & 1 Eliz. 2. c. 48.	The Costs in Criminal Cases Act 1952.	Section 15(2).
15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.	The Magistrates' Courts Act 1952.	In section 19(4) the words from the beginning to "quarter sessions" where first occurring. In section 25(5)(b) the words "triable by quarter sessions". In section 29 the words "triable by quarter sessions". Section 126(7). In Schedule 1, in paragraph 11, the word "four", except as respects offences committed before the commencement of this Act.
4 & 5 Eliz. 2. c. 69.	The Sexual Offences Act 1956.	In section 41 the words "thirty, thirty-one or". In Schedule 2, in item 1, paragraphs (iv) to (ix) in column 4 together with the word "or" at the end of paragraph (iii); in item 14, paragraph (iii) in column 4 together with the word "or" at the end of paragraph (ii); and in items 2, 6 and 26 the whole entry in column 4.
5 & 6 Eliz. 2. c. 52.	The Geneva Conventions Act 1957.	Section 1(2).
7 & 8 Eliz. 2. c. 72.	The Mental Health Act 1959.	In Schedule 7, so much of the entry relating to the Sexual Offences Act 1956 as amends paragraphs 1 and 14 of Schedule 2 to that Act.
8 & 9 Eliz. 2. c. 16.	The Road Traffic Act 1960.	In section 2, subsection (2) and in subsection (3) the words "for manslaughter in England or Wales, or".
8 & 9 Eliz. 2. c. 58.	The Charities Act 1960.	In section 20(3)(a) the words "has been convicted of felony, or".
1965 c. 15.	The Dangerous Drugs Act 1965.	Section 15.

Church Assembly Measure

SCH. 3

Session and Chapter	Short Title	Extent of Repeal
1963 No. 1.	The Ecclesiastical Jurisdiction Measure 1963.	In section 55(1)(a) the words " convicted of treason or felony, or " and the words " of a misdemeanour ".

SCHEDULE 4

Section 13.

REPEALS (OBSOLETE CRIMES)

PART I

ACTS CREATING OFFENCES TO BE ABOLISHED

Chapter	Short Title	Extent of Repeal
3 Edw. 1. (Statutes of uncertain date— 20 Edw. 1).	The Statute of Westminster the First. Statutum de Conspiratoribus.	Chapter 25. The whole Act.
28 Edw. 1. c. 11.	(Champerty).	The whole Chapter.
1 Edw. 3. Stat. 2 c. 14.	(Maintenance).	The whole Chapter.
1 Ric. 2. c. 4.	(Maintenance).	The whole Chapter.
16 Ric. 2. c. 5.	The Statute of Praemunire	The whole Chapter (this repeal extending to Northern Ireland).
24 Hen. 8. c. 12.	The Ecclesiastical Appeals Act 1532.	Section 2.
25 Hen. 8. c. 19.	The Submission of the Clergy Act 1533.	Section 4, so far as unrepealed. Section 5.
25 Hen. 8. c. 20.	The Appointment of Bishops Act 1533.	Section 6.
25 Hen. 8. c. 21.	The Ecclesiastical Licences Act 1533.	Section 16.
26 Hen. 8. c. 14.	The Suffragan Bishops Act 1534.	Section 4, from " And that no such suffragan " onwards.
28 Hen. 8. c. 16.	The Ecclesiastical Licences Act 1536.	Section 1, from " and shall never " onwards.
32 Hen. 8. c. 9.	The Maintenance and Embracery Act 1540.	The whole Act.
1 Mary Sess. 2. c. 3.	The Brawling Act 1553.	The whole Act.
21 Jas. 1. c. 3.	The Statute of Monopolies.	Section 4, from " and if any person or persons shall after notice given " onwards.
12 Chas. 2. c. 24.	The Tenures Abolition Act 1660.	Section 12, from " and if any person or persons shall after notice given " onwards.
13 Chas. 2. Stat. 1. c. 1.	The Sedition Act 1661.	The whole Act, so far as unrepealed.
9 Will. 3. c. 35.	The Blasphemy Act 1697.	The whole Act.

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Chapter	Short Title	Extent of Repeal
6 Anne c. 41.	The Succession to the Crown Act 1707.	The preamble and sections 1, 2 and 3.
19 Geo. 2. c. 21.	The Profane Oaths Act 1745.	The whole Act.
12 Geo. 3. c. 11.	The Royal Marriages Act 1772.	Section 3 (this repeal extending to Northern Ireland).
25 Geo. 3. c. 77.	The Fires Prevention Act 1785.	The whole Act, so far as unrepealed.
39 Geo. 3. c. 79.	The Unlawful Societies Act 1799.	The whole Act, so far as unrepealed.
57 Geo. 3. c. 19.	The Seditious Meetings Act 1817.	Sections 25 to 28. In section 29, the words "any meeting of any society or club hereby declared to be an unlawful combination and confederacy or". Sections 30 and 31. Sections 34 to 38. The Schedule.
<i>Act of Parliament of Ireland</i>		
40 Geo. 3. c. 29 (Ir.).	The Parliamentary Representation Act (Ireland) 1800.	Section 3 from "and every person" onwards.

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Chapter	Short Title	Extent of Repeal
33 Edw. 1.	Ordinacio de Conspiratoribus.	The whole Act.
7 Ric. 2. c. 15.	(Maintenance).	The whole Chapter.
39 & 40 Geo. 3. c. 67.	The Union with Ireland Act 1800.	In section 2, in the recital, the third section of the recited Act from "and every person" onwards.
1 & 2 Vict. c. 75.	The Fires Prevention Act 1838.	The whole Act, so far as unrepealed.
9 & 10 Vict. c. 33.	The Seditious Meetings Act 1846.	The whole Act.
23 & 24 Vict. c. 32.	The Ecclesiastical Courts Jurisdiction Act 1860.	In section 6 the words "the statute passed in the second session of the first year of the reign of Queen Mary, chapter three; or".
14 & 15 Geo. 6. c. 39.	The Common Informers Act 1951.	In the Schedule, the entries relating to the Maintenance and Embracery Act 1540 and to the Fires Prevention Act 1785.
<i>Act of Parliament of Ireland</i>		
40 Geo. 3. c. 38 (Ir.).	The Act of Union (Ireland) 1800.	Section 4 from "and every person" onwards.

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2. The repeal by this Act of the Unlawful Societies Act 1799 and the Seditious Meetings Act 1846 shall not be taken to extend to the provisions of those Acts set out in the Schedule to the Newspapers, Printers and Reading Rooms Repeal Act 1869 as those provisions have effect by virtue of the last mentioned Act.

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